

double the percentage of Hispanics with college degrees by 2010, and I believe with her determination, she will accomplish just that.

David Barkley, Luis Alvarez, Ellen Ochoa, Sara Martinez Tucker, Alex Rodriguez, Nancy Lopez, Richard Serra, Rita Hayworth, Cesar Chavez, Alberto Gonzales, Jose Gonzalez—I mention Jose because he has a special place in my heart. Jose was the chief surgical resident at Massachusetts General Hospital when I was in my training in Boston. I was an intern at the time. Jose walked me through my very first hernia operation, an operation I have performed many times since that first occasion, an occasion which I remember vividly, an operation I continue to perform in Africa on medical mission work.

The list goes on. There are doctors, entrepreneurs, public servants, athletes, artists, philanthropists, scientists, scholars. In all of these professions, in all of these fields, the huge contributions that have been made in the past, all have contributed to that rich fabric of American life. We are a more vibrant nation and we are a more vibrant people because of it.

These names stand out, but there are many others, large and small, who move America forward every day. They are the countless heroes who have fought in our wars, who work in our hospitals, who teach in our schools, and who serve in our Government. Many have come to America with a simple hope of a better life and through hard work they have achieved that goal. We honor their character, their determination, and their enduring optimism.

It is the spirit of the American character which gives flight to the American dream and has fueled the progress of our great Nation.

Today as we begin a monthlong celebration of Hispanic heritage, I join with all Americans in recognizing the invaluable role of Hispanic Americans in shaping and enriching these United States.

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

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2862, which the clerk will report.

The legislative clerk read as follows:

A 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.

Pending:

Dorgan amendment No. 1665, to prohibit weakening any law that provides safeguards from unfair foreign trade practices.

Lieberman amendment No. 1678, to provide financial relief for individuals and entities affected by Hurricane Katrina.

Kerry/Landrieu amendment No. 1695, to strengthen the loan, procurement assistance, and management education programs of the Small Business Administration in order to help small businesses and homeowners hurt by Hurricane Katrina meet their existing obligations, finance their businesses, and maintain and create jobs, thereby providing stability to the national economy.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask to speak as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, as I mentioned a few moments ago, we will begin voting sometime around 10:45 or 11. The plans are being finalized, and we will be back with a more specific announcement as to when that time will be as we address the amendments.

#### MEETING PRESIDENT ALVARO URIBE OF COLOMBIA

Mr. FRIST. Mr. President, on a separate issue, I want to take the opportunity to mention a meeting I am honored to be hosting later today with Colombian President Alvaro Uribe, who is visiting our country and who will be here with us in the U.S. Capitol. He has served as Colombia's President since his election in 2002 and has done a remarkable job. I have had the privilege of meeting with President Uribe during visits, both here in Washington as well as on a trip that I took to Colombia in January of 2004. Throughout his term, the President has enjoyed high levels of popular support. He has earned it. He deserves it. He ran on the platform of public security and he has delivered.

Since his election, Colombia has seen significant decreases in homicides, decreases in crime, decreases in acts of terrorism. Coca and poppy cultivation have decreased by over a third while he served in office. President Uribe has worked hard to promote greater respect for the rule of law, institute judicial reform, and improve Colombia's record on human rights.

Colombia is one of our Nation's strongest allies and our close partnership is key to advancing U.S. interests in the Western Hemisphere. Colombia is the third most populous country in Latin America after Brazil and Mexico. Because of its size and strategic location, Colombia is a key player in regional issues. In addition, it has played an active role in multilateral institutions such as the United Nations and the Organization of American States.

The close bilateral relationship that America enjoys with Colombia centers on our efforts to counter terrorism and stop illicit drug traffic. Together, our

two countries are working hard to promote stability and promote security, to promote prosperity in Colombia and the region. I look forward to discussing all of these issues with the President this afternoon.

At the top of the list, we will address the President's efforts to defeat Colombia's insurgent groups. Three main illegal armed groups operate in Colombia: The Revolutionary Armed Forces of Colombia, FARC; the National Liberation Army, or ELN; and the United Self-Defense Forces of Colombia, known as AUC. All three thrive on the illegal narcotics trade. The U.S. Secretary of State has designated all three groups as foreign terrorist organizations. For years, FARC, ELN, and AUC have terrorized the Colombian people with bombings, murders, kidnappings, extortion, hijackings, and the list goes on. They have kidnapped dozens of American citizens, and they have murdered at least 10.

Their drug-sponsored terrorist activity has created destabilizing effects on Colombia and the region and threatens the United States. The U.S. Drug Enforcement Administration estimates that more than 80 percent of the worldwide powder cocaine supply and approximately 90 percent of the powder cocaine smuggled into the United States is produced in Colombia. Colombian producers also account for 50 percent of the heroin entering the United States. The United States spends hundreds of millions of dollars each year in Colombia to train the counternarcotics forces, shore up their civilian counterdrug efforts, and help provide crop alternatives for farmers. We are getting results.

Aerial eradication alone has cut coca and poppy cultivation by a third since 2001.

Human rights is another topic that the President and I and leadership will be discussing. Members of Congress have repeatedly and rightly voiced concerns about continuing human rights violations in Colombia. FARC, ELN, and AUC are notorious culprits. I hope to learn more about how President Uribe plans to demobilize these troops and address allegations of human rights abuses within Colombia's Armed Forces.

The United States and Colombia have worked hard to build a solid foundation for a close, cooperative relationship. I look forward to hearing the President's ideas on how we can continue to work together on all of these issues of huge concern. I urge my colleagues in the Senate to continue to support President Uribe in his efforts, his convictions, his determination to fight the illicit drug trade, strengthen the rule of law, expand economic opportunity and foster peace and stability in his country and in the region. When we strengthen the security of our neighbors, we increase our security at home.

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

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. KYL. Madam President, I ask unanimous consent that the pending amendments be set aside so I may call up amendment No. 1718.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### AMENDMENT NO. 1718

Mr. KYL. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1718.

Mr. KYL. Madam President, 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.")

Mr. KYL. Madam President, let me briefly describe what this amendment does, and then I understand the representative of the minority will interpose an objection.

This is an amendment that embodies a bill to prohibit Internet gambling and permit the enforcement of that prohibition. Most States, if not all States, already have laws on the books that prohibit Internet gambling. The problem is that those bills are difficult to enforce by the individual State attorneys general because the Internet is ubiquitous—it is across the State lines—and the attorney general in Arizona can't go to Montana and enforce such prohibition in that State.

About 10 years ago, the State Attorneys General Association came before our subcommittee and asked for this Federal legislation so that there could be a national enforcement that would enable them to give force to all of the different States' laws prohibiting Internet gambling. We have worked on this now for a decade, and twice the legislation has passed the Senate. Twice the legislation has passed the House of Representatives, each time in somewhat different form. But we have never been able to get the two bodies to pass legislation in the same year in order to effectuate that.

