

their phones, and telephone companies to rebuild. Specifically, the FCC is designating schools and libraries struck by the hurricane to receive the highest level of priority under the E-Rate Program for 2005 and 2006. They are allowing schools and libraries serving evacuees to amend their 2005 application to account for the unexpected increase in population. They are using the Link-Up Program to provide support to pay the cost of reconnecting consumers to the network as the disaster-struck area is rebuilt. And they are providing BellSouth flexibility to use high-cost model support to rebuild wire centers affected by the hurricane.

In other words, this is a unique use of universal service funds. It took courage to do so. I am proud to hear of the FCC's willingness to work around the clock to assist companies in the affected areas with needed waivers. I also commend the FCC for its plans to establish the new Public Safety and Homeland Security Bureau. We have all seen the devastation and communications outages caused by the massive flooding and the storm surge.

Certainly, we will have to look at improving our Nation's alert and disaster warning systems as well as our communications interoperability. As chair of the Commerce Committee in the Senate, along with my cochair and good friend, Senator DAN INOUE of Hawaii, I intend to work closely with my colleagues in the Senate and the House, the FCC, and others on these issues. We will pursue permanent solutions. Chairman Martin and the FCC members deserve credit for having acted so rapidly to deal with the disaster-related issues before us today.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

Ms. MIKULSKI. Mr. President, pretty soon we will be coming to the last round of amendments to the Commerce-Justice-Science appropriations bill. When he is on the floor, I will thank, publicly and personally, the distinguished Senator from Alabama, Mr. SHELBY. We certainly worked on a bipartisan basis to move this bill, to accomplish national objectives, and to respond to the compelling human and financial needs of our neighbors in the Gulf States. Moving this legislation has been enjoyable because there has been such a spirit of bipartisan co-

operation. Senators have worked on their amendments. They have offered them jointly. In a few minutes, we will be voting on an amendment by Senator SNOWE of Maine and JOHN KERRY of Massachusetts to help small business, particularly, in relation to Katrina. That has been the example throughout.

As the ranking member on this new subcommittee, I hope the spirit of the Senate, in moving forward on this bill, will be the spirit of the Senate all the time. We need more of that. We need more civility. We need more collegiality and more of that spirit of "let's get it done" and "let's get it done together."

There were many issues that were new to me, at least the depth of the national problem. We are all familiar with Katrina. One of the things that came up was the whole methamphetamine issue, which seems to have the country in its grips, to listen to the Senators from North Dakota talk about what it means in a rural State, to listen to other Senators who have come in either with individual projects or with national issues. Again, in a spirit of bipartisanship, Senators DAYTON and CHAMBLISS came in with a request to restore over \$200 million to fight this scourge that seems to be gripping people at all economic levels. The methamphetamine issue has reached epidemic levels. That bipartisan support added money to the budget and added resources for local communities.

Another champion, of course, was the Senator from Washington, Ms. CANTWELL. She offered an amendment for \$20 million on the Hot Spot Program. Where are the real hotspots of meth? We worked with her to adopt that amendment. We thank her and particularly the Senator from Minnesota, Senator DAYTON, the Senator from Georgia, Mr. CHAMBLISS, for being strong advocates. Every other Senator came to me and said: We are glad this is in the bill.

Senator CANTWELL, focusing on the hotspots, sends vital Federal support to law enforcement officers and first responders who are on the frontlines of the meth epidemic. Actually, those crime fighters have a great friend in Senator CANTWELL.

We thank everyone who has helped move this legislation. We are looking forward to moving to final passage. We have two more amendments, and then we will move to final passage. Again, the spirit of the Senate has been wonderful. We are meeting real needs—whether it is Katrina, fighting the methamphetamine epidemic, providing weather services, and so on.

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 rescinded.

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

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate proceed to a vote on or in relation to Snowe-Kerry amendment No. 1717, with no second-degree amendments in order prior to the vote.

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

Mr. SHELBY. For the information of my colleagues, we are now down to one or two outstanding issues. That is good news in the Senate on a Thursday afternoon. During the next vote, we will try to finalize those amendments. Senator MIKULSKI and I, the managers of the bill, have been working with everybody in the Senate to try to move the bill forward. It is our expectation that we will quickly proceed to passage of the bill. I, therefore, alert all Senators now that they should remain close to the Chamber, following this upcoming vote, hopefully for final passage.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first of all, once again, we are coming now to the final aspects of this bill. We have been able to achieve this because of the wonderful bipartisan support that existed between Senator SHELBY, myself, and our staffs. We want to thank them for doing that. I will thank them as we go into wrapup.

Our colleagues, we thank them again for their cooperation in moving the amendments, working on a bipartisan basis. And now as we go to the Snowe-Kerry amendment and the vote, we ask Senators who have those outstanding amendments to consult with the floor and leadership staff, and ourselves as well, because we think we could have a vote—not promptly but expeditiously—after the conclusion of the Snowe-Kerry amendment.

Again, I say to my colleagues to come, vote, stick around, let's work together, and we can finish our bill. People need this bill. It funds the FBI. It funds Katrina help. It funds the methamphetamine help about which we have been talking, and our very important Weather Service. There are so many provisions in it.

I yield the floor and look forward to the vote.

#### AMENDMENT NO. 1717

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for Ms. SNOWE, for herself, Mr. KERRY, Mr. VITTER, Ms. LANDRIEU, and Mr. TALENT, proposes an amendment numbered 1717.

(The amendment is printed in the RECORD of Thursday, September 14, 2005, under "Text of Amendments.")

Mr. SHELBY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1717.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. THUNE), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Dakota (Mr. THUNE) would have voted "yea."

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

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—96

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

NOT VOTING—4

Corzine  
Lott

Thune  
Vitter

The amendment (No. 1717) was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERRY. 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 Massachusetts.

AMENDMENT NO. 1695

Mr. KERRY. Mr. President, the pending business, I believe, is my original amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. Mr. President, let me say quickly I thank my colleagues, and I thank Senators SNOWE and LANDRIEU and VITTER for their work on this amendment. I think the Senate has made a very important statement today about what can be done and what we need to do to respond immediately to the small business needs with respect to Katrina and people impacted across the country.

This amendment details virtually everything in the Kerry-Landrieu amend-

ment, from disaster loan deferments to financial assistance for small businesses and farmers struggling to afford the high prices of gasoline, natural gas, and heating oil. It expands on assistance to small businesses that have SBA 504 loans for buildings or equipment, or for those who will need them. It includes agreed upon language to make sure the money is appropriated to carry out the assistance. And it retains a critical grant program to the states to get money into the hands of small businesses that need immediate access to capital to stay afloat until they get other more comprehensive loans or insurance reimbursements.

For all the good this amendment will do, I am disappointed that two very important provisions were not included. I am against taking out the funding for the Federal government's largest small business loan program, the 7(a) Loan Guarantee Program, that would reduce fees on borrowers and lenders. Even before the destruction of Hurricane Katrina and its impact on our economy, small businesses were struggling with higher insurance premiums, higher energy prices, and higher prices for capital because of rising interest rates. We should not be adding to their expenses by raising loan fees. As I said yesterday, according to a document from the Small Business Administration, since the Administration raised fees in that program, loans to Hispanics have declined by 14 percent. With Katrina causing problems well beyond the state lines of Louisiana, Mississippi, Alabama, Florida, and Texas, those small businesses need relief too. We asked our colleagues, at the very least, to include language that would reduce fees if the SBA overcharges borrowers or lenders, or if there are excess appropriations. They would not agree. They also eliminated the provision that directed the SBA to assume payments for SBA 7(a) and 504 loans that victims had before the Hurricane but cannot now pay. To help these business owners make ends meet, and to avoid defaults or worse, it is my hope that these small businesses will make use of the provision we put in the amendment that allows them to refinance existing business debt with low-cost SBA disaster loans.

Hopefully, because this bill may well be tied up for a period of time, it may be possible to break this amendment out and add to it a couple of components that were not in it today.

We hope to do that. We obviously will work with both sides to do it in the same bipartisan fashion.

This morning Senator LANDRIEU met with some of the top members of the business community of New Orleans. They are very afraid for those small businesses that have to lease, contract, move, and they are afraid of losing for a long period of time, if not forever, the small business base of their community. What the Senate has done today is to address that need in a very realistic and helpful way. I thank my colleagues for doing so.

