

around here. We go to conference. By that time, little wrinkles crop up, little problems. We take care of them in conference. No, we can't do that. We can't even pass the legislation. Some Senators say: No, we can't pass it. Wrong. Take it out of FEMA. It won't work. For the life of me, I don't understand why we are here.

One small example, not so small for Tina. Who is Tina? Tina Eagerton is a lady who fled Louisiana 7 months pregnant but could not find a Florida doctor who would accept her Louisiana Medicaid card, wouldn't do it. With this legislation, Tina can get some help.

I can talk about Rosalind Breaux, who has colon cancer and was scheduled for her third round of chemotherapy on August 31, the day after the flooding began. Her husband has lost his job. There is no health insurance. Rosalind is in a real bind.

I mentioned the letter the administration has sent. The Senator from Arizona has mentioned that letter. I also mentioned the letter we sent in response, the chairman of the committee, Senator GRASSLEY, and I. That letter from the administration says the administration claims it can provide relief without the need for congressional action. It can't. I must also say they do not have the authority. They do not have the authority to provide additional appropriations. That takes an act of Congress. They say, apparently, by implication, they do not need any dollars. That is the implication of that process. They don't appropriate dollars. It is against the law. We have to do that. They do not want us to do it.

The waivers, I might say, also limit eligibility for Medicaid coverage to only those groups of people traditionally eligible for Medicaid. Adults without children, no matter how poor they are, or how much they need health care, would not be covered under the administration's waiver policy suggested by the letter the Senator from Arizona mentioned.

The woman with diabetes would not be covered. She would not be covered. Diabetes is a very time-sensitive illness. Limiting access to benefits in the waiver would mean leaving tens of thousands of Katrina victims without aid.

After Katrina, Louisiana dispatched Medicaid eligibility workers to more than 200 shelters to enroll evacuees in Medicaid. Of the 4,000 potentially eligible families screened in these shelters, more than 1 in 5 were screened out as ineligible. They did not meet Louisiana's traditional eligibility rules—1 out of 5. No help there. One out of five: You do not meet the traditional screening test.

Our legislation would address that. One out of every three people who have applied for Medicaid in Louisiana following Katrina have been denied coverage. Let me repeat that. One out of every three people who applied for Medicaid in Louisiana following

Katrina have been denied coverage. The waiver process is not going to help that out because the eligibility requirements are not raised. Most of these people are denied because they don't meet the eligibility criteria.

Adult Katrina survivors need access to health care. A recent study of Katrina evacuees in Houston shelters found that most of the adult evacuees without children were uninsured. Among those, more than 40 percent reported having a chronic condition. A third reported having trouble getting the prescription drugs they need. I can't believe it. What is going on here?

Differentiating among individuals during this time of need is not right. This isn't legislation that is usual; this is an emergency. People need health care right now. Katrina did not differentiate. Katrina hit all the residents of the gulf hard. We should not differentiate in our efforts to help those in need.

The second key difference between the administration's policy and what our bill does is the funds provided to defray the cost of uncompensated care that thousands of health care providers across our Nation are giving to Katrina survivors. I have already mentioned that. Let me repeat that point. The administration has said it will provide an uncompensated care fund. But the administration, in this waiver letter referred to on the floor a few minutes ago, has not given any further information about how much would be provided, not one iota, whether it be \$1 or zero dollars. The administration has not even given information about how it will be spent.

By contrast, the Grassley-Baucus bill includes an uncompensated care fund of up to \$800 million to be spent on compensating those health care providers—that is, hospitals—who have seen a dramatic increase or drop in their patient load as a result of Katrina. The administration promises, but under our bill, there would be no doubt. We would be there. It is not words but deeds. The administration is words. Our legislation is deeds. It is getting it done.