It is very troublesome because the process by which we have to consider legislation makes it very difficult for something like this to get floor time and have a week or several days on the floor to debate back and forth, get it passed, and do the same thing with the House and then work out a conference committee and the like. That is why we have had to resort to attaching amendments such as this to appropriations bills or other bills that are on the floor already and moving forward so that we can gain consideration of this issue. It is not particularly conten-

tious. It is certainly not partisan. The legislation has enjoyed wide bipartisan support in both bodies.

Let me briefly describe it. All it does is it allows banks and credit card companies to do what most of them are already doing voluntarily; that is, simply not honoring a credit card debt for Internet gambling. When some Internet gambling site in Aruba, for example, submits the bill to Master Charge or Bank of America and says, Joe Blow here gambled away \$1,000 of his money, put it on the credit card, and you now owe that to our Internet gambling site in Aruba, the bank or credit card company says, No. That was against the law. You can't do that. We are not paying.

It has had some effect on these operations. But to show you why it hasn't had enough, when we started a decade ago, there were 20-some sites. Today, there are over 2,000 sites. The amount of money was relatively insignificant back then. Now it is hundreds of billions of dollars. It is incredible.

A Harvard law professor described this kind of Internet gambling with regard to kids doing it on the Internet. He said it is like the crack cocaine of gambling; it is so addictive; there is no supervision.

We have gambling in Las Vegas, Atlantic City, and on Indian reservations, and it is tightly supervised and regulated. Even our subcommittee found testimony from the New Jersey Gambling Commission and said one reason we can do it is we highly regulate it. But there is no way to regulate these offshore sites. That is why it is against the law in every State.

We have a Federal act called the Wire Act which prohibits horse gambling. That is now being done on the Internet. There is a means of enforcing existing law in a meaningful way and ensuring that all of the State laws can be enforced as well. I want to indicate who is in favor of this, and then I will allow the process here to occur.

Obviously, sports groups are very concerned about the adulteration of sports. We have seen it in college sports. Even one of the universities in my State was involved in a point-shaving scandal not too long ago. Why did this young athlete involved have to shave points in the games in which he played? It was because he got into trouble with gambling debts.

The NFL, Major League Baseball, the National Hockey League, National Baseball Association, National Collegiate Athletic Association, and the NCAA strongly support this legislation because they understand that if Internet gambling becomes part of their sports, nobody can count on those sports being pure. There is always the possibility that they have been adulterated by gambling.

There are a lot of groups. The National Gambling Commission called for legislation such as this, and a lot of the groups that testified before that Commission are also strongly in support.

The National Coalition Against Gambling Expansion and groups such as the Family Research Council, Focus on the Family, Concerned Women for America, the Christian Coalition, United Methodist Church, Southern Baptist Convention, together with their co-members of the National Council of Churches, and the National Coalition Against Gambling Expansion—it includes a whole host of organizations.

Madam President, I ask unanimous consent to have this list printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows;

#### SUPPORTERS

National Football League, Major League Baseball, National Hockey League, National Baseball Association, and National Collegiate Athletic Association.

Family Research Council, Focus on the Family, Christian Coalition, Concerned Women for America, National Coalition Against Gambling Expansion, United Methodist Church, and Southern Baptist Convention.

Together with their co-members of The National Council of Churches, which includes:

African Methodist Episcopal Church, The African Methodist Episcopal Zion Church, Alliance of Baptists, American Baptist Churches in the USA, and The Antiochian Orthodox Christian Archdiocese of North America.

Diocese of the Armenian Church of America, Christian Church (Disciples of Christ), Christian Methodist Episcopal Church, Church of the Brethren, and The Coptic Orthodox Church in North America.

The Episcopal Church, Evangelical Lutheran Church in America, Friends United Meeting, Greek Orthodox Archdiocese of America, Hungarian Reformed Church in America, International Council of Community Churches, Korean Presbyterian Church in America, Malankara Orthodox Syrian Church, and Mar Thoma Church.

Moravian Church in America Northern Province and Southern Province, National Baptist Convention of America, National Baptist Convention, U.S.A., Inc., National Missionary Baptist Convention of America, Orthodox Church in America, Patriarchal Parishes of the Russian Orthodox Church in the U.S.A., and Philadelphia Yearly Meeting of the Religious Society of Friends.

Polish National Catholic Church of America, Presbyterian Church (U.S.A.), Progressive National Baptist Convention, Inc., Reformed Church in America, and Serbian Orthodox Church in the U.S.A. and Canada.

The Swedenborgian Church, Syrian Orthodox Church of Antioch, Ukrainian Orthodox Church of America, and United Church of Christ.

The National Thoroughbred Racing Association.

Mr. KYL. This is a page and a half of religious institutions in support of this legislation.

Even groups that also are involved in sports that do involve some form of gambling, such as the National Thoroughbred Racing Association, understand that for their sport to remain pure—and it is highly regulated, as well—for them not to have the taint of gambling, they support this kind of legislation.

It has been very frustrating for me because there is such broad-based support, it makes such sense. It is so dangerous, especially for the kids in our

society. We have a very tight bill. It is quite similar to the bill that got through the Committee on Banking last year. The various groups directly involved in this are supportive of the legislation, or at least are not in opposition.

It is time to get this done before this phenomenon explodes any further and—and I underline this—before the lobbying money of these groups defeats it again. I will not name names, but people who are today in trouble with the law were partially responsible for the defeat of this legislation previously.

This kind of money should not be brought to bear as a special interest on our bodies to keep us from adopting important legislation such as this. That is why I have attempted to use the appropriations bill that is before the Senate as the vehicle to bring up this matter again. I understand from a purely technical parliamentary point of view it is incumbent upon the distinguished ranking member of the subcommittee to interpose a rule XVI objection. I understand that. I appreciate her need to maintain the committee jurisdiction and the process.

However, I note in conclusion we have legislated on appropriations bills in the past. So this is not something that has never been done before. I had hoped we would be permitted to do it in this case because of the importance of the issue, the fact that there is a very large consensus to get this done. It is very difficult to do it any other way. I am disappointed we are not able to do it at this time.

When the objection is interposed, I ask the Presiding Officer's indulgence to direct a brief inquiry to the ranking member of the subcommittee.

Ms. MIKULSKI. Madam President, I wish to acknowledge the validity of the fact that the Senator from Arizona has worked long and hard on this issue and sees this as a consumer protection issue, and protection-of-our-sovereignty issue also.

Without taking any prejudice on the merits of the amendment, I have to make a point of order under rule XVI that the amendment does constitute general legislation on an appropriations bill and is not in order.