With that stated, my original amendment, which we now combined into this one, is no longer necessary. I ask unanimous consent it be withdrawn.

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

Mr. KERRY. I yield the floor, but first let me thank Senator MIKULSKI and Senator SHELBY also for their long forbearance in this effort. I appreciate it.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1678

Mr. LIEBERMAN. Mr. President, I call up my amendment if it has not already been placed in order. It is amendment No 1678.

The PRESIDING OFFICER. Amendment No. 1678 is the regular order.

Mr. LIEBERMAN. This amendment is an attempt to apply an offer of financial relief to victims of Hurricane Katrina in very personal ways to answer the questions that hundreds of thousands of people in the gulf coast region are now asking themselves, by extending current programs or creating a couple of new ones.

Let me be more specific. This amendment would say to folks who suffered this hardship that they can meet their immediate needs for housing and other assistance because we are going to waive the caps and State cost-sharing requirements under the Stafford Program. It would allow survivors of Katrina to cover rent or mortgage payments, if they are suffering financial hardship; that is, by reinstatement of the mortgage or rental program.

It would extend the time that these people can apply for unemployment insurance to 90 days. It would impose a moratorium on obligations for paying student loans and other payments on Federal loans in the immediate aftermath of a hurricane. It would authorize people to take money out of their retirement plans to keep themselves going without having to pay a penalty. And it would extend and expand eligibility for food stamps and WIC programs.

Finally, for victims of Hurricane Katrina and survivors living in the area of hardship, it would extend the bankruptcy protections under current law that would otherwise soon go out of effect with the adoption of the recent Bankruptcy Act.

This is the stuff of enabling people to put their lives back together. It is very human, it is very personal, it is real, and it is very urgently needed.

I urge my colleagues to adopt the amendment.

The PRESIDING OFFICER. Is there further debate?

AMENDMENT NO. 1706, WITHDRAWN

Ms. MIKULSKI. Mr. President, before we move to the vote on the amendment of the Senator from Connecticut, I ask unanimous consent to withdraw Bingaman amendment No. 1706.

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

Ms. MIKULSKI. I thank the Chair.  
I ask for regular order.

AMENDMENT NO. 1678

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

The PRESIDING OFFICER. The pending question is on Lieberman amendment No. 1678.

Mr. ENSIGN. Mr. President, I make a point of order that the Lieberman amendment violates rule XVI.

Mr. LIEBERMAN. Mr. President, pursuant to the notice properly filed, I move to suspend the rule with respect to this amendment, No. 1678, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ENSIGN. Mr. 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. 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.

AMENDMENTS NOS. 1716, 1724, AS MODIFIED, AND 1725

Mr. SHELBY. Mr. President, we have three additional amendments that have been cleared on both sides of the aisle. I send those amendments to the desk, and I ask unanimous consent that the amendments be considered and agreed to, and the motion to reconsider be laid upon the table. This has been cleared with the distinguished Senator from Maryland.

Ms. MIKULSKI. Mr. President, we have no objection.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 1716

(Purpose: To extend the provisions an expiring provision of the Universal Service Antideficiency Temporary Suspension Act)

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,".

AMENDMENT NO. 1724, AS MODIFIED

(Purpose: To reduce fees on loans to small businesses)

At the end of title V, add the following:

**SEC. 5 —. SMALL BUSINESS FEES.**

(a) FEES.—Section 7(a)(23) of the Small Business Act (15 U.S.C. 636(a)(23)) is amended by striking subparagraph (C) and inserting the following:

“(C) LOWERING OF FEES.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii)—

“(I) the Administrator may reduce fees paid by small business borrowers and lenders under clauses (i) through (iv) of paragraph (18)(A) and subparagraph (A) of this paragraph; and

“(II) fees paid by small business borrowers and lenders shall not be increased above the levels in effect on the date of enactment of the Consolidated Appropriations Act, 2005.

“(ii) DETERMINATIONS.—A reduction in fees under clause (i) shall occur in any case in which the fees paid by all small business borrowers and by lenders for guarantees under this subsection, or the sum of such fees plus any amount appropriated to carry out this subsection, as applicable, is more than the amount necessary to equal the cost to the Administration of making such guarantees.”.

AMENDMENT NO. 1725

(Purpose: To provide additional funding for the Federal Bureau of Investigation for processing of background checks for petitions and applications pending before U.S. Citizenship and Immigration Services)

On page 121, line 19, after the semicolon insert “of which not less than \$1,200,000 shall be for the Federal Bureau of Investigation for processing of background checks for petitions and applications pending before U.S. Citizenship and Immigration Services;”.

AMENDMENT NO. 1716

Ms. SNOWE. Mr. President, I rise today along with Senator INOUE, co-chairman of the Committee on Commerce, Science & Transportation, to discuss amendment to safeguard the Universal Service Fund, or USF, the institution that allows rural and low-income Americans to obtain affordable telephone service, allows America's schools and libraries to provide Internet access to all segments of society through the E-Rate program, and permits rural health care providers to obtain telecommunications and Internet services at reduced rates. The concept of Universal Service has been with us nearly as long as the telephone itself, and this amendment today marks one key step in ensuring that this vital policy remains intact in the 21st Century.

Before I go into the merits of the amendment, I want to assure my colleagues that this amendment touches upon an issue that has been in discussion for a long time. In fact, it is almost identical to legislation, S. 241, which I introduced early in the 109th Congress along with, Senator ROCKEFELLER and the chairman and co-chairman of the Commerce, Science and Transportation Committee, Senators STEVENS and INOUE. A total of 41 cosponsors are on the bill today. Countless telecommunications companies and educational organizations have also endorsed the bill. Moreover, the Senate Commerce Committee held a hearing this past spring to discuss the need for such legislation.

I stand before you today offering this amendment because our time is running out. As I will explain more in a moment, the exemption of the Universal Service Fund from the Anti-Deficiency Act is about to expire. If it is not extended soon, the programs supported by the Universal Service Fund will be in jeopardy.

The amendment today pertains specifically to the Universal Service Administration Company, or USAC, the private, nonprofit corporation that Congress created to administer the

USF. Both this amendment and S. 241 are very similar to S. 2994, a bill that I introduced during the 108th Congress and that was passed right before adjournment as part of a larger telecommunications package, H.R. 5419. That bill temporarily exempted USAC from complying with new, arbitrarily imposed accounting rules that had severely disrupted the E-Rate program and threatened to cause huge spikes in consumers' telephone bills. Many will recall that hundreds of millions of dollars in E-Rate funding for schools and libraries stayed unissued for months because of the accounting rule change, and immediate action was necessary to resolve the problem.

According to USAC's Federal regulators, these new accounting rules needed to be imposed to ensure that the USF was compliant with the Federal Anti-Deficiency Act, a law which prevents Government agencies from incurring financial obligations beyond the amount that has been appropriated to them by Congress. However, USAC, in administering the USF, does not receive any appropriated funds from Congress. Rather, the USF is funded by a regular disbursement, on a more or less monthly basis, of moneys derived from a surcharge placed on the revenue generated from interstate telephone calls. The existence of this predictable revenue stream negates any of the risks and concerns that the Anti-Deficiency Act was designed to prevent.

After government accounting rules were imposed on USAC last year, the entire E-Rate program was frozen. On the eve of the start of the school year, this program—which has enabled 93 percent of schools and libraries in the country to hook up to the Internet—was unable to review and act upon the funding recommendations of thousands of applicants. Many recipients of E-Rate funding actually shut off their Internet connections because they had no money available to maintain service. In order to alleviate this problem, Congress decided last fall to exempt the USF from the Anti-Deficiency Act for 1 year until a permanent solution to this problem was found. Senator ROCKEFELLER and I decided to pursue a 1-year exemption in order to ensure speedy passage of the legislation before adjournment, so that schools and libraries could receive their funding again. Today's legislation provides a second extension of the exemption until a permanent solution is found.

