

Senate on Thursday, September 22, 2005, at 9 a.m., to hold a hearing on nominations.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Education and Early Childhood Development, be authorized to hold a hearing during the session of the Senate on Thursday, September 22 at 3 p.m. in SD-430.

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

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, September 22, 2005, at 9:30 a.m. to hold a business meeting to consider pending committee business.

#### Agenda

##### Legislation

1. S. , Assure Emergency and Interoperable Communications for First Responders Act of 2005.

2. S. , an original bill to provide relief for the victims of Hurricane Katrina.

3. S. , a bill to expand the responsibilities of the Special Inspector General for Iraq Reconstruction to provide independent and objective audits and investigations relating to the federal programs for Hurricane Katrina.

4. S. 939, Disaster Recovery Act of 2005.

5. S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer.

6. S. , a bill to amend title 5, United States Code, to allow employees of the judicial branch to establish an emergency leave transfer program in the event of a major disaster or emergency.

7. S. 572, Homeland Security Food and Agriculture Act of 2005.

##### Nominations

1. Stewart A. Baker to be Assistant Secretary, U.S. Department of Homeland Security.

2. John R. Fisher to be Associate Judge, District of Columbia Court of Appeals.

3. Colleen D. Kiko to be General Counsel, Federal Labor Relations Authority.

4. Juliet J. McKenna to be Associate Judge, District of Columbia Superior Court.

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

COMMITTEE ON THE JUDICIARY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup of Thursday, September 22, 2005 at 9:30 a.m. in Senate Dirksen Office Building Room 226.

#### Agenda

##### I. Nominations

John G. Roberts, to be Chief Justice of the United States; Timothy Flanigan, to be Deputy Attorney General.

##### II. Bills

S. 1088. Streamlined Procedures Act of 2005; Kyl, Cornyn, Grassley, Hatch;

S. \_\_\_\_\_. Personal Data Privacy and Security Act of 2005; Specter, Leahy, Feingold;

S. 751. Notification of Risk to Personal Data Act; Feinstein, Kyl;

S. 1326. Notification of Risk to Personal Data Act; Sessions;

S. 155. Gang Prevention and Effective Deterrence Act of 2005; Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter;

S. 1086. A Bill to Improve the National Program to Register and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses; Hatch, Biden, Schumer;

S. 956. Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005; Grassley, Kyl, Cornyn.

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

COMMITTEE ON SMALL BUSINESS AND  
ENTREPRENEURSHIP

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, "The Impact of Hurricane Katrina on Small Businesses" on Thursday, September 22, 2005, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meeting during the session of the Senate on Thursday, September 22, 2005, for a committee hearing titled "Preserving Sacred Ground; Should Capital Offenders be Buried in America's National Cemeteries?" The hearing will take place in Room 418 of the Russell Senate Office Building at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 22, 2005 at 2:30 p.m. to hold a closed markup on the fiscal year 2006 Intelligence Authorization.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be author-

ized to meet on Thursday, September 22, 2005, at 2:30 p.m. for a hearing regarding "Cost and Payment Plans of Medicare Part D."

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

SUBCOMMITTEE ON NATIONAL PARKS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Thursday, September 22 at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 435, a bill to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, S. 1096, a bill to amend the Wild and Scenic Rivers Act to designate portions of the system, and for other purposes, S. 1310, a bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of natural gas pipeline located in the Delaware Water Gap National Recreation Area, S. 1378, a bill to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, and S. 1627, a bill to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park in Delaware.

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

#### PRIVILEGE OF THE FLOOR

Mr. BENNETT. Madam President, I ask unanimous consent that Senator McCain's legislative fellow, Navy CDR Shawn Grenier, be granted floor privileges during consideration of H.R. 2528.

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

Mr. DAYTON. Mr. President, I ask unanimous consent that Kimberly Jackson on my staff be granted the privilege of the floor throughout my remarks.

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

#### PROVIDING FOR CONTINUED EDUCATION OF STUDENTS AFFECTED BY HURRICANE KATRINA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1764, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1764) to provide for the continued education of students affected by Hurricane Katrina.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1764) was read the third time and passed, as follows:

S. 1764

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

**SECTION 1. DEFINITION OF STUDENT AFFECTED BY HURRICANE KATRINA.**

In this Act, the term "student affected by Hurricane Katrina" means a student who resides or resided on August 22, 2005 in an area, or is enrolled or was enrolled on August 22, 2005 in a school located in an area, for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina.

**SEC. 2. EDUCATION EXPENSES.**

(a) IN GENERAL.—Upon the request of the Secretary of Education, the Secretary of Homeland Security may transfer any funds made available to the Federal Emergency Management Agency "Disaster Relief Fund" for Hurricane Katrina to the Department of Education for the education of students affected by Hurricane Katrina. Such funds shall only be used for expenditures for activities of educational agencies authorized under Federal law within the jurisdiction of the Department of Education, and for the following activities in support of students affected by Hurricane Katrina:

(1) Paying the compensation of personnel, including teacher aides, to provide instructional services.