Mr. KYL. With the Presiding Officer's indulgence, I ask a question, and I appreciate that the ranking member may not know the answer to this question.

Can the ranking member advise me who it is that is requiring the imposition of this so I can speak to that Senator or those Senators to try to reach some kind of an accommodation so we can take this matter up in the future?

Ms. MIKULSKI. Madam President, I say to my friend and member of the Judiciary Committee, I do not know. I truly do not know. I do know that these parliamentary mechanisms were worked out at the leadership level.

Mr. KYL. I appreciate that. I appreciate the words of the ranking member

and make this point that this will proceed in some way at some time when we find out who is making the objections, if anyone. It may simply be a procedural matter to preserve the committee's jurisdiction.

We will proceed. It will become law at some point at some time. I ask my colleagues on both sides of the aisle, if you have problems with this legislation, please let me know so we can try to work on those problems. There should be no reason we cannot move forward. We will be back. The next time I am back, I hope there is no one who is interposing an objection.

I appreciate the comments of the ranking member.

Ms. MIKULSKI. I call for the ruling.

The PRESIDING OFFICER. The point of order is sustained. The amendment fails.

The Senator from New Mexico.

#### AMENDMENT NO. 1706

(Purpose: To provide funds for educational assistance to individuals and schools impacted by Hurricane Katrina)

Mr. BINGAMAN. I ask unanimous consent the pending amendment be set aside.

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

Mr. BINGAMAN. I call for consideration of amendment No. 1706.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, and Ms. LANDRIEU, Mr. REID, Mr. KENNEDY, Ms. MIKULSKI, Mr. DODD, Mrs. CLINTON, Mr. DAYTON, Mr. AKAKA, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. MURRAY, Mr. LAUTENBERG, and Mr. CORZINE, proposes an amendment numbered 1706.

Mr. BINGAMAN. Madam President, I ask unanimous consent the 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.")

Mr. BAUCUS. I ask unanimous consent that Senators LAUTENBERG and CORZINE be added as cosponsors.

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

Mr. BINGAMAN. Madam President, this amendment deals with a most urgent matter. It is an amendment I offer on behalf of myself, Senator LANDRIEU, Senator REID, Senator KENNEDY, Senator MIKULSKI, Senator DODD, Senator AKAKA, Senator CLINTON, Senator MURRAY, Senator DAYTON, Senator SCHUMER, Senator LIEBERMAN, and as I mentioned, Senators LAUTENBERG and CORZINE.

The purpose of the amendment is to provide some level of temporary and immediate short-term relief to local school districts and communities that have been devastated by Hurricane Katrina. With great sadness, all of us, I am sure, have watched the faces of children who have been impacted by this terrible tragedy. Some of those children have literally lost everything.

They have lost their family members, they have lost their homes, their schools, and their entire communities.

Officials in the Department of Education estimate there are 330,000 children from Louisiana, Mississippi, and Alabama, who have been displaced by Hurricane Katrina. Many of these children are now homeless and have taken up residence in emergency shelters in one State or another.

I am confident everyone in the Senate wants to do what is right by these children. What has happened at the State and local level is amazing to watch, the way communities have come out to assist; the way families, individuals, volunteers, nonprofit organizations have come to the assistance of these children. Continuing the education of these children needs to be a top priority.

Right now, there are hundreds of thousands of children from New Orleans and Gulfport and Biloxi and Pascagoula who are sitting at desks. Some of those are in Baton Rouge, some in Houston, some in Wichita, or Albuquerque, Memphis, Olympia, or even Philadelphia. These schools have not only opened their doors to these displaced children, they have also provided these students with classrooms, with teachers, with books, with supplies, with equipment and, most importantly, with a quality education.

The obvious question is, What are the resources they are calling upon to do this? We know many of our school districts already face significant fiscal constraints. How can we expect these school districts to educate hundreds of thousands of additional children without additional resources?

We should act now and provide some immediate relief to assist the transition of these students into their new and, hopefully, temporary classrooms. I am, however, very concerned that some of the ideas that have been discussed, at least in news accounts, are problematic and could get us into a difficult circumstance in Washington.

For example, the Washington Post had an article that some believe this tragedy is a new opportunity to proceed with a large-scale voucher system and use these children to experiment on how to implement a voucher system. That would be a very unfortunate course to follow. As everyone in this Senate knows, when the subject of vouchers comes up, we have a great deal of disagreement. We should not be debating new experimental ways of providing educational assistance as part of our effort to assist these children in these circumstances.

Another example of a concern, a problem that I have seen reference to, is the suggestion in one piece of legislation that we should require these displaced students to wear identifying insignia to differentiate them from the other students in their new schools. Obviously, there are all sorts of reasons we should not visit that kind of a requirement on these students at this point.

The officials at the State level, at the local level, and at the Federal level, are just beginning to assess the magnitude of the devastation that has been experienced. Unfortunately, we have already begun to see the extent of the damage to some of the schools on the gulf coast. I understand the New Orleans School District, in particular, has been almost completely destroyed. Many schools in the region are still completely flooded and remain underwater and will have to be rebuilt completely. Others suffered extensive water and wind damage and remain unsafe.

Last week the HELP Committee received testimony from Dr. Diane Roussel, the superintendent of schools in Jefferson Parish, LA, which has 85 schools, 51,000 students, 3,600 teachers, that lies south of New Orleans. It was directly in the path of Katrina. Dr. Roussel testified that in Jefferson Parish, much like the rest of Louisiana, the local tax base provided for much of the district's resources, and any surpluses the district had have now been expended. Jefferson Parish and many other school districts impacted by Hurricane Katrina are totally out of money, are not able to pay their teachers, are not able to conduct school in any way.

Dr. Roussel said in her testimony:

Money is not always the answer to solving the ills of our public schools, but when you are talking about equipment, supplies, rebuilding, and maintaining a teaching workforce, money is the answer.

Communities cannot thrive without their schools. Families will not return to these communities if their children do not have a place to go to school. Local businesses cannot survive if those families do not return to those communities.

Rebuilding the schools has to be a first priority, not a last priority. These communities need our help now. The extent of the devastation is known by all, or at least we are beginning to know.

Let me mention one other area of great concern that we try to address in this amendment, the issue of displaced college students. There are literally tens of thousands of displaced college students. The colleges in the New Orleans area have been devastated by this storm. I am very encouraged to see the way other States, other educational institutions have stepped up to provide assistance.

In my own State of New Mexico, we have some examples of that. New Mexico State University has welcomed the University of New Orleans baseball team to Las Cruces. Members of the University of New Orleans baseball team will be going to school at New Mexico State University and playing baseball there as the New Orleans team.