Clear precedent exists for such an exemption. Numerous other Federal programs already are exempt from complying with the Anti-Deficiency Act, including the National Park Service and the Conservation Trust. Moreover, an exemption is the rational solution to ensure that this problem does not continue to recur. As I previously mentioned, an exemption is particularly appropriate in this instance because the USF has a funding mechanism different from most Federal programs. The USF functioned very well for many

years utilizing the Generally Accepted Accounting Principles used by the entire American business world. Trying to engraft special government rules onto USF is akin to forcing a square peg into a round hole. And the result would be another stoppage in E-Rate—and likely the USF Rural High Cost Fund as well—and also a spike in the USF surcharge on consumers' telephone bills.

Last year we undertook a bipartisan effort among members on the committees of jurisdiction in both Houses of Congress to enact a temporary exemption for the USF from unnecessary, burdensome regulations. In undertaking that effort we worked closely with the Federal Communications Commission, and enjoyed widespread support among the telecom industry, educators, and State and local governments. The temporary extension that we worked so hard to pass has almost expired. We must extend the exemption 1 more year so that the Universal Service Fund can continue to support rural consumers, schools, libraries, hospitals and low-income households.

Mr. SHELBY. Mr. President, I further ask unanimous consent that following the disposition of the Lieberman amendment, the bill be read a third time, and the Senate proceed to a vote on passage of the bill with no intervening action or debate; provided further that the amendment to the title then be agreed to, the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

I further ask unanimous consent that following the first vote there be 2 minutes equally divided between the votes.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. Mr. President, reserving the right to object, only to say that as we move to the closing of this bill, I want to thank Senator SHELBY and his staff for all the many courtesies. It has been an outstanding way to move this bill.

I do not object to the Senator's request.

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

The question is on agreeing to the motion to suspend the rules for the consideration of amendment No 1678. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Dakota (Mr. THUNE) would have voted "nay."

Mr. DURBIN, I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

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

The yeas and nays resulted—yeas 43, nays 52, as follows:

[Rollcall Vote No. 234 Leg.]

#### YEAS—43

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Jeffords	Reed
Boxer	Johnson	Reid
Byrd	Kennedy	Rockefeller
Cantwell	Kerry	Salazar
Carper	Kohl	Sarbanes
Clinton	Lautenberg	Schumer
Conrad	Leahy	Specter
Dayton	Levin	Stabenow
Dodd	Lieberman	Wyden
Dorgan	Lincoln	
Durbin	Mikulski	

#### NAYS—52

Alexander	DeMint	McCain
Allard	DeWine	McConnell
Allen	Dole	Murkowski
Bennett	Domenici	Nelson (NE)
Bond	Ensign	Roberts
Brownback	Enzi	Santorum
Bunning	Frist	Sessions
Burns	Graham	Shelby
Burr	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Collins	Isakson	Voinovich
Cornyn	Kyl	Warner
Craig	Lugar	
Crapo	Martinez	

#### NOT VOTING—5

Corzine	Lott	Vitter
Landrieu	Thune	

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 52. Two-thirds of the Senators voting, not having voted in the affirmative, the motion to suspend rule XVI pursuant to notice previously given in writing is rejected. The point of order is sustained and the amendment falls.

Mr. SHELBY. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### CSTARS

Mr. NELSON of Florida. Mr. President, I rise today to discuss an important project being undertaken by the University of Miami: The Center for Southeastern Tropical Advanced Remote Sensing, or CSTARS. This state-of-the-art system will perform real-time analysis from multiple satellites of the ocean, atmosphere, environment and weather around the Gulf of Mexico, Caribbean and the Southeastern U.S.

Every year, Florida and the entire Southeast must prepare itself for hurricane season. People around the Nation and the world have seen the devastation wrought by Hurricane Katrina in Louisiana, Alabama and Mississippi. The images we are seeing daily on television are horrific and greatly disturbing, and we all are hurting for the victims of this tragedy. Last year, four hurricanes hit Florida within 5 weeks, causing billions in damage, which we are still digging out of. Many scientists

predict that we are seeing the beginning of 20 to 30 years of storms of this magnitude.

The information available through CSTARS will greatly enhance our ability to monitor storms and the conditions in which they develop by observing ocean temperatures, wind speed and air pressure. After storms, CSTARS can provide rapid assessments of urban and coastal infrastructure and coastline damage. Programs like CSTARS are vital for states that regularly have to prepare for these storms and recover from the damage left in their wake.

Additionally, CSTARS can assist our comprehension of inland water levels, pollution, vegetation growth, coastal erosion, ocean currents, volcanic activity and much more. It is a deserving program, and I hope that this Senate is able to find the funds necessary to support it.

Ms. MIKULSKI. I say to my colleague from Florida that I understand the importance, to the Gulf states and the Nation, of providing funding for research and analysis of weather systems. The Senator from Florida has been a leader on this issue. While in these tight budget times, we are unable to fund every worthy program, I will continue to work with him to ensure that our Nation has the very best research available to understand hurricanes and other environmental concerns.

Mr. NELSON of Florida. I thank the Senator from Maryland for her knowledge of this issue and her readiness to work with me on it.

#### VIRGINIA KEY MARINE LIFE SCIENCE BUILDING

Mr. NELSON of Florida. Mr. President, I rise today to discuss an important project by both NOAA and the University of Miami.

Virginia Key, FL is the home of two important NOAA programs dealing with the oceans and fisheries and the home to the University of Miami Rosentiel School of Marine and Atmospheric Science. Because of their proximity, overlap in focus, and the quality of the research at both NOAA and the Rosentiel School, the two have developed a close, mutually beneficial working relationship.

As the Rosentiel School has grown in prominence it has also grown in size to over 500 professors, graduate students, researchers and staff, and can no longer fit in its current facilities. The school had considered relocating, but moving away from Virginia Key would weaken the relationship between it and NOAA. That is why last year Congress found it appropriate to pass a bill authorizing NOAA to grant land to the University of Miami to construct a new Marine Life Science Center in Virginia Key.

This new center would be home to both the Rosentiel School and NOAA staff, allowing their collaboration to continue and to grow. The research performed on marine habitats, fishery

economics, ocean chemistry and tropical meteorology will be brought together in a modern facility where it can be presented and shared.

Currently, planning is underway to develop this center, and I believe we should assist NOAA and the University of Miami with the design and schematic plans of this joint facility. Once design plans are in place, the University of Miami plans to finance the building construction through non-Federal funds. Once completed, up to 50 percent of the space will be used by NOAA.

Ms. MIKULSKI. It is wonderful to see collaboration between the Federal Government and our Nation's top universities, and we should support those efforts whenever possible. In these tight budget times, it is difficult to fund every deserving project such as this one. I will work with the Senator from Florida so that we can find ways to further partnerships like these.

Mr. NELSON of Florida. I thank the Senator from Maryland for her assistance and I look forward to working with her.

#### PROJECT SAFE NEIGHBORHOODS

Mr. CORNYN. Mr. President, I rise today to voice my strong support for the remarkable crime-prevention results from the President's Project Safe Neighborhoods initiative. We must ensure that adequate appropriations continue to fully support this productive crime-fighting effort.

I am concerned that the appropriations bill we are considering today makes no provision for the State and local grant program of Project Safe Neighborhoods, an important component of the President's initiative, and I am not alone. A number of our colleagues share my concern that this important program for fighting crime in our streets and in our neighborhoods should be funded adequately.

I am pleased that my friend from Alabama, Senator SESSIONS, joins me today. Does the Senator share this concern?

Mr. SESSIONS. Yes I do, and I appreciate the comments of the Senator from Texas. In Alabama, we have enjoyed great successes from the implementation of Project Safe Neighborhoods and its State and local grant program for which full funding is important. What would represent sufficient funding for this important program?

Mr. CORNYN. The President requested in his budget \$73,800,000 for State and local grants. And according to the Department of Justice, in order for Project Safe Neighborhoods to continue as a flagship gun crime reduction initiative, the \$73.8 million dedicated to the Project Safe Neighborhoods State and local grant program, is essential.

The State and local grants are critical to the success of the President's Project Safe Neighborhoods program. The grants support the removal from our streets and our neighborhoods of

these criminals who use guns to carry out their crimes.

The idea did not start in Washington. Indeed, the first program of its kind saw enormous success in Richmond, VA, where crime was significantly reduced as gun crime prosecutions increased substantially.