Third, our bill provides 100 percent Federal funding for all evacuees covered under Medicaid, wherever they are, and for the affected States. By contrast, the administration's waiver policy promises to make States whole. What does that mean? I have serious questions about how they can deliver on that without legislation, because it is unclear that the administration could, under its current statutory authority, provide these additional funds to States. I referred to that earlier. I don't think they have the legal authority to provide additional funds. I have no doubt they intend to do so. I am sure they do. Why wouldn't they? I just do not believe they have the legal authority to do so. So why should we get involved in this legal morass—do they have the authority; do they not have the authority? Are we going to sit

down and argue about this, while the people need health care? I don't get it.

At the same time the administration has asked for the three most affected States to sign a memorandum of understanding making them financially responsible for paying the cost of evacuees' care in other States. Louisiana, Mississippi, Alabama need our help, not more bills to pay—not now. We could straighten that out later.

It is an outrage that a small number of willful Senators continue to stall this bill. Hurricane Katrina's health costs continue to spill in waves across the gulf coast region. Victims continue to suffer without proper medical care. Our bill will restore immediate access to basic health care. Our bill would relieve the financial burden health care providers have shouldered. We must act. Thus, at the appropriate time, I intend to join with my colleagues and ask unanimous consent for the Senate to pass our bill.

In fact, I do so now. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 214, S. 1716; that the Grassley-Baucus substitute amendment which is at the desk be considered and agreed to, that the bill as amended be read a third time, passed, and that the motion to reconsider be laid on the table, and that all of this occur with no intervening action or debate.

THE PRESIDING OFFICER. In my capacity as a Senator from Oklahoma, I object.

Objection is heard. The unanimous consent request is not agreed to.

The Senator from Iowa.

MORNING BUSINESS

MR. GRASSLEY. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

NATIONAL SECURITY LETTERS AND PATRIOT ACT REAUTHORIZATION

MR. DURBIN. Mr. President, the USA PATRIOT Act greatly expanded the Government's authority to use national security letters, documents issued by FBI agents without judicial or grand jury approval that allow the Government to obtain sensitive information about innocent American citizens. The recipient of a national security letter is subject to a permanent automatic gag order.

The Justice Department claims that they are not interested in the library records of innocent Americans. However, they acknowledge that they do not know how often FBI agents have obtained library records since enactment of the PATRIOT Act. And just 3 weeks ago, the Justice Department again refused my request to make public the number of national security letters that FBI agents have issued since

the PATRIOT Act became law. As a result, the American people have no idea how often the FBI is using this controversial power to obtain their sensitive personal records, including library records.

I commend our Nation's librarians for defending our Constitution and leading the fight to reform the PATRIOT Act. Unfortunately in the past this Justice Department has criticized librarians for exercising their first amendment rights. Now they have gone even further—preventing a librarian from speaking publicly about a legal challenge to the national security letter power.

In our democracy, the government is supposed to be open and accountable to the people and the people have a right to keep their personal lives private. This Justice Department seems to want to reverse this order, keeping their activity secret and prying into the private lives of innocent American citizens.

The President has asked Congress to reauthorize the PATRIOT Act. In order to have a fully informed public debate, the American people should know how often the national security letter authority has been used and they should be able to hear from librarians and others who are concerned about this power.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 1, 2004, a man was attacked and stabbed by three men in the downtown area of Seattle, WA. The apparent motivation for the attack was sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

U.S. GRAIN STANDARDS ACT

Mr. CHAMBLISS. Mr. President, I am pleased that the Senate passed S.1752, a bill to reauthorize the U.S. Grain Standards Act. I understand that the House of Representatives is scheduled to consider this legislation today and look forward to its swift approval, as the act expires September 30, 2005.

This reauthorization bill is identical to the administration's requested lan-

guage provided to the committee earlier this year, a simple 10-year extension of current law.

The Agriculture, Nutrition, and Forestry Committee held a hearing to review the U.S. Grain Standards Act on May 25, 2005. Testimony provided on behalf of the National Grain and Feed Association and the North American Export Grain Association highlighted industry's desire to be cost-competitive and remain viable for bulk exports of U.S. grains and oilseeds in the future. Specifically, these organizations proposed the U.S. Department of Agriculture's, USDA, utilization of third-party entities to provide inspection and weighing activities at export facilities with 100-percent USDA oversight using USDA-approved standards and procedures. Support for this proposal in the hearing was provided by the American Farm Bureau Federation, American Soybean Association, National Association of Wheat Growers, National Corn Growers Association, National Grain Sorghum Producers, and the American Association of Grain Inspection and Weighing Agencies. Testimony provided by USDA stated that the "proposal of the industry establishes a framework for changing the delivery of services without compromising the integrity of the official system."

