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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, October 3, 2005, at 4 p.m.

Senate

FRIDAY, SEPTEMBER 30, 2005

The Senate met at 9:30 a.m. and was called to order by the PRESIDENT pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, most holy, we pause at the start of our labors to praise Your name. You have provided for our needs and pleasure. You have placed us amid plenty and beauty. You have given us the majesty of the sunrise and strength for today's journey.

We find our true meaning in You. Because of You, we live, and move, and love. Your mercies are new each morning; great is Your faithfulness.

Bless our Senators in their work. Empower them to give themselves to others in a way that will honor Your name. We offer this day to You and, standing on tiptoe, listen for the whisper of Your wisdom.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business with Senators permitted to speak for 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today is the last day of the fiscal year, and it will be necessary for us to consider the continuing resolution, which is at the desk. This continuing resolution is a short-term measure that will keep all functions of Government operating while we continue to work on the remaining appropriations measures.

I hope we can act expeditiously on the joint resolution, which is at the desk. I understand there may be an amendment from the other side of the aisle, and I ask Members to show restraint. We need to pass this resolution without amendment so it can get to the President for his signature by midnight tonight. If an amendment is offered, I would expect we would vote quickly on that amendment so we can then proceed to vote on the underlying continuing resolution. Members can expect a vote this morning as we complete our work on this funding measure.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that at 9:45 the Senate turn to the

consideration of H.J. Res. 68, the continuing resolution, which is at the desk; provided further that one amendment be in order to be offered by Senator HARKIN and relating to CSBG, and that the time until 10:15 be equally divided in the usual form.

I further ask unanimous consent that at 10:15 the Senate vote in relation to the Harkin amendment, and that following that vote, the resolution be read a third time, and the Senate proceed to a vote on passage of the joint resolution, with no intervening action or debate.

The PRESIDING OFFICER (Mr. THOMAS). Is there objection?

Without objection, it is so ordered.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 68, which the clerk will report by title.

The legislative clerk read as follows:

A resolution (H.J. Res. 68) making continuing appropriations for the Fiscal Year 2006, and for other purposes.

The PRESIDING OFFICER (Mr. THOMAS). The time between now and 10:15 will be equally divided in the usual form, with one amendment to be offered by the Senator from Iowa, Mr. HARKIN.

AMENDMENT NO. 1921

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

- This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. KOHL, Mr. JEFFORDS, Mr. LEVIN, Mr. BINGAMAN, Mrs. CLINTON, Ms. STABENOW, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. AKAKA, Mr. PRYOR, Mr. CARPER, and Ms. CANTWELL, proposes an amendment numbered 1921.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To continue funding for the Community Services Block Grant at no less than last year's level)

On page , at the appropriate place, insert the following:

SEC. Community Services Block Grant.

Notwithstanding section 101 of this joint resolution, amounts are provided for making payments under the "Community Services Block Grant Act" at a rate not less than the amounts made available for such Act in fiscal year 2005.

Mr. HARKIN. Mr. President, let me try to explain as briefly as I can what the House did. The House sent over to us a continuing resolution that says we will continue funding programs from last year at last year's level, or the lower of what the House had passed earlier in their budget. For most programs, that doesn't mean much.

This is a continuing resolution until when? November, November 18?

Most education money goes out next year. So for 2 months it doesn't mean it is a big deal. Two or three months—maybe through December when we will finally adjourn. However, there is one program that is deeply affected by what the House did. It is called the Community Services Block Grant Program. This money goes out quarterly. It is used quarterly. It means tomorrow the community services block grant will be cut 50 percent—not next year, tomorrow. In real dollars, this isn't some phony baloney stuff.

What is even worse—as I took the floor last night, I did not know this—in 1990, an amendment was put on and agreed to on the Community Services Block Grant Program. It is a trigger formula. It is a little bit complicated, but I will try to explain it.