When I was Attorney General of Texas, I joined with then-Governor Bush to launch Texas Exile, modeled after Richmond's Project Exile. This Texas program also met with extraordinary success, providing local prosecutors the funds necessary to get more than 2,000 guns off the streets, and to issue more than 1,500 indictments for gun crimes. This resulted in almost 1,200 convictions during the first 3 years of the program's existence.

When President Bush came to Washington, he built upon our success in Texas by making Project Safe Neighborhoods one of his top priorities. He launched the Project Exile program nationally, providing desperately needed resources to combat gun-related crimes to jurisdictions throughout our country.

In the short time this initiative has been up and running, the results have been astonishing. Project Safe Neighborhoods' prosecution, prevention, and deterrence efforts have helped fuel historical lows in gun crime across America as well as a 30-year low in the violent crime victimization rate. Over the past 4 years, Federal gun crime prosecutions have increased by 76 percent and virtually all of these criminals spend time in prison. For example, 94 percent of those originally charged with a Federal gun crime received prison terms in fiscal year 2004.

The administration has devoted over \$1.3 billion to implement Project Safe Neighborhoods since its inception in 2001. These funds have been used to hire almost 200 new Federal prosecutors dedicated to gun crime and to provide grants to hire approximately 540 new State and local gun prosecutors. The additional Federal funding for these State and local gun prosecutors, as well as the associated community outreach efforts and other initiatives are critical to the success of the program and to the national reduction of violent crime.

As the Senator mentioned, the program as implemented in Alabama has enjoyed significant successes, isn't that right?

Mr. SESSIONS. That is absolutely right. In fact, in 2002, all of the U.S. Attorney's Offices in Alabama kicked off Alabama ICE, which stands for Isolate the Criminal Element. It is a partnership among Federal, State, and local law enforcement officials designed to help get guns out of the hands of convicted felons.

As an example, the number of indictments for the Middle District of Alabama is expected to reach 110 by the end of this fiscal year, up from 15 in 2001. The program allows law enforcement to charge convicted felons with

felonies through the Federal court system if found in possession of a gun, or in possession of a gun during violent or drug trafficking crimes. If charged at the State level, a convicted felon would likely be charged with a misdemeanor if found in possession of a gun.

And the results have been exceptional. As I said, Alabama ICE was first implemented in Alabama in April 2002. During the first 11 months of 2003, the number of violent crimes in Montgomery showed significant decreases. Criminal homicides decreased 45 percent, robberies 10 percent, aggravated assaults 16 percent, and domestic violence aggravated assaults 43 percent.

I know the Senator must have countless examples from his home State of Texas; isn't that right?

Mr. CORNYN. Examples from my home State of Texas clearly demonstrate that Project Safe Neighborhoods is working. Consider:

The Northern District of Texas has shown a 31 percent increase in the number of Federal gun cases opened in 2004 over 2003. The Project Safe Neighborhoods Task Force continues to work harmoniously and effectively in contributing to the reduction of gun-related crimes citywide and in the targeted neighborhoods.

PSN prosecutions in the Northern District of Texas have targeted some of the worst gun offenders, and have resulted in safer neighborhoods within the district. For example, in August 2002, the Dallas Division coordinated a long-term gang investigation under the PSN Program with the ATF and the Dallas Police Department. The investigation resulted in two separate indictments charging 18 gang members with being involved in a drug trafficking conspiracy, crack cocaine, along with other street gang members.

And the efforts of the Western District of Texas to energize Project Safe Neighborhoods through effective partnering with State and local law enforcement are demonstrated most clearly by their impressive prosecution statistics. They have seen a 74 percent increase in prosecutions from fiscal year 2000 to fiscal year 2004, and a 13 percent increase in the past fiscal year.

That is why I am so concerned that there was no funding included in this appropriations bill. While I appreciate any effort this body might take to embrace fiscal discipline, I question the efficacy of choosing to eliminate a program that is saving thousands of lives nationwide as opposed to many other less critical projects and programs.

I am pleased the senior Senator from Alabama, who has been working so hard on this Commerce-Justice-Science appropriations bill is here with us. I ask Senator SHELBY, is this something that he believes we can work to resolve in conference given the difficulty in making changes at this time?

Mr. SHELBY. I would like to thank the Senator from Texas and my colleague from Alabama for their willingness to work with me to resolve their

concerns. This program, as with many programs for which we struggle to find adequate funding, is important. This program received no appropriation in the fiscal year 2005 conference report. I understand related funding has been appropriated in the House CJS bill and I will work to address the concerns of my colleagues as the appropriations process moves forward.

Mr. SESSIONS. I would like to thank my friend from Alabama and I offer any assistance that I or my staff can give as you work on this important issue for us.

Mr. CORNYN. I would like to thank my colleagues. The Project Safe Neighborhoods program serves as a model of coordinated Government efforts, with Federal, State and local governments sharing the burden of prosecuting criminals and coordinating their resources to do so. At a time when some Federal agencies are struggling to coordinate efficiently with State and local governments, the Project Safe Neighborhoods program serves as a model of efficiency and effectiveness.

I appreciate that Senator SHELBY points out that the State and local grant program received no appropriation in fiscal year 2005, an unfortunate reality that gives me even greater concern about the future of the Project Safe Neighborhoods program. It is now even more critical that in conference we find the funds necessary to continue this program that so clearly has reduced rates of violent crime and victimization across our country.

#### NATIONAL WATERBORNE DISEASE RECOGNITION AND DISASTER PREPAREDNESS PROGRAM

Mr. SCHUMER. Mr. President, I rise today to engage my friend, the Senator from Maryland who serves as the ranking member of the newly formed appropriations subcommittee on Commerce, Justice, and Science, in a colloquy regarding a program of national importance, and its inclusion in the fiscal year 2006 CJS appropriations bill. I thank my friend for her service in this body and for her tireless and passionate work on this bill. I particularly want to thank her for showing support for several projects of significant importance to New York State. The aftermath of Hurricane Katrina has left much of the gulf region under toxic floodwaters. I would like to secure funding for a National Waterborne Disease Recognition and Disaster Preparedness Program based at the Arnot Ogden Medical Center in Elmira, NY. This waterborne disease recognition program has been funded by the EPA for the past 3 years but was not included in the President's fiscal year 2006 budget. Funding for this important program through NOAA will be essential for ongoing disaster relief efforts in the gulf region, as well as preparedness efforts for future natural disasters or water terrorism events.

It is obvious that there will be long-term medical and public health challenges ahead for the gulf region resulting from the massive water contamina-

tion event associated with Katrina. The medical risks for the gulf residents and first responders will include gastrointestinal syndromes resulting from waterborne exposure to biological agents such as Hepatitis A, E. coli from fecal contamination, and waterborne parasites. Exposure to a diverse array of toxic chemical contaminants from industrial sites, oil and gas installations, and household chemicals may lead to long-term health effects yet to be determined. This National Waterborne Disease Recognition and Disaster Preparedness Program is a one-of-a-kind program that has a proven track record of delivering high-quality, cost-effective educational interventions to communities throughout the United States, addressing waterborne disease recognition, natural disaster preparedness, and water terrorism readiness.

Ms. MIKULSKI. We have all become aware of the dangers of exposure to contaminated water and the health risks to residents, first responders and volunteers. Many challenges lay ahead, as flooded gulf communities continue to pump out this contaminated water as we speak.

Mr. SCHUMER. The National Waterborne Disease Recognition and Disaster Preparedness Program based at the Arnot Ogden Medical Center is uniquely situated to address these challenges. This program will assist Federal disaster response efforts by providing technical assistance to the Department of Homeland Security, the EPA, CDC, and Department of Defense regarding water quality management, waterborne diseases, and the health effects of water contamination. It also provides educational training and support for local and regional healthcare providers to enhance accurate diagnosis and management of people with exposure to waterborne agents. I am hopeful that as the CJS appropriations bill moves forward that we may work together to see if this important issue can be addressed in conference.

Ms. MIKULSKI. I thank the Senator from New York for bringing this program to my attention and I will work with him to find ways to further this important program.