During the hearing, the Committee also learned of workforce challenges currently facing the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration, GIPSA. The majority of official grain inspectors will be eligible for retirement over the next several years. Testimony presented explained that transitioning the delivery of services through attrition would minimize the impact on Federal employees.

Since the hearing, I have extensively reviewed legislative proposals and discussed the issue of improved competitiveness with various Senators, organizations, and USDA. Chairman BOB GOODLATTE of the House Agriculture Committee and I wrote to USDA to determine if they had existing authority to use private entities at export port locations for grain inspection and weighing services, and if they did, how they would implement this authority.

Accompanying this statement is a copy of the letter we received from USDA responding to our questions. The letter clearly states that the U.S. Grain Standards Act "currently authorizes the Secretary of Agriculture to contract with private persons or entities for the performance of inspection and weighing services at export port locations." The letter further explains that GIPSA considers the use of this authority as an option to address future attrition within the Agency and to address expanded service demand. I fully expect USDA to use this authority in a manner that improves competitiveness of the U.S. grain industry, that maintains the integrity of the Federal grain inspection system, and

that provides benefits to employees who may be impacted.

The committee greatly appreciates the work provided by GIPSA, and we are pleased to extend the authorization of current law for 10 years.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

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

THE SECRETARY OF AGRICULTURE,
Washington, DC, September 21, 2005.

Hon. SAXBY CHAMBLISS,
Chairman, Committee on Agriculture, Nutrition,
and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of this date, also signed by Bob Goodlatte, Chairman of the U.S. House of Representatives Committee on Agriculture, posing two questions regarding legislation which is currently pending before the Congress. The legislation would reauthorize, for an additional period of years, the United States Grain Standards Act, 7 U.S.C. §§71 et seq. (Act), which is presently scheduled to expire on September 30, 2005. Your questions and our responses are as follows:

1. Would existing authority under the U.S. Grain Standards Act allow USDA to use private entities at export port locations for grain inspection and weighing services?

Response. The Act currently authorizes the Secretary of Agriculture to contract with private persons or entities for the performance of inspection and weighing services at export port locations. See 7 U.S.C. §§79(e)(1), 84(a)(3).

2. If so, how would USDA implement this authority?

Response. The Act currently authorizes the Secretary to contract with a person to provide export grain inspection and weighing services at export port locations. The Grain Inspection, Packers and Stockyards Administration (GIPSA) has reserved this authority to supplement the current Federal workforce if the workload demand exceeded the capability of current staffing. GIPSA has also considered use of this authority as one of several options to address future attrition within the Agency and to address expanded service demand as several delegated States have decided or are considering to cancel their Delegation of Authority with GIPSA.

In accordance with federal contracting requirements, GIPSA would contract with a person(s) (defined as any individual, partnership, corporation, association, or other business entity) to provide inspection and weighing services to the export grain industry. The person(s) awarded the contract would adhere to all applicable provisions of the Act to ensure the integrity of the official inspection system during the delivery of services to the export grain industry. The person(s) would charge a fee directly to the export grain customer to cover the cost of service delivery and the cost of GIPSA supervision. Contract terms would require reimbursement to GIPSA for the cost of supervising the contractor's delivery of official inspection and weighing services.

GIPSA would comply with OMB Circular No. A-76 for any contracting activity that may replace or displace federal employees. The Circular would not apply if the contract for outsourcing services intends to fill workforce gaps, not affect Federal employees, or supplement rather than replace the federal workforce. The A-76 process typically takes two years and involves an initial cost-benefits analysis, an open competitive process, and an implementation period.

I hope that the explanations provided above are fully responsive to the questions