The Federal Government needs to step up to the plate and do all it can, and do so right now. The amendment does not attempt to meet all the needs

we will be identifying resulting from this catastrophe, but it does begin the process. It does indicate that the Senate believes it needs to be a priority to provide some immediate relief. These communities need to know now that we are willing to act to help them.

It provides temporary assistance to school districts experiencing unexpected increases in their student populations because of Katrina. It provides funds, grants to school districts, it facilitates the temporary placement of students in elementary and secondary schools within their jurisdiction, and it helps to ensure that quality instruction is available.

This is a very worthwhile amendment and one that we should adopt as part of this first appropriations bill being considered since we have returned from the August recess. I hope very much my colleagues will agree to add this to the bill.

I understand there will be a point of order raised in connection with this, but I urge my colleagues to vote with me to override that point of order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1665

Mr. GRASSLEY. Madam President, I call for the regular order with respect to amendment No. 1665.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1713 TO AMENDMENT NO. 1665

Mr. GRASSLEY. Madam President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1713 to amendment No. 1665.

The amendment reads as follows:

(Purpose: To provide that funds must be used in a manner consistent with the Bipartisan Trade Promotion Authority Act of 2002)

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."

Mr. GRASSLEY. Madam President, what I have tried to do in this second-degree amendment is correct some

flaws in the Dorgan amendment. My amendment is also meant to ensure that we maintain the strength of our trade remedy laws.

My amendment makes it clear that no funds may be used to negotiate trade agreements that do not enable the United States to preserve our ability to enforce rigorously our trade laws, including antidumping and safeguard laws.

Quite obviously, if we have laws on our books to protect our economy from unfair competition, every Senator wants to make sure those laws are rigorously enforced, including antidumping and safeguard laws.

In addition, under my amendment, our trade negotiators must avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially for dumping and subsidies. This pertains to a situation if they would lessen the effectiveness of domestic and international safeguard provisions.

My amendment is a good amendment which will ensure our trade remedy laws remain strong and that U.S. workers have effective protection against unfair import competition.

The underlying amendment I am amending, the Dorgan amendment No. 1665, purports to do the same thing. And it might. But it also has some very serious—and perhaps, hopefully, unintended—consequences. The Dorgan amendment says no funds may be used "to negotiate or enter into a trade agreement that modifies or amends any law of the United States that provides safeguards from unfair foreign trade practices. . . ."

Now, that sounds pretty good. But if you look at this amendment a little deeper, you can see that it has serious problems. Such a sweeping amendment would prohibit our negotiators from entering into trade agreements even if the trade agreement resulted in stronger trade remedy laws.

For example, if we could not negotiate bilateral agricultural safeguards similar to those we have recently negotiated in our bilateral agreements with Chile and Australia—and these are only two examples—or maybe even in the plurilateral agreement, such as passed by the Senate, CAFTA—we could not negotiate multilateral agreements such as the OECD steel negotiations that could strengthen our trade remedy laws.

At the same time, the Dorgan amendment would severely hamper our ability to negotiate trade agreements that benefit U.S. exporters.

Now, that may be a well-intended position of my friend from the agricultural State of North Dakota—and I work with him on a lot of agricultural legislation—but it is a slippery path where we cannot even discuss trade remedies even if those discussions end up strengthening some of these remedies, such as in the case of CAFTA and Australia and Chile.

It will happen that our trade partners will respond by demanding other items

be taken off the table. In other words, once we go to the table in good faith to negotiate, and we start saying, "This is not negotiable, that is not negotiable," then you could understand that trading partners are all going to have their pet projects off the table. If we want to negotiate strengthening some remedies, as we did in the case of Australia, Chile, we could not do that. So I am trying to correct some of the inadequacies within this amendment.

Of course, when you start getting things taken off the table—the United States takes something off; the European Union takes something off; India takes something off—it has to have all items on the table in order to protect the economic interests of the United States. Particularly I found that going back to the Uruguay Round of trade negotiations, you had to have everything on the table to win any benefit for American agriculture.

The amendment by my friend from North Dakota would only serve to hamstring our negotiators, particularly if those negotiators want to strengthen our positions, as we did in Australia and Chile. And this amendment would be doing it at a time just as we are pushing the Europeans, we are pushing the Brazilians, we are pushing the G20 group, the G10 group—and for that matter I think we are pushing every other G-numbered group you can think of—to get some help for the American economy, which comes from negotiations to get down trade barriers, to get all of these groups, Europeans, Brazilians, G20, G10, G-everybody, serious and start making meaningful concessions in these negotiations, especially for the benefit of American agriculture.

Today, foreign agricultural markets are among the most protected sectors in world trade. Global tariffs on agriculture average about 62 percent. The United States, I believe, is about 11 percent. Thus, America's farmers and ranchers have much to gain if we can deliver a comprehensive, multilateral trade agreement that lowers tariffs across the board and forces subsidizing nations to harmonize and reduce their tariffs.

Let me quantify that: 62-percent worldwide average of tariffs up here of other countries; the United States at 11 percent down here. We bring these other countries down to ours, or down part way to ours; or if we bring ours down lower, as they bring theirs down lower. Common sense dictates a win-win situation for our farmers.

Because of some of these concerns as to the Dorgan amendment that I have raised about maybe the inability to even strengthen some of our trade remedies, as we did in Australia and Chile, many groups have been concerned. This amendment by my distinguished friend from North Dakota has been before the Senate now for about 4 days, so a lot of other groups have written to me about their opposition because they are concerned about it: the American Farm

Bureau, the Business Roundtable, Coalition of Service Industries, the Comprehensive Market Access Coalition, the Emergency Committee for American Trade, the National Association of Manufacturers, the National Foreign Trade Council, the U.S. Chamber of Commerce, the U.S. Council for International Business, and, lastly—and one that is very important to the upper Midwest—the Corn Refiners Association.

All of these groups I have listed have expressed their strong opposition to the Dorgan amendment and I would hope would be satisfied with the amendment I have put before the Senate.

Even more important than those who want this bill to become law, the administration has weighed in strongly against the Dorgan amendment. I would like to quote from a letter I received from our Commerce Secretary, Mr. Gutierrez, and our U.S. Trade Representative, former Congressman and now Ambassador Rob Portman:

... Senator DORGAN's amendment would undermine our efforts to protect our workers and firms from unfair trade practices and to open foreign markets to America's goods and services. ... the amendment would prevent us from negotiating agreements to improve protections against unfair trade practices where the current rules may not be fully effective.

Then they go on to say:

The amendment could also prevent us from negotiating stronger disciplines on foreign subsidies and protections for U.S. exporters against abuses by foreign users of trade remedy laws.