#### NOAA'S NATIONAL WEATHER SERVICE

Mr. NELSON of Florida. The people of Florida and the nation owe NOAA's National Weather Service a debt of gratitude for their work last year predicting the four hurricanes that hit Florida and the southeast and this year for their work predicting Hurricanes Dennis and Katrina. The National Weather Service website had more than 9 billion hits during the four storms last year. That site provided vital information to the people of Florida as they prepared their homes and evacuated their families from the path of the hurricanes. For these reasons, I want to thank the distinguished chairman and ranking member of the Commerce-Justice-Science appropriations bill, Senators SHELBY and MIKULSKI, for working with me to ensure that the

National Weather Service's ability to continue to provide the American people with weather forecasts and warnings through the internet and other sources will not be undermined or limited. I agree with the chairman of the Senate Subcommittee on Disaster Preparedness and Prediction, Senator DEMINT, that the National Weather Service deserves an "A" for its predictions about Hurricane Katrina.

Mr. SHELBY. I agree with the Senator from Florida. NOAA's National Weather Service has the unique expertise and responsibility to provide the nation with general weather and flood warnings and forecasts to protect life and property. The National Weather Service shall have the continued flexibility to disseminate these warnings and forecasts in all formats necessary to ensure timely delivery to the taxpayers. Furthermore, I want to commend the National Oceanic and Atmospheric Administration for their exceptionally accurate Katrina forecasts.

Ms. MIKULSKI. Let me be clear, I am absolutely opposed to efforts to privatize the weather service. The National Weather Service must continue to provide forecasts and warnings through its website and other sources without limitation. The National Weather Service provides critical information to our citizens and saves lives and livelihoods and it must continue to do so.

#### NATIONAL SCIENCE FOUNDATION

Mr. ENSIGN. Mr. President, as a fiscal conservative there are very few areas in which I believe Federal funding should be increased. One of those few areas, however, is that of the National Science Foundation.

Funding of the National Science Foundation should be a national priority.

Congress established the National Science Foundation in 1950 with the broad mission "to promote the progress of science; to advance the national health, prosperity, and welfare; and to secure the national defense." In this capacity, NSF plays a critical role in underwriting basic research at colleges, universities, and other institutions throughout our Nation.

Basic research supported by NSF in chemistry, physics, nanotechnology, genomics, and semiconductor manufacturing has brought about some of the most significant innovations of the last 20 years.

For example, the World Wide Web, magnetic resonance imaging and fiber optics technology all emerged through basic research projects that received NSF funding.

Research supported by NSF accounts for approximately 40 percent of non-life-science basic research at U.S. academic institutions while representing less than 4 percent of the Federal funding for R&D. Support for NSF's efforts to fund basic research is particularly important due to the impact of such research on innovation and global competitiveness.



To remain globally competitive in the 21st century, the United States must continue to lead the world's innovation. Innovation fosters the new ideas, technologies, and processes that lead to better jobs, higher wages and a higher standard of living. While innovation is the key to the future, basic research is the key to future innovation. And today, the future of basic research appears vulnerable.

Over the last 30 years, Federal funding in support of basic research has remained flat in constant dollars and decreased by 37 percent as a share of GDP. Especially given increased competition from nations like China and India, failure to support the NSF and basic research creates a serious long-term risk for our nation. U.S. competitiveness in global markets and the creation of good jobs at home rely increasingly on the cutting edge innovation that stems from high-risk basic research. U.S. technological leadership, innovation, and jobs of tomorrow require a commitment to basic research funding today.

Congress approved and President Bush signed the National Science Foundation Authorization Act of 2002. That Act authorized funding for NSF at appropriate levels, but funding for NSF has consistently lagged behind the amounts authorized. In fiscal year 2005, NSF received funding that was approximately \$2 billion less than authorized. In fiscal year 2006, we are considering funding NSF at levels approximately \$3 billion less than authorized.

As we consider funding priorities on the CJS bill and in the future, I urge the chairman, ranking member, and my fellow colleagues to make it a priority to fund NSF and to support increased basic research.

Mr. SHELBY. Mr. President, I thank my colleague from Nevada and recognize the importance of the basic research done through NSF. I share his interest in basic research funding and look forward to working with him to strengthen our Nation's capabilities through basic research.

Mr. ENSIGN. I thank the chair and the ranking member for their leadership on this legislation, and look forward to working with both of them on promoting the basic research done at NSF in our country.

#### STEM EDUCATION FUNDING

Mr. SALAZAR. Mr. President, I am deeply concerned about the status of science education funding in the Commerce, Justice, and Science appropriations bill. I commend Chairman SHELBY and Ranking Member MIKULSKI of the Commerce, Justice, and Science Appropriations Subcommittee for their hard work on this bill. With full recognition of the challenging task they have faced in ensuring adequate funding for so many needed projects, I am compelled to take a moment to address a growing crisis in America.

The educational programs for the STEM disciplines—science, technology, engineering, and mathematics—are es-

sential for America's future competitiveness and are severely underfunded. As a result, America's STEM education is falling behind. United States international test scores in science and mathematics remain unacceptably low. At the same time, countries in Europe and Asia are investing crucial resources into their own research and education infrastructure to ensure future world market success. These factors combine to make American businesses look to move overseas for high-tech workers, outsourcing our jobs and our competitiveness.

This problem is multi-faceted. We have to provide today's teachers with the skills and materials they need to teach these disciplines well. We have to attract new teachers to the field—the teachers of tomorrow. We have to research ways to teach science and math to find out how this material is best learned and how interest in these fields is best promoted. It is in the best interest of our Nation to address each of these issues and it will require a greater investment on the part of our Federal Government.

Unfortunately, in too many ways, we seem to be pointed in exactly the wrong direction. I find it especially troubling that the National Science Foundation's Education and Human Resources Directorate has seen significant setbacks in the fiscal year 2006 proposed budget.

The Math and Science Partnership Program, which awards competitive grants to build a bridge between higher education and K-12 math, science, and engineering educators has achieved excellent results and has endeavored to improve learning in mathematics and science for all K-12 students. For fiscal year 2006, we are seeing this highly successful program slowly phased out of NSF. I would like to thank the chairman and ranking member of the committee for providing an additional \$4 million above the request by the President, but also note that in the past 2 years more than half of the funding for this program has been cut, from \$139 million 2004 to the \$64 million proposed in this bill for fiscal year 2006.

Furthermore, the Research, Evaluation, and Communication, REC, division, which works to increase the number of students obtaining college degrees in STEM and to support educational research projects on college degree attainment in STEM, has also been cut. Results from REC research areas such as physics education have led to teaching methods that more than double the information learned and retained by our college students when compared with traditional methods. But REC has been cut from \$60 million in 2005 to a mere \$33.8 million in this proposal.

These are just a few examples, but it is not the entire story. Taken as a whole these cuts are extremely troubling because they will have long-lasting impacts.

I ask that both the chairman and the ranking member of the Commerce, Jus-

tice and Science Appropriations Committee work to protect and increase STEM education funding in conference.

This is not a partisan issue. It is the future of our country and the success of our children that concerns me, and, I trust, concerns my colleagues as well.

Ms. MIKULSKI. Mr. President, I share the views of my colleague from Colorado. Money is tight, but our future competitiveness as a nation hangs on our ability to educate our future scientists and engineers.

It is important to make sure that we encourage our children to take interest in science, technology, engineering and math. It is important to make sure we provide our teachers with the appropriate tools and training so our children will keep that interest. And it is important to research how our students learn science, and to research the best ways to teach them these disciplines.

I would like to see science education funding returned to at least last year's levels and will work toward that goal in conference.

I respectfully join the Senator from Colorado and also ask the Chairman of the Commerce, Justice, and Science Appropriations Subcommittee to help me reach that goal.

Mr. SHELBY. Mr. President, I thank my colleagues from Colorado and Maryland and recognize the importance of their interest in funding science education. I share their interest in supporting education funding at NSF and will work to find opportunities for science education funding during conference.

Mr. SALAZAR. Mr. President, I thank the chair and the ranking member for their leadership on this legislation, and look forward to working with both of them on promoting and improving science education in our country.

#### AERONAUTICS FUNDING

Mr. ALLEN. Mr. President, I would like to engage my colleague, Chairman SHELBY in a colloquy on the state of our government's funding for aeronautics research and development and the importance of the discipline to our Nation's national security and economic competitiveness.

Mr. SHELBY. Mr. President, I would be happy to do so.