It says if the total funding for a fiscal year exceeds \$345 million, each State shall receive not less than one-half of 1 percent of the total amount. It protects small States. OK? However, if the funding is less than \$345 million, then no State shall receive less than one-fourth of 1 percent.

Here is what the House did. Last year, it was \$336 million, and the House cut it back to \$320.6 million. That is the level it was at in 1986.

What does that mean for Alaska? Alaska is one of 13 States—small States—that will be cut 75 percent, not 50 percent.

Thirteen States—Alaska, Delaware, Hawaii, Idaho, Maine, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Utah, Vermont and Wyoming—are not cut 50 percent. The

total allocation for those States would fall from \$3,356,645 to less than \$800,000.

I say to those of you who are from those 13 States, if you believe the LIHEAP Program is important in your State, you ought to pay attention to this amendment. The LIHEAP Program in Alaska, Hawaii, North Dakota, South Dakota, Utah, Vermont, and Wyoming, for all intents and purposes, will cease next week—October, November, maybe December. So small States are hurt the worst.

You might ask, What is this Community Services Block Grant Program? What are we talking about here? Who does it serve? It serves the poorest of the poor; 6.5 million Americans, 2 million children, private food banks that rely on the space, refrigerators, and transportation supported by the community services block grant and the Low Income Home Energy Assistance Program will be affected. Housing, weatherization assistance, emergency shelter, rental assistance, the food stamp programs, home-delivered meals, emergency food banks, senior day care, senior centers, foster grandparents, Head Start Programs, parenting education, domestic violence programs—all of these. That is who is served—the poorest of the poor in our country. That is who is going to be affected.

These are the programs that will be cut 50 percent, or 75 percent—not next year. This isn't phony stuff. This isn't, Oh, someone will take care of it.

Because of Hurricane Katrina, we have right now 171,000 people being served by community action agencies that get their money from the Community Services Block Grant Program. Not only do we have poverty up in America, but we have all of these people who were evacuees who are being helped. The mayor of Baton Rouge was here this week and came to see us about increasing the Community Services Block Grant Program to the community action agencies because of all of the evacuees. When they told him it was being cut by 50 percent, he couldn't believe it. He absolutely couldn't believe this was actually happening. One might say, Well, we will come back and fix it later on. Maybe we will. When? November? December? I don't know when. Think about October and think about November and early December or the end of December. People will be evicted from their homes. People will have utilities cut off. The elderly will still need transportation to the doctor, and it won't be there. It won't be there because this will be cut either 50 percent in most States or in the smaller States by 75 percent.

I refer my colleagues to two letters, one from the Ozark Community Action Agency and one from the East Missouri Community Action Agency, which were printed in the RECORD of yesterday.

I ask unanimous consent a letter from the National Governors Association be printed in the RECORD. It talks about CSBG, urging we keep it at the appropriated levels.

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

NATIONAL GOVERNORS ASSOCIATION,
June 7, 2005.

Hon. ARLEN SPECTER.,
Chairman, Subcommittee on Labor-HHS-Education, Senate Appropriations Committee, Washington, DC.

Hon. RALPH REGULA,
Chairman, Subcommittee on Labor-HHS-Education, House Appropriations Committee, Washington, DC.

Hon. TOM HARKIN,
Ranking Member, Subcommittee on Labor-HHS-Education, Senate Appropriations Committee, Washington, DC.

Hon. DAVID OBEY,
Ranking Member, Subcommittee on Labor-HHS-Education, House Appropriations Committee, Washington, DC.

DEAR CHAIRMAN SPECTER, SENATOR HARKIN, CHAIRMAN REGULA AND CONGRESSMAN OBEY: As you begin negotiations on the fiscal year (FY) 2006 Labor, Health and Human Services, and Education (Labor-HHS) appropriations legislation, we are writing to share with you the Governors' views on funding for key state programs. We appreciate that you will provide level or increased funding for many critical programs and urge you to continue to uphold the strong federal-state partnership with respect to these services. As you continue your deliberations, however, we ask for your attention to the following programs.