In fact, the Secretary and the Ambassador feel so strongly about the damages this amendment could do, they sent a letter saying they would recommend that the President veto the Commerce-Justice-Science appropriations bill if the Dorgan amendment is included.

So the bottom line: the choice is pretty simple. If Senators want to take away an opportunity to strengthen trade remedy laws, in effect, hamper our negotiators, and at the same time ensure a veto of this bill, a veto of a bill that is very important, then support the Dorgan amendment. But if Senators want to preserve strong trade remedy laws, and even opportunities to make them stronger, and avoid a veto, then please support my second-degree amendment.

I urge my colleagues to carefully consider the stakes in this vote. I think the stakes are high. There is a way to both preserve and improve our trade remedy laws, also a way of avoiding a Presidential veto, and that would be voting for my amendment No. 1713, which is a second-degree amendment to the Dorgan amendment No. 1665.

I do not know whether the Senator from North Dakota intended to not give our negotiators an opportunity to strengthen our trade remedy laws, as we did in Australia and Chile, but my amendment will take care of that oversight.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Madam President, my colleague from Iowa, Senator GRASSLEY, has offered a second-degree amendment to the amendment I have pending dealing with our trade laws. This amendment is just fine, as far as I am concerned. I hope everyone will support it. It restates what is already in the underlying bill. It reminds me of those days when, as a young boy, I used to buy magic kits and they would have vanishing ink. You would write it and then you wouldn't see it. There was nothing there. So we have these vanishing ink amendments that mean nothing, say nothing, do nothing. I am for it. We apparently will have an opportunity to vote on the Grassley amendment. I hope we will have side-by-side opportunities to vote on the Grassley amendment that does nothing, and then an amendment that does something, something that stands up for the economic interests of the American people.

This is probably one of the only institutions in the entire world in which failure is deemed a success, and the more failure, the more we ought to do of it, according to the philosophy of some here in the Senate.

This chart shows our trade deficits, the red ink. This is the record trade deficit of last year, and it is going to be higher now. This is a description of how much we are buying from abroad more than we are selling abroad and, therefore, a description of how many American jobs are being sent abroad. That is what it means. Every single day—today is Thursday—we buy \$2 billion more from other countries in goods and services than we sell to other countries. That means every single day someone outside of this country ends up with a \$2 billion claim against America, American assets, American securities, American property.

Does it matter? To some it doesn't. Some think this is wonderful. They are like hogs in a corncrib; they can't get enough of this. Why? Because as we move American jobs overseas and fire American workers and then hire workers in Bangladesh or Indonesia or China, and pay them 33 cents an hour to make bicycles and trinkets and trousers and shirts and shoes, and send them to the big box retailers in America in Toledo and Los Angeles and Chicago and Fargo, the consumer gets to go in and buy an Etch A Sketch for \$9.99 or a shirt for \$9.99.

What a wonderful thing that is that the consumers get to buy a cheap shirt

made in Indonesia or China, a shirt that used to be made by an American worker who got fired. Because we buy all of that merchandise, goods and services from abroad every day, and because China ships \$170 billion more of it to our country in 1 year than it buys from our country, it means American jobs are leaving in wholesale numbers.

So this is what results, massive trade deficits, getting worse and worse, and nobody seems to care. This body, the White House, the entire Congress seems to sleep through it all. It is kind of a "Rip Van Winkle" public policy strategy. Why? Because there is not one person here who is going to lose their job over it. There is not one person wearing suspenders, not one person wearing a blue suit or smoking a cigar who is going to lose their job because jobs are outsourced to Indonesia or China. It is working folks. Bob Wills of the Texas Playboys—I have quoted him often in a song from 1941 which says: The little bee sucks the blossom, the big bee gets the honey. The little guy picks the cotton, the big guy gets the money.

So it is all of this red ink for America and jobs moving overseas which is represented as a foundation of injury to American workers and profits to those who can pole-vault over all of those nuances in public policy, such as child labor laws, minimum wages, environmental laws, the right to organize.

Well, the small trade amendment I have offered to this bill that caused such an apoplectic seizure yesterday so that we could not continue to vote, that small trade amendment I offered, does the following: It says there is a trade negotiation going on in a place called Doha. Not many have been to Doha. It is not a secret why trade negotiations are held behind closed doors in Doha because if they held them in any major city in the world there would be traffic jams with protesters, people concerned about what this is doing to their jobs.

There is a negotiation going on in Doha, and in that negotiation other countries have objected to something we have done in this country. We have something called antidumping laws to try to protect American businesses, American farmers, American workers. If other countries decide, look, we are going to target the American marketplace, there is only one American marketplace on this Earth of ours, we are going to target it because we want to go in and dump products at below cost, destroy the domestic industry, and then we will have the entire market to ourselves in the United States. If they try to do that, it is unfair trade. That is unfair trade.

So we have something called antidumping laws that would take action against those countries that try to engage in unfair trade. We also have laws that deal with countervailing duties if a country is deeply subsidizing its product in order to dump it into the U.S. marketplace. So we have protec-

tions for American businesses, American workers, American farmers, American ranchers.

At the trade negotiation in Doha, other countries are demanding that we get rid of the protections that exist that would prohibit dumping of products into our marketplace. They demand that we get rid of these protections. Our trade negotiators have said, all right, everything is on the table to be negotiated. It should not be, and I do not agree that it should be, and so I have introduced an amendment that says nothing in this act that funds our U.S. trade ambassador's office or the Commerce Department should allow them or can allow them to engage in negotiations that will weaken the basic protections that exist in this country that require trade fairness.

The White House has issued a veto notice if my amendment should pass. Curious and strange that a provision that stands up for the economic interests of our country would engender a threatened veto from the White House.

The Cato Institute has sent around the following, and they can be counted on, by the way, to provide aggressive support. They have everything except the pompoms to be bona fide cheerleaders. As we get in deeper and deeper trouble, these folks think moral failure represents success. Here is what the Cato Institute says: This amendment—speaking of my amendment—is highly irresponsible, shortsighted, opportunistic, and severely detrimental to the U.S. economic interests and the conduct of U.S. trade and foreign policy.

I do not know, but as I read that work, it seems they do not support my amendment.

The United States hopes to open foreign agricultural, nonagricultural, and service markets. To achieve those goals, it must be willing to reform its agricultural and antidumping policies. What does that mean? The United States must be willing to reform its policies on antidumping and agricultural policies? Interesting, is it not?

This is what the Cato Institute is really saying: We have to get rid of these protections that exist in current law in this country to protect American workers and American business. We have to get rid of that because others do not like it, so let us negotiate it away. If it hurts farmers, so what. I mean, that is the attitude. Talk about elitists. A lot of people throw around the term "elitists."