Mr. ALLEN. As my colleague from Alabama may know, aeronautics research at NASA has played an integral role in our country's unrivaled military air power and until recently, our dominance of the commercial aviation market. Specifically, NASA engineers have developed innovations such as shaping for stealth; multi-axis thrust vectoring exhaust nozzles integrated with aircraft flight-control systems; fly-by-wire flight control technologies; high-strength and high-stiffness fiber composite structures; and tilt-wing rotorcraft technology. These breakthroughs have contributed to American security and economic prosperity.

Mr. SHELBY. Mr. President, I understand Senator ALLEN has had a long-

time interest in this issue and appreciate the point he is making with regard to the benefit of aeronautics research and development to our national defense and our economy.

Mr. ALLEN. I thank my colleague and would further argue that aeronautics is a vital and important science to our country. The U.S. aerospace and aviation industry employed 2 million workers in 2001. These workers earn incomes that are 35 percent higher than the average income in the U.S. Further, despite a recent decline in market share, U.S. commercial aviation is one of the few areas of U.S. manufacturing where we actually have a positive balance of trade.

Mr. SHELBY. I would tell my colleague I agree that we must find ways to support sciences and disciplines that contribute positively to the United States trade relationship with its partners.

Mr. ALLEN. Yet, even as our national security and economy are dependent on the breakthroughs in aeronautic research and developments, in recent years, NASA has significantly reduced its investment in this vital science. The administration's 2006 budget proposes to cut over \$700 million out of NASA's aeronautics budget over the next 5 years. That will reduce the effective levels of NASA's aeronautic investment to about half the level it is today—and today's level is about half the level which existed—adjusted for inflation—that the U.S. made just a decade ago.

Moreover, the President's budget called for eliminating NASA's entire "vehicle systems" program—the very initiative that over the last five decades has provided major technology advances that have been used on every major civil and military aircraft over that period of time.

The last two administrations have consistently reduced NASA's aeronautics funding and allowed a valuable competency and the human resource to atrophy and now the U.S. is second to the Europeans in aircraft sales.

I would like to point out that there have been a number of well researched, thoughtful reports on the importance of aeronautics research to our economic and national security. The National Institute of Aerospace recently released a comprehensive study that outlines priorities and funding requirements to meet the challenges we face from foreign competition and realize the innovations and breakthroughs of the future. Specifically, the report finds that NASA's aeronautics budget requires an average 5-year increase of \$885.5 million over the fiscal year 2005 levels. This proposed budget would bring NASA's aeronautics programs back to 1998 levels when factoring inflation. Further, the NIA report finds that NASA is uniquely suited to carry out this kind of research, given its vast infrastructure and world-class. Importantly, the report follows by noting that the outcome of aeronautics re-

search adds to the nation's wealth, not to any particular aviation company.

I understand we are not going to make those types of commitments in the fiscal year 2005 Commerce, Justice and Science Appropriations bill. However the House version of this measure includes some additional funding for aeronautics programs within NASA. The House provision would appropriate \$54 million above what the President requested in his fiscal year 2006 budget recommendation to the Congress. This relatively small increase would maintain aeronautics funding at levels appropriated in fiscal year 2005.

Mr. SHELBY. Mr. President, I am aware that our House counterparts have appropriated funding for NASA aeronautics programs at the fiscal year 2005 levels.

Mr. ALLEN. I would respectfully request that Chairman SHELBY and the other Senate conferees to this bill give all due consideration to the arguments we have made today and to the possibility of adhering to the House provision on fiscal year 2006 for NASA's aeronautics programs.

Mr. SHELBY. I say to Senator ALLEN that I will give every consideration to his request when we begin confereing this bill.

Mr. ALLEN. I offer my sincere appreciation for Chairman SHELBY's willingness to work with me on this issue which is vitally important for America's security and leadership in aeronautics innovation. He has been accommodating to my concerns and creative in trying to find a way to address our country's aeronautics needs for the coming fiscal year.

Mr. SHELBY. I thank my colleague for his interest in this legislation and his work on this issue.

Mr. ALLEN. Thank you Mr. President. I yield the floor.

Mr. GRASSLEY. Mr. President, I want to offer a few observations with respect to Stabenow amendment No. 1688 to H.R. 2862, which was accepted by the Senate yesterday, as modified, and elaborate on why I supported this amendment.

As my colleagues well know, I have long supported the legalization of prescription drug importation in this country. In fact, I have sponsored a bill to legalize the importation of prescription drugs. That bill is S. 334, the Pharmaceutical Market Access and Drug Safety Act of 2005. I want to thank Senators DORGAN, SNOWE, KENNEDY, and MCCAIN for working with me to carefully develop legislation that I could fully support. I worked very closely with my colleagues to draft S.334 in way that does not create any litigation risk with respect to any of our trade agreements. We achieved that in S. 334. I believe S. 334 is fully consistent with the terms of our trade agreements, including our agreements with Singapore, Morocco, and Australia.

The Stabenow amendment is not limited to pharmaceutical patents. That

concerns me. I believe the international trade obligations of the United States allow us to apply a special rule of patent exhaustion to pharmaceutical patents as long as we respect the principles of national treatment and most-favored-nation treatment. I hope that the Stabenow amendment will be further refined in conference so that its scope is limited to pharmaceutical patents.

By legalizing the importation of prescription drugs we will increase competition and keep the domestic pharmaceutical industry more responsive to consumers. Drug companies will be forced to reevaluate their pricing strategies, and American consumers will no longer be forced to pay more than their fair share of the high cost of research and development for new innovative pharmaceuticals. Prescription drug importation legislation has been stalled in Congress for far too long. My support for the Stabenow amendment is intended to help kickstart the legislative process, so we can pass prescription drug importation legislation without any more delay. The American people deserve no less.

Mrs. STABENOW. Mr. President, I rise today to thank Senators SHELBY and MIKULSKI and their staff for their aid in including an amendment that my colleague, Senator VITTER, and I offered. I also am pleased that Senators DORGAN, MCCAIN, DURBIN, LEVIN, SCHUMER, FEINGOLD, KOHL, and SNOWE cosponsored this amendment.

Our amendment simply matches a provision in the House's appropriation bill that prohibits the US Trade Representative from inserting anti-drug-importation language into free trade agreements. Our provision will remove a huge obstacle to creating a meaningful drug importation plan.

One of yesterday's headlines was that the cost of health insurance for working Americans climbed 9.2 percent this year, far outpacing both general inflation and workers' pay increases, according to a nationwide survey by the Kaiser Family Foundation.

On average, health insurance for a family cost \$10,880 this year, with the employer paying \$8,167 and the worker \$2,713, the survey found. The total cost almost exactly matches the total annual earnings of a person working full time at the minimum wage, the survey noted.

One of the key drivers of health care is the cost of prescription drugs. Rising drug costs place a huge financial burden on all Americans: from our senior citizens on fixed incomes, to working families without insurance, to small businesses with high health plan costs, to hospitals struggling to stay afloat, to states grappling with Medicaid drug costs. In April of this year, AARP reported last week that wholesale prescription drug costs rose an average of 7.1 percent last year. There is no way that our health system, our citizens, our government, and our taxpayers can continue to endure these increases year after year.



And these rising costs have an enormous health consequence for us, too. Prescription drugs are not like other products. They can do wonderful and amazing things but only if you can afford them. We might be able to make do and not buy a new pair of shoes, but we cannot off our medicine.

Because my home State borders Canada, I know what a difference reimportation has on people's lives. For years, I have joined my fellow Michiganians on their bus trips to Canada for medicine. What I discovered on my bus trips was almost unbelievable. Across Michigan's three bridges to Canada, my constituents have been able to buy safe, FDA-approved drugs at a fraction of the cost. For example, the cholesterol-lowering drug Lipitor is about 40 percent less; ulcer medication Prevacid is 50 percent less; and anti-depression medication Zyprexa is 70 percent less.

Today, the majority of Americans recognize that drug importation is a fair trade issue. They know that drug makers already bring drugs manufactured in other nations back into the U.S. And FDA inspectors go all over the world to inspect manufacturing lines that will produce drugs that ultimately will be brought into the U.S. I think many Americans would be surprised to learn that their drugs might be made in China, India, or Slovakia. In fact, one quarter of all drugs consumed by Americans were made in other nations and brought into the U.S.