THE PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT

We urge you to continue level funding for the Preventive Health and Health Services Block Grant at the FY 05 appropriated level of \$132 million. This is one of the few grants that allow states to address their own unique health challenges in exciting and innovative ways. States have documented that investment of Block Grant dollars have resulted in improved health outcomes and in many cases significant cost savings.

BIOTERRORISM PREPAREDNESS

Bioterrorism preparedness became a priority following September 11, 2001 and the subsequent anthrax attacks that killed several U.S. postal employees and others around the country. Following these incidents, the federal government provided funds to states for strengthening their public health systems and developing surge capacity at state and local public health facilities. The fiscal year 2006 budget proposal has reduced funding in this area. In addition, funds appropriated in fiscal year 2004 and 2005 have been redirected by the Health and Human Services Department to other departmental priorities. We urge you to continue level funding for bioterrorism preparedness and to reject any future efforts by HHS to redirect and/or reprogram already appropriated federal funds for other priorities.

COMMUNITY SERVICES BLOCK GRANT

Governors are concerned with the effects that the proposed integration of the Community Services Block Grant (CSBG) with 17 other federal programs into a new community development initiative will have on the funding of CSBG. We are strongly opposed to any cuts in the funding of CSBG, which supports a broad range of federal, state, local, public and private endeavors aimed at reducing the causes and effects of poverty. We urge you to provide level funding for CSBG at the FY 05 appropriated level of \$641 million.

IDEA

Governors are committed to improving the academic performance of students with disabilities. We appreciate the increased federal

funding for special education that Congress and the Administration have provided states and local schools the last several years. The recently reauthorized Individuals with Disabilities Education Act (IDEA) provided a glide path to achieve full funding of the federal share of IDEA, including an authorization of \$14.6 billion for fiscal year 2006. We urge Congress to provide the highest possible funding level for IDEA to stay the course and fully fund the federal share of special education expenses.

NCLB AND HIGH SCHOOL REFORM

Across the nation, governors are leading efforts to reform high schools and implement the No Child Left Behind Act (NCLB). Governors recommend the highest possible funding level—paired with continued flexibility—for Title I to ensure that states and localities have adequate federal resources to help successfully implement NCLB and raise student achievement. We also recommend that funding be maintained and increased for the critical programs that serve teachers, high school students, and students transitioning to postsecondary education, including the Carl D. Perkins Vocational and Technical Education Act and the newly proposed Teacher Incentive Fund. To this end, Congress should consider increasing the federal investment in the Pell Grant program to improve the purchasing power for all students, as long as program solvency is maintained.

Thank you for your consideration, and we look forward to working closely with you on these issues.

Sincerely,

Gov. JENNIFER GRANHOLM,
Chair, Health and Human Services Committee.

Gov. KATHLEEN SEBELIUS,
Chair, Education, Early Childhood and
Workforce Committee.

Gov. HALEY BARBOUR
Vice Chair, Health and Human
Services Committee.

Gov. TIM PAWLENTY,
Vice Chair, Education, Early Childhood
and Workforce Committee.

Mr. HARKIN. I received this morning an article from the Salt Lake Tribune: Utah poor will suffer from U.S. budget cut.

Utah's nine Community Action Programs stand to lose almost half a million over the next three months under a temporary budget approved by the U.S. Congress . . .

The 50 percent cut . . . that fund the programs nationally is temporary; lawmakers could restore the money when they approve the final budget, possibly in December or January. Or they might not.

In Utah, the losses that take effect Saturday are already forcing layoffs, a scaled-back food and pantry operating hours and the suspension of meal deliveries to thousands of families in crisis.

Cathy Hoskins, director of the state's largest Community Action Program, located in Salt Lake city, said they stand to lose \$250,000, which translates to 6,000 orders of three-day food supplies for 4,500 households.