If it hurts farmers and ranchers, so what; just negotiate away the protections that currently exist for farmers and ranchers in international trade, protections incidentally that are seldom implemented because we have trade officials who do not have a will, a backbone, or a nerve. Aside from those anatomical deficiencies, they exist in law. Now we have people who want to negotiate away the basic protections.

My colleague has come to the floor to offer a second-degree amendment, the

purpose of which is to kill the basic premise of what I am trying to do. The second-degree amendment is interesting, and I was at first thinking curious, but it is not curious because it is simple. It simply restates that which is in current law. It will do nothing to prevent our negotiators from doing what they say they are able to do in the current Doha negotiations, which is to negotiate away the basic protections that exist for our farmers, our ranchers, our businesses, and our workers.

The Cato Institute further says: If Senator DORGAN is unhappy with the final text of the Doha agreement, should it come to fruition, he can vote against its passage.

Well, one can do that for sure. The only thing one cannot do is they cannot amend it. Why? Because this Congress, with the support of Cato and the President, decided what would be smart for all of us to do is put all of us in a straitjacket and decide beforehand that we will give fast-track trade authority for people to negotiate—in this case in Doha—behind closed doors, in secret, and the product they bring back to this institution will not be able to be amended. We are able to amend almost anything else, including nuclear arms agreements, but trade agreements, no; no, because those are negotiated in secret. And when they come back, they come back under something called fast track. So there are no amendments, even to correct the obvious deficiencies.

We have had almost this exact scenario previously. It occurred in 2002, May 14, my birthday, incidentally. We had an amendment on the floor of the Senate by Senator DAYTON and Senator CRAIG, a bipartisan amendment, that would have done essentially the same thing. It said there is no fast-track authority for any trade agreement that comes back in which our negotiators have negotiated away the basic protections, the antidumping laws and so on, that exist for our farmers, ranchers, and businesses. That passed with 61 votes. It was true then that I believe either Senator GRASSLEY or Senator BAUCUS offered another amendment that was kind of a cover amendment, and that passed 98 to 0 because it did not particularly mean much. It set up objectives but objectives that are similar to a strainer, enough holes so that whatever one wants to put through it goes through it.

So Senator GRASSLEY now has a second-degree amendment that says: Let us all agree to that which we previously agreed to that does not do anything.

So sign me up. If there is a list, let me be signed up real quick to say: Let me agree to that which was previously agreed to that does nothing. And then we will have a vote on my amendment that says: Let us stand up for the economic interests of this country; let us stand up for the economic interests of businesses and workers and insist to



other countries that the right way to do trade is fair trade. If it is not fair, then every country has a right to use its remedies to address and take action against unfair trade.

I mentioned yesterday we very seldom take any kind of action under any circumstances. We do not ever take trade action. We did once against Europe recently. We slapped the Europeans with tariffs on truffles, goose liver, and Roquefort cheese. That scared the devil out of the Europeans. This big old strong country decided to take action against Europe. We are going to single out truffles, Roquefort cheese, and goose liver.

That is hardly the "John Wayne" approach to dealing with what we understand and know to be unfair trade.

This represents a crisis. This represents a real problem, and nobody seems to care very much. My amendment is an attempt to prevent further damage in the new negotiations. It is not, as the Cato Institute insists, that I do not believe in trade. I believe in expanded trade. I believe it makes sense to have expanded trade, provided it is fair. I believe trade ought to try to lift other countries up, not press American workers and firms down.

Perhaps there will come a time when we will look back and say: Why did we not understand what this meant to our country? Why did we not understand the danger that buying \$2 billion a day from abroad more than we send abroad in exports, the danger that portrayed to our economy? Why did we not understand that? Why did we not catch it? Why did somebody not blow the whistle on it?

My hometown is 400 people, and we had a whistle similar to a lot of hometowns. We have a fire whistle, but it is also used for other purposes. Every noon, the whistle blew in my hometown. Every day at 6 the fire whistle blew in my hometown. Every day at 10 the whistle blew. We had the fire whistle blowing three times in a town of 400 people. Small towns did that to signal that it is 12. Everybody in town should know it is 12, the fire whistle is blowing. We do not have any signals around here.

I would like to see somebody blow a whistle around here at some point. When do you blow the whistle—at a \$700 billion, \$800 billion, \$1 trillion trade deficit in 1 year? We had people doing gymnastic exercises earlier this week because the trade deficit in the past month, I think it was announced last Friday, was only 57-plus-billion dollars in 1 single month, the fifth worst trade deficit in history, and people said: What a great thing that is. It actually improved a little from the month before momentarily.

My only point is, I think that those who are content to sleep through what is a growing American crisis do no favors to American workers and American business and certainly do no favors to future economic opportunity in this great country of ours. This coun-

try is measured in terms of its wealth, not by what it consumes but rather by what it produces, and if we do not stand up for producers to insist and demand fair trade, yes, ranchers and farmers, manufacturers and businesses, we do not have the strength and backbone to do that, if we are content to let people with tiny, little glasses and big degrees go halfway around the world, behind closed doors, and negotiate in secret trade agreements that continue to give us this kind of performance and move American jobs overseas and undermine American business and undermine American farmers and ranchers, then this Senate and this Congress ought to hang its head.

We can do a lot better, and should, and the place to start the first baby step, in my judgment, is to start with two things: Vote for the Grassley second-degree amendment that says we agree with which we have previously agreed and want to vote yes for something that does nothing, but it does not harm anything, so we will all vote yes and then vote for the amendment that I have offered—it has been now pending for almost a week—that does stand up for this country's economic interests. It does not impede fair trade or free trade. It demands and insists that we have the right to protect ourselves when others will use trade practices to injure our country, our workers, our manufacturers, our farmers, our ranchers. So we will vote at some point and my hope is that those who feel as I do will support the amendment I have offered for the reasons I have described.

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

The PRESIDING OFFICER (Mr. ENSIGN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. 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. 1713, AS MODIFIED

Mr. SHELBY. Mr. President, I now ask unanimous consent that the Grassley amendment No. 1713 be modified to be a first-degree amendment and that at 11:45, the Senate proceed to a vote in relation to the Grassley amendment No. 1713, as modified, to be followed by a vote in relation to the Dorgan amendment No. 1665, with no amendments in order to the amendments prior to the votes and with 2 minutes of debate equally divided prior to the second vote.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. No objection.

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

The amendment is as follows:

#### AMENDMENT 1713, AS MODIFIED

At the appropriate place, insert:  
"SEC. \_\_\_\_ 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."

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.

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

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

Mr. SHELBY. Mr. President, what is the regular order?

The PRESIDING OFFICER. The question is on agreeing to Grassley amendment No. 1713, as modified.

Mr. SHELBY. Mr. President, I ask for the yeas and nays on the Grassley amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey Mr. (CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 231 Leg.]