But unfortunately for the millions of Americans who are struggling to afford their medication, PhRMA also has recognized that drug importation is a trade issue. According to its lobbying disclosures, PhRMA has actually lobbied the U.S. Trade Representative, our government's top international trade official, more than it lobbied the FDA, which directly oversees the industry's products. The Center for Public Integrity reported that PhRMA has contacted USTR more than any other lobbying organization.

That lobbying has paid off. Provisions in three different Free Trade Agreements with Singapore, Australia, and Morocco have created new patent rights for prescription drugs that would make it a violation to import drugs from those nations. Although none of the drug importation bills pending before the Senate propose importing drugs from all of those nations, these provisions are setting a dangerous precedent.

USTR has testified before Congress that new legislation on drug importation "could give rise to an inconsistency between U.S. law and a commitment under this trade agreement."

Worse, we are also hurting the ability of citizens in other nations to produce generic drugs. CAFTA contains language that will dramatically limit millions of patients' access to these low-cost, high-quality alternatives. In many Central American nations, brand-name drugs cost 22 times more than their generic equivalents.

This has already caused unrest. For example, HIV/AIDS patients in Guatemala have demonstrated against changes in their nation's generic-drug manufacturing laws as a result of CAFTA. Does this make any sense when we are trying to push for more resources to fight global AIDS?

Senators VITTER, MCCAIN, and I introduced a bill in July that would prohibit such unfair language as well as make sure that consumer voices—our voices—are heard in free trade negotiations regarding pharmaceutical issues. This bill has been endorsed by numerous groups including Consumers Union and the Center for Policy Analysis on Trade and Health.

The amendment accepted yesterday merely says that USTR should not adopt language creating obstacles to drug importation. The Stabenow-Vitter amendment is a fair compromise. We need to have an open discussion about drug importation—it shouldn't be decided for us as a provision in an unamendable trade agreement.

This amendment is not an attack on intellectual property or enforcing trade agreements. I am very concerned about enforcing our patents and ensuring other nations respect our companies' intellectual property. In fact, I am a cosponsor of Senators SPECTER and LEAHY's legislation on intellectual property.

Nothing in this amendment would preclude USTR from negotiating strongly-worded trade agreements that would protect and preserve our nation's patents and intellectual property. But surely USTR can negotiate and fight for language that isn't a back-handed way of blocking drug importation.

We know that, if given the chance, we can pass a good drug importation bill with bipartisan majorities in both houses of Congress. The bill that I have co-sponsored with Senators DORGAN, SNOWE, MCCAIN, and others would reduce total drug spending in the U.S. by about \$50 billion over the 2006-through-2015 period.

But if USTR continues to insert provisions against importation into our trade agreements—agreements that are supposed to help American consumers—then our hard work will be for nothing.

The drug makers have a complete monopoly on those prescription drugs. No one else—doctors, pharmacists, patients, and employers—has the same opportunity to purchase those FDA-approved drugs at low prices. Again, only the drug makers can bring in these safe, FDA-approved drugs. We need to change this policy.

Ms. MIKULSKI. Mr. President, I would like to thank Senator CANTWELL for tireless leadership in the fight against meth. Methamphetamine abuse has reached epidemic levels across our country, and by working to ensure that we don't shift the burden onto local communities, Senator CANTWELL has given State and local law enforcement

an important ally. Accepting her amendment to add \$20 million to the hotspots program brings funding for meth State and local enforcement to \$80 million. Coupled with the bipartisan addition of \$43 million of meth authorization dollars that Senator CANTWELL cosponsored and other meth-related funding, this bill makes an enormous Federal commitment to help our State and local effort to fight the meth battle. Senator CANTWELL's amendment sends vital Federal support to law enforcement officers and first responder on the front lines of the meth epidemic everywhere. These crimefighters need more funds to help combat this dangerous drug, and Senator CANTWELL has fought to give them resources they need. I appreciated her work to improve this bill, as do countless law enforcement officers across America.

Mr. President, as part of H.R. 2862, the fiscal year 2006 Commerce, Justice, Science Appropriations bill, the Senate has included comprehensive relief assistance for small business harmed by Hurricane Katrina. I am glad we were able to come to agreement on a bipartisan package and I thank Senators SNOWE, KERRY, VITTER and LANDRIEU for their work and for ensuring that we could move forward to pass these provisions so vital to small businesses in the Gulf Coast. One of the key differences between the Snowe-Vitter and Kerry-Landrieu amendments was that the latter included appropriations for the 7(a) Loan Guarantee Program. Our support of the compromise Hurricane Katrina small business package should not be interpreted as our taking a position today on whether to include appropriations for the 7(a) Loan Guarantee Program. While we were not able to address the 7(a) program today, I am aware that there is \$79 million included in the House version of our bill for the 7(a) program and that we will be addressing this issue in conference. I look forward to working with my colleagues to ensure that the 7(a) program continues to provide access to capital to small businesses across the Nation.

Mr. President, we are now coming to the end of our bill. We thank the leadership for all the help and support they gave us, and also working with the Judiciary Committee to accommodate their schedule.

This is the first time this subcommittee has come out with a bill. We are a newly constituted committee. I have had the chance to work with someone I had worked with in the House. Chairman SHELBY and I worked together in the same committee in the House of Representatives. Now we are together in Appropriations. I thank him for working with me in such a collegial and consultative way.

Also, his staff is outstanding: Katherine Hennessey, Jill Long, Nancy Perkins, Art Cameron, Allen Cutler, Shannon Hines, and Ryan Welch.

I also thank my staff: Paul Carliner, Kate Fitzpatrick, Gabrielle Batkin,

and Alexa Sewell, who is not here today because she has a new baby.

So I thank everyone because I think we are about to pass a good bill. I think the Senate can be very proud of this bill because we support law enforcement at all levels in our communities. We support technology and development and scientific discovery. And working with agencies such as the National Weather Service, we save lives and livelihoods.

So I am ready to move to final passage and, once again, express my appreciation.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I will try to be brief. We are getting toward the end.

I am pleased we have completed consideration of this 2006 Commerce-Justice-Science appropriations bill. This is not an easy bill, as everyone knows. With such broad jurisdiction, this bill attracts a lot of attention—sometimes too much—on the Senate floor and throughout the process.

It is our job—Senator MIKULSKI's and mine, with the help of leadership on both sides—to ensure the bill addresses my colleagues' concerns and effectively supports the operations of its Federal agencies. We have tried to do this. I think we have.

I thank my colleagues for understanding this and for working with us to ensure the viability of this bill, both here in the Senate and in conference.

I believe overall this is a good bill. It reflects the priorities of this body, and it addresses the needs of the Nation. Some needs are now more urgent than others, as we know in the wake of Hurricane Katrina, and we have and will continue to make adjustments in the Small Business Disaster Loan Program, the Economic Development Administration's Public Works Grants, and the National Oceanic and Atmospheric Administration's hurricane-related programs.

We will take this bill to the House of Representatives in conference. We have only a short time left in the year, as the leader keeps telling us. We will do our best to get a conference report to the President as soon as we can.

I also offer my thanks to the distinguished Senator from Maryland, Ms. MIKULSKI, for all of her work and the work of her staff. We have worked together for years. Without us working together in a bipartisan spirit, we would not be where we are today. She and her staff have worked with our side of the aisle in a truly bipartisan manner, and it is reflected in the bill.

I also thank Senator COCHRAN, chairman of the full committee, for all of his work and advice. It has been appreciated. I also thank the leaders, Senators FRIST and REID, and the floor staff, especially Dave Schiappa, Bill Hoagland, and my staffer, Katherine Hennessey, and others. They did an excellent job helping us move this bill along, and we are in their debt.

I thank the Chair.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in a very few seconds we will proceed to passage of the CJS bill. I congratulate the two managers for the outstanding job they have done, Senators SHELBY and MIKULSKI. They patiently stayed on the floor day and night working through the amendments. We thank them for their efforts. It has been a matter of a lot of patience, in part due to the coordination with the Judiciary Committee and those hearings. In a few moments after passage of the bill, we will be turning to the Agriculture appropriations bill. The managers are here. They will be making their opening statements, but we will not have roll-call votes later today. Tomorrow we have an important congressional delegation traveling to the Gulf States. In addition, we have a delegation attending a celebration for the national day of prayer and remembrance. Therefore, we will not be in session on Friday. We will return on Monday. We will have a vote Monday, late afternoon, at approximately 5:30. We will alert all Members when that vote is locked in.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. THUNE), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Dakota (Mr. THUNE) would have voted "yea."