(2) Paying the operational costs incurred by educational agencies as a result of educating such students.

(3) Purchasing instructional materials and equipment, including textbooks, used to educate such students.

(b) SPECIAL RULE.—Notwithstanding any other provision of this section, funds may be used for expenditures described in subsection (a) only if—

(1) the Secretary of Education makes a determination that such expenditures constitute an immediate need for the relief of students affected by Hurricane Katrina; and

(2) funds are not made available for such activities from other Federal sources.

**SEC. 3. AVAILABILITY OF FUNDS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, any funds available to the Secretary of Education, the authority for which would be cancelled or otherwise expire on September 30, 2005, shall be available for obligation by the Secretary until September 30, 2006, but only to meet educational needs of students affected by Hurricane Katrina.

(b) EMERGENCY DESIGNATION.—Any funds available for obligation pursuant to subsection (a) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

**SEC. 4. ADVANCED NOTIFICATION OF CONGRESS.**

(a) DEPARTMENT OF EDUCATION APPROPRIATIONS ACT, 2005.—Section 304 of the Department of Education Appropriations Act, 2005 (Public Law 108-447) is amended by striking "15 days" and inserting "3 days".

(b) CONSOLIDATED APPROPRIATIONS ACT, 2005.—Section 517 of the Departments of

Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005 (Public Law 108-447) is amended—

(1) in subsection (a), by striking "15 days" and inserting "3 days"; and

(2) in subsection (b), by striking "15 days" and inserting "3 days".

**SEC. 5. SUNSET.**

This Act shall be effective for the period beginning on the date of enactment of this Act and ending on September 30, 2006.

Mr. FRIST. Mr. President, this bill we just passed provides for the continued education of students who have been so severely affected by Hurricane Katrina.

I thank my colleague, the Senator from Texas, Mrs. HUTCHISON, for her tremendous leadership on this bill. It is a very important bill and a bill that has been a long time coming. We—especially she and her cosponsors—have aggressively worked in this regard to pass this bill. I am happy to yield to her at this time.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the distinguished majority leader for helping us clear this legislation. This is a bill cosponsored by Senator LANDRIEU and Senator CORNYN. Twenty-eight States have taken students, who are victims of Hurricane Katrina, into their hearts, into their arms, into their shelters, and into their educational systems.

We have been passing legislation that would cut red tape and pay for certain items that are not covered by the law. One of the major areas for which we have not had a precedent is schoolchildren in great numbers going into public schools as a result of having to evacuate from an emergency disaster, such as Hurricane Katrina. That has been the case.

We have more than 45,000 evacuee students now in our Texas public schools. As everyone knows, there is no school district that can afford to absorb that number of students without help. The bill we have just passed will allow the money that has already been appropriated to be available for the Department of Education to pay for the extra teachers who are being hired. It is limited to children who are victims of Hurricane Katrina, and it also has a sunset. It is just for this school year. So this is not a new law that is going to put the Federal Government into public education throughout our country. But it is going to offset the costs of hiring teachers and buying school supplies for those students who have come to our State and 27 other States with nothing.

Today I am very proud of the Senate for passing this legislation to give these 28 States the help they need. The money will flow through the Department of Education. The Secretary of Education will have the authority to take some of the money that has already been appropriated by Congress for this purpose.

I applaud the Senate for passing this bill, and I look forward to it going

through the House and being signed by the President.

I thank Senator FRIST so much for the help he has given in allowing the Senate to act quickly on this legislation.

I yield the floor.

**NOMINATION OF ROBERT B. HOLLAND**

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Robert Holland, PN447, that the Senate proceed to its consideration, that the nomination be confirmed, that the motion to reconsider be laid upon the table, and that the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

Robert B. Holland III, of Texas, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years.

**AMENDING THE INDIAN FINANCING ACT**

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of S. 1758, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1758) to amend the Indian Financing Act of 1974 to provide for sale and assignment of loans and other security and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, today I rise in support of the Indian Financing Act Amendments of 2005, originally introduced as a component of the Native American Omnibus Act of 2005. I'm pleased to be joined by the vice chairman of the Senate Indian Affairs Committee, BYRON DORGAN, on this bill.

The Indian financing act amendments, amends the Indian finance act of 1974 to clarify that non-profit tribal entities are eligible for the BIA Loan Guaranty program. The amendments also raises the limit on the amount of loans to \$1.5 billion from \$500 million.

I look forward to working with my respective colleagues on both sides of the aisle to enact this legislation.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (S. 1758) was read the third time and passed, as follows:

S. 1758

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