#### YEAS—99

Akaka	DeWine	Lieberman
Alexander	Dodd	Lincoln
Allard	Dole	Lott
Allen	Domenici	Lugar
Baucus	Dorgan	Martinez
Bayh	Durbin	McCain
Bennett	Ensign	McConnell
Biden	Enzi	Mikulski
Bingaman	Feingold	Murkowski
Bond	Feinstein	Murray
Boxer	Frist	Nelson (FL)
Brownback	Graham	Nelson (NE)
Bunning	Grassley	Obama
Burns	Gregg	Pryor
Burr	Hagel	Reed
Byrd	Harkin	Reid
Cantwell	Hatch	Roberts
Carper	Hutchison	Rockefeller
Chafee	Inhofe	Salazar
Chambliss	Inouye	Santorum
Clinton	Isakson	Sarbanes
Coburn	Jeffords	Schumer
Cochran	Johnson	Sessions
Coleman	Kennedy	Shelby
Collins	Kerry	Smith
Conrad	Kohl	Snowe
Cornyn	Kyl	Specter
Craig	Landrieu	Stabenow
Crapo	Lautenberg	Stevens
Dayton	Leahy	Sununu
DeMint	Levin	Talent

Thomas Vitter Warner  
Thune Voinovich Wyden

## NOT VOTING—1

Corzine

The amendment (No. 1713, as modified) was agreed to.

## AMENDMENT NO. 1665

The PRESIDING OFFICER (Mr. THUNE). There are now 2 minutes equally divided on the Dorgan amendment.

Who seeks time?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have spoken previously on this amendment. I will not prolong the debate. This amendment is very simple. It says that our negotiators, in negotiating a new trade round, shall not be allowed to negotiate the weakening of the basic protections in our trade law, antidumping laws, countervailing duties, the protections that protect American ranchers and farmers and businesses and workers. We must stand up for the economic interests of this country.

The reason this amendment is necessary is because it has been widely announced that our negotiators are prepared to agree with others to lay on the table the weakening of our basic protections, such as antidumping laws and countervailing duties. That would injure this country, move more jobs outside of this country, hurt farmers, ranchers, businesses, and workers.

I hope support for this amendment will send a very strong signal to those who are negotiating these trade treaties.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask my colleagues to vote against this amendment, No. 1, because Commerce Secretary Gutierrez and Mr. Portman, our Trade Representative, have said they are going to recommend a veto of the bill if the Dorgan amendment is adopted.

Also, I have these organizations that have sent a letter in opposition to the amendment. The organizations include the American Farm Bureau Federation, the American Peanut Product Manufacturers, Inc., the American Soybean Association, the Corn Refiners Association, the Distilled Spirits Council of the United States, the Food Products Association, the Grocery Manufacturers Association, the International Dairy Foods Association, the National Cattlemen's Beef Association, the National Chicken Council, the National Corn Growers Association, et cetera, et cetera—with about eight more I could read.

We have adopted my amendment now. We have a policy that is broad to make sure things are not weakened, but if they want to be strengthened, they can be strengthened, as well, as we don't take a lot of things off the negotiating table. If we are going to be successful in agriculture, we have to have a broad number of issues on the table to get any success for agriculture.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 60, as follows:

## [Rollcall Vote No. 232 Leg.]

## YEAS—39

Akaka	Dodd	Leahy
Bayh	Dorgan	Levin
Biden	Durbin	Mikulski
Bingaman	Feingold	Nelson (FL)
Boxer	Graham	Pryor
Byrd	Harkin	Reid
Chambliss	Inouye	Rockefeller
Clinton	Johnson	Salazar
Coburn	Kennedy	Sarbanes
Collins	Kerry	Shelby
Conrad	Kohl	Snowe
Craig	Landrieu	Specter
Dayton	Lautenberg	Stabenow

## NAYS—60

Alexander	Domenici	McConnell
Allard	Ensign	Murkowski
Allen	Enzi	Murray
Baucus	Feinstein	Nelson (NE)
Bennett	Frist	Obama
Bond	Grassley	Reed
Brownback	Gregg	Roberts
Bunning	Hagel	Santorum
Burns	Hatch	Schumer
Burr	Hutchison	Sessions
Cantwell	Inhofe	Smith
Carper	Isakson	Stevens
Chafee	Jeffords	Sununu
Cochran	Kyl	Talent
Coleman	Lieberman	Thomas
Cornyn	Lincoln	Thune
Crapo	Lott	Vitter
DeMint	Lugar	Voinovich
DeWine	Martinez	Warner
Dole	McCain	Wyden

## NOT VOTING—1

Corzine

The amendment (No. 1665) was rejected.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENTS NOS. 1719 THROUGH 1721, EN BLOC

Mr. SHELBY. Mr. President, I ask unanimous consent that the managers' amendments I now send to the desk be considered and agreed to 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. 1719

(Purpose: To provide \$5,000,000 in the Southwest United States for hiring officers dedicated to the investigation of manufacturers of fraudulent Federal identity documents, Federal travel documents, or documents allowing access to Federal programs)

On page 120, line 24, after the colon insert the following: "Provided further, That of the funds provided under this heading, \$5,000,000 may be expended for hiring officers in the Southwest United States dedicated to the investigation of manufacturers of fraudulent Federal identity documents, Federal travel documents, or documents allowing access to Federal programs:".

## AMENDMENT NO. 1720

(Purpose: To provide funds for economic adjustment and development to areas impacted by Hurricane Katrina)

On page 147, line 5, strike "\$283,985,000" and all that follows through line 6 and insert the following: \$483,985,000, to remain available until expended: *Provided*, That \$200,000,000 shall be for assistance described in section 209(c)(2) of that Act (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

On page 147, line 10, strike "\$30,939,000: *Provided*" and insert the following: \$40,939,000: *Provided*, That \$10,000,000 shall be for salaries and expenses of carrying out section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2)) and is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress): *Provided further*

## AMENDMENT NO. 1721

(Purpose: To permit certain health professionals who are displaced by Hurricane Katrina to provide health-related services under the medicare, medicaid, SCHIP, and Indian Health Service programs in States to which such professionals relocate)

At the appropriate place, insert the following:

## SEC. \_\_\_\_ . WAIVER OF LICENSING AND CERTIFICATION REQUIREMENTS APPLICABLE TO CERTAIN HEALTH PROFESSIONALS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an eligible health professional may provide health-related services under the medicare, medicaid, or SCHIP program under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., and 1397 et seq.) and under Indian Health Service programs, regardless of the licensing or certification laws of the State in which such services are being provided, during the 90-day period that begins on the date on which eligibility is determined by the State licensing board of the State in which such professional will provide health-related services under this subsection.