Mr. DURBIN. I announce that the Senate from New Jersey (Mr. CORZINE) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

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

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 235 Leg.]

Akaka	Burns	Craig
Alexander	Burr	Crapo
Allard	Byrd	Dayton
Allen	Cantwell	DeMint
Baucus	Carper	DeWine
Bayh	Chafee	Dodd
Bennett	Chambliss	Dole
Biden	Clinton	Domenici
Bingaman	Cochran	Dorgan
Bond	Coleman	Durbin
Boxer	Collins	Ensign
Brownback	Conrad	Feingold
Bunning	Cornyn	Feinstein

Frist	Levin	Salazar
Graham	Lieberman	Santorum
Grassley	Lincoln	Sarbanes
Gregg	Lugar	Schumer
Hagel	Martinez	Sessions
Harkin	McCain	Shelby
Hatch	McConnell	Smith
Hutchison	Mikulski	Snowe
Inouye	Murkowski	Specter
Isakson	Murray	Stabenow
Jeffords	Nelson (FL)	Stevens
Johnson	Nelson (NE)	Sununu
Kennedy	Obama	Talent
Kerry	Pryor	Voinovich
Kohl	Reed	Warner
Kyl	Reid	Wyden
Lautenberg	Roberts	
Leahy	Rockefeller	

NAYS—4

Coburn	Inhofe
Enzi	Thomas

NOT VOTING—5

Corzine	Lott	Vitter
Landrieu	Thune	

The bill (H.R. 2862), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. SHELBY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the title amendment is agreed to.

The Senate insists on its amendments, requests a conference with the House, and the Chair appoints Mr. SHELBY, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. BROWNBAC, Mr. BOND, Mr. COCHRAN, Ms. MIKULSKI, Mr. INOUE, Mr. LEAHY, Mr. KOHL, Mrs. MURRAY, Mr. HARKIN, Mr. DORGAN, and Mr. BYRD conferees on the part of the Senate.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate has approved H.R. 2862, the fiscal year 2006 appropriations bill providing vital funding for the Departments of Commerce and Justice and related agencies. I am, however, disappointed about the fact that this bill underfunds some important priorities. I am also disappointed that the Senate rejected several worthy amendments that would have improved this bill and helped to meet our obligations to the victims of Hurricane Katrina.

Whether we call police officers "law enforcement" or "first responders," I believe that Congress, in partnership with States and local communities, has an obligation to provide State and local law enforcement with the tools, technology, and training they need to protect our communities. I am deeply concerned about proposed cuts in Federal funding programs for our nation's law enforcement officers. I have consistently supported a number of Federal grant programs, including the Community Oriented Policing and Problem Solving, COPS, Program, which is instrumental in providing funding to train new officers and provide crime-fighting technologies. I also support funding for the Byrne grant

program, which provides funding to help fight violent and drug-related crime, including support to multi-jurisdictional drug task forces, drug courts, drug education and prevention programs, and many other efforts to reduce drug abuse and prosecute drug offenders. I know how important these programs have been to Wisconsin law enforcement efforts, in particular with regard to fighting the spread of methamphetamines.

Unfortunately, not everyone sees it that way. Once again this year, the administration's budget proposal would have drastically cut the COPS Program, and would have eliminated all funding for the Byrne grant program. I have already supported efforts to restore this funding through the budget process, and am proud to continue to fight in the appropriations process to make sure that state and local law enforcement receive the Federal grants that they need and deserve. We should be doing more, not less, to support our local law enforcement. In particular, I was proud to support Senator BIDEN's amendment that provided additional COPS funds for the hiring of local police officers, an aspect of the COPS Program that has been dramatically cut back. The amendment also would have provided \$19 million to help find children displaced by Katrina and reunite them with their families, and to support victims of domestic violence and sexual assault affected by Katrina. I regret the Senate's decision to reject this amendment.

On the other hand, I am pleased that an amendment offered by Senators DAYTON and CHAMBLISS to increase Byrne/local law enforcement block grant funding by \$275 million was accepted. This amendment, which I cosponsored, restores funding for these important programs to fiscal year 2003 levels, and I hope it will be retained in conference.

While I strongly support the efforts of Senator STABENOW to address the need for first responders to have interoperable communications capabilities, I could not support her amendment. My colleague from Michigan rightly notes that making sure that all of our first responders can communicate with each other must be a priority for our Nation, and I admire her efforts to advance this cause. However, 4 years after September 11 tragically highlighted this vitally important issue, we still do not have unified national interoperable communications standards. Without these standards, there is no guarantee that a new \$5 billion grant program for equipment would create the interoperable communication system we need and that our first responders and communities deserve. When spending such massive amounts of money and such a large percentage of all first responder funding on this new program, we must make sure that we are spending the money wisely. Without standards we cannot meet this test and that is why I regretfully voted against this amendment.

I am disappointed that the Senate did not adopt the amendment I cosponsored offered by Senator CLINTON that would have created a commission to investigate and identify the problems with the governmental response to Katrina. Hurricane Katrina and its aftermath devastated the gulf region and exposed serious flaws in our Nation's response capabilities. While the crisis prompted untold acts of heroism and compassion that continue to this day, it also revealed gaping holes in the Government's reaction and ability to stop, reduce, or mitigate the effects of this terrible disaster.

We need answers. We need answers about what went right, what went wrong, and what we can do to make sure our response is better to future disasters. We need a serious inquiry unimpeded by political considerations or posturing, and I believe an independent commission is the right way to do that. Our Nation and this Senate have been willing to spend tens of billions of dollars in the last 4 years to address our disaster response capabilities. Hurricane Katrina showed that those capabilities still can't provide Americans with the protection and safety they deserve. We need the serious rethinking and reassessment a Katrina commission could provide so that we can effectively address our nation's critical response needs. That is why I hope the Senate will soon reconsider establishing such a commission.

In closing, I want to note my disappointment that the bill fails to address problems with media concentration. I have long been concerned about concentration and vertical integration in the radio industry, which was one of the reasons I opposed the Telecommunications Act of 1996 that relaxed many ownership restrictions. I feel that consolidation has the strong potential for limiting creativity, localism and diversity on our airwaves. In 1998, twice in 2001 and again in September 2002, the Federal Communications Commission, FCC, published reports on the changes in the radio industry as a result of the 1996 act. These reports showed significant consolidation nationally and in local markets. For example in 1996, the largest radio group owned less than 65 stations; by 2002 the largest radio group had more than 1,200 stations.

I proposed a modest amendment to require the FCC to update and provide Congress with a report on consolidation in the radio industry that the FCC last produced 3 years ago. I was disappointed that I was denied even the opportunity to get a vote on my amendment. As New York Attorney General Eliot Spitzer's recent payola settlement shows, there continue to be problems with the radio industry and therefore there is a need for updated information about the state of the industry so that Congress can decide how to address these problems.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2744, the Agriculture appropriations bill. I further ask that the committee-reported substitute be agreed to as the original text for purposes of further amendment and that no points of order be waived by virtue of this agreement.

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

The legislative clerk read as follows:

A bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes. The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 2744

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2006, and for other purposes, namely:

#### [TITLE I

##### [AGRICULTURAL PROGRAMS

###### [OFFICE OF THE SECRETARY

[For necessary expenses of the Office of the Secretary of Agriculture, \$5,127,000: *Provided*, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

###### [EXECUTIVE OPERATIONS

###### [CHIEF ECONOMIST

[For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), \$10,539,000.

###### [NATIONAL APPEALS DIVISION

[For necessary expenses of the National Appeals Division, \$14,524,000.

###### [OFFICE OF BUDGET AND PROGRAM ANALYSIS

[For necessary expenses of the Office of Budget and Program Analysis, \$8,298,000.

###### [HOMELAND SECURITY STAFF

[For necessary expenses of the Homeland Security Staff, \$934,000.

###### [OFFICE OF THE CHIEF INFORMATION OFFICER

[For necessary expenses of the Office of the Chief Information Officer, \$16,462,000.

###### [COMMON COMPUTING ENVIRONMENT

[For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and Rural Development mission areas for information technology, systems, and services,