(b) ELIGIBLE HEALTH PROFESSIONAL.—To be eligible to provide health-related services in a State during the period referred to in subsection (a) without State licensure or certification, a health professional shall—

(1) be a physician, nurse, dentist, pharmacist, mental health professional, or allied health profession, or any other professional determined appropriate by the Secretary of Health and Human Services;

(2) have a valid license from, or be certified in, at least one of the States affected by Hurricane Katrina, as described in subsection (d), and not be affirmatively barred from practicing in that State;

(3) have been evacuated from Louisiana or Mississippi as a result of Hurricane Katrina; and



(4) have applied, prior to March 31, 2006, for a license or certification in the State in which such professional will provide the health-related services under subsection (a) without State licensure or certification.

(c) EVIDENCE OF LICENSURE.—

(1) IN GENERAL.—A State may develop a process to verify the licensing credentials of a health professional to which this section applies if the professional has no official evidence of licensure in his or her possession.

(2) FRAUD.—An individual who wilfully provides any false or misleading information to a Federal, State, or local official for purposes of being covered under the provisions of this section shall, in addition to any State penalties that may apply, be subject to a fine, as determined appropriate by the Attorney General in accordance with title 18, United States Code.

(d) STATES DESCRIBED.—The States described in this subsection are Louisiana and Mississippi.

(e) LIMITATION.—A health professional may only elect to utilize the provisions of this section for a single 90-day period.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering or affecting any procedures adopted by State health professional licensing or certification boards relating to waivers of licensing and certification requirements for health professionals affected by Hurricane Katrina.

(g) DEFINITION.—In this section, the term “health-related services”, as such term is applied to health professional under this section, means services provided by a health professional that are consistent with the scope of practice of the professional in the State in which such professional is seeking licensure or certification.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise for the purpose of making a unanimous consent request for a piece of legislation that is within my jurisdiction, and then, also, as a favor to another person, to make a unanimous consent request. Before I make that unanimous consent request, I would like to make a short statement, and then have Senator BAUCUS make a short statement before I proceed to the unanimous consent request. May I go ahead?

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

#### EMERGENCY TAX RELIEF FOR HURRICANE KATRINA VICTIMS

Mr. GRASSLEY. Mr. President, on Tuesday night, Senator BAUCUS and I introduced a package of tax relief measures designed to help the victims of Hurricane Katrina both in the short and long term.

We know that tax incentives helped to revitalize New York after 9/11. They can do the same for New Orleans, Gulfport, and other hurricane-hit areas. We are pleased that the Members of the affected region join us in this effort, including Senators LOTT, LANDRIEU, VITTER, COCHRAN, and SHELBY.

The immediate relief package will help get short-term aid to the hurri-

cane victims by encouraging food donations and the employment of displaced persons, as two examples.

For those who have suffered casualty losses, we have liberalized the tax rules to permit affected taxpayers to deduct losses from damaged property.

We also want to help protect Katrina victims from undeserved IRS harassment.

We expect to see prompt action by Congress on this tax relief package. We need to get these tax incentives on the books and help Katrina victims make a fresh start.

After this package is completed, our focus in the committee will be on longer term tax incentives to help rebuild homes and businesses. We are looking at depreciation changes, tax-exempt bond authority, and enterprise zone initiatives.

Life will never be the same for our fellow citizens in the gulf region, and what we have all seen over the last 2 weeks will stay in the hearts and minds of all of us for years to come.

With this first initiative from the Finance Committee, a bipartisan initiative—and I thank Senator BAUCUS for his extreme cooperation, in fact, even leadership in getting this to where it is now—this first initiative—and there are going to be more in other areas where we have jurisdiction—we want the victims in all the affected areas to know they can count on us to create a set of measures that will help return vitality and vigor to the gulf region.

Mr. President, I defer now to Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I thank my colleague, Senator GRASSLEY, the chairman of the Finance Committee. We believe that Congress must act quickly. We bypassed the usual committee process. Senator GRASSLEY and I sat down with our staffs and said: What can we do right away to help Katrina victims? What can we do to help the States and get something passed very quickly?

Time is of the essence, clearly. We decided that people needed cash. So we have enacted several provisions in this legislation which allows people to have more cash or ways so they do not have to make payments that otherwise they would have to make.

Second, we are trying to help ease some of the dire housing conditions in the affected areas. We have provisions which allow people to take an exemption for taking in Katrina victims. We think that will help significantly.

We are also helping by giving incentives to employers so they can more quickly hire people and, if they cannot hire them, we are going to make sure we get more dollars into former employees' pockets.

This is a start. We clearly have to do more. I very much hope that later on today we can pass legislation with respect to Medicaid assistance. Senator GRASSLEY and I have been working

very hard in both these areas. In the not too long term, we obviously are going to bring up a package for long-term assistance—enterprise zones, increasing appreciation acceleration, bonding authority—to help rebuild the infrastructure.

I thank Senator GRASSLEY very much for his help. I also thank him very much for helping clear some objections to this bill on the other side. There were two Republican holds on this bill today. I had hoped to bring this bill up this morning and get it passed. We did have some holds. I thank very much the Senator from Iowa for his help in getting those holds released so we can get this bill passed.

I also hope, as I mentioned, we can get the Medicaid bill passed today. This is the week. We have to pass this legislation. We, as Senators, cannot get too wrapped around the axle. We cannot be too concerned about how the I's are dotted or the T's are crossed. We have to act. Congress will meet another day. We can make up differences. We can amend legislation in future days if something is not quite perfect either today or in the next couple of days. Let's not let perfection be the enemy of the good here.

This is good legislation. We are getting this tax package passed. That is good. I very much hope we can get the Medicaid package passed. It is good, too.

I urge all of us to work together and rise to the occasion. This is an emergency. Let's get this legislation passed—not only this package but the Medicaid package as well.

Again, I thank Senator GRASSLEY for working to get those holds on the bill removed so we could get this legislation passed.

I am proud to announce that Saturday is the Senator's birthday. So I hope this will be a good birthday present for the Senator, to get both of these bills passed today so we can, on this coming Saturday, know that a couple days earlier, the chairman of the Finance Committee got legislation passed that did some good for people in the affected area.

Mr. President, I thank the chairman for helping.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, obviously, I thank Senator BAUCUS for the personal comment he made about my upcoming birthday. More importantly, once again, we have had such smooth working relationships on these two very important bills. Our staffs have cooperated very closely. There has been some compromise but not a lot because I think we are all going in the same direction.

Mr. President, I ask unanimous consent, pursuant to the remarks I made and the remarks Senator BAUCUS has made, that the Committee on Finance be discharged from further consideration of S. 1696 and that the Senate proceed to its immediate consideration.