She has laid off six workers and reduced by a fourth the number of hours that advocates can devote to helping families navigate Medicaid, welfare and other social service programs.

Continuing:

"It hurts," said Road Home director Matt Minkevich, whose agency could lose \$37,000. "That's the equivalent of about two front-line staff or 3,000 shelter nights."

This is the time of the year temperatures are starting to drop. Food pantries are running low, and people need help.

Katrina hit. We now see there are a lot of poor people in this country, a lot of people that are at the end of their rope.

One might say: What the heck. It is just 2 or 3 months. Put yourself in the position of a low-income family who has just been evicted. They cannot pay their rent. They are out. They need some help in finding a place to live. Where do they go? They go to their community action centers. They go to East Ozark or they go to East Missouri to get that help. Now they are told, We can't, we do not have the people, we do not have the funds. Maybe they need some money to tide them over for a few days to find some shelter. Sorry, the money is not there.

One may think this does not happen in America. Think about New Orleans. Think about the poor who were caught who did not have cars, did not have transportation, did not have bank accounts, did not have any hope or any way of getting out. There are a lot of Americans out there who do not live like we do, who do not have nice homes. We just go in and turn up the thermostat whenever we want to or go down to the local Safeway and pull out our credit card and buy groceries or go down to the local doctor and our insurance picks up the tab.

We are talking about 6.5 million Americans served by these programs. We are talking about the poorest of the poor.

Let me give some more examples of what community service block grants do: Transportation for the elderly to medical appointments at community health centers, in-home chore services for the homebound elderly, congregate meals, child care, domestic violence programs, energy assistance, weatherization, emergency shelter, rental assistance, homeless assistance, eviction prevention, transitional housing, and I mentioned the all-important Low-Income Heating Energy Assistance Program.

This is what this money goes for. We are being told now we have to go back to 1986 levels. By doing that, because of the formula in the law, 13 States that I mentioned—Alaska, Delaware, Hawaii, Idaho, Maine, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Utah, Vermont, and Wyoming—13 States will lose over 75 percent of their money—not next year, tomorrow.

It is not, well, hang on, continue your programs, continue doing things, we will get the money to you starting in January when we finally get our budget figured out here. I am sorry, people need food now. They need shelter assistance now. They need to pay their heating bills now. They need transportation to the doctor now. They cannot wait until January to have someone pick up the tab. They do not have credit cards. They do not have bank accounts. They do not have someone who says we will give you the money and you can pay us back later. They do not have that opportunity.

Let me repeat for the sake of emphasis who we are affecting with this. Who are these people? Community service block grants serve 22 percent of all people in poverty. So one out of every five individuals in America below the poverty level is served by CDBG. They do not serve more because we do not fund more. But now we are going to cut it below that, more than 15 million individuals, members of 6 million low-income families. There were 2.7 million families with incomes at or below the poverty guidelines, 1.1 million with incomes below 50 percent of the poverty guidelines. Think of that, 1.1 million families affected by what the House of Representatives did if we do not correct it; 1.1 million families had incomes below 50 percent of the poverty guidelines. That is below \$7,000 a year. It is 3.7 million children, 1.8 million adults who have not completed high school, 1.1 million people who are disabled served by community services block grants. That is who we are talking about. We are not talking about people like us who have all this money. We are talking about the poorest of the poor.

I will repeat again that 13 States, because of a formula in the law, will have a 75-percent cut tomorrow: Alaska, Delaware, Hawaii, Idaho, Maine, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Utah, Vermont, and Wyoming. Tomorrow there will be a 75-percent cut in the community block grants that go to Wyoming. But it will be more because there is a set-aside for tribes. I am sure the LIHEAP program is as important in Wyoming as in Iowa and it is getting cold in October and November.

What the House did is thoughtless, heartless. It is cruel and totally irresponsible. That does not mean we have to be thoughtless and heartless and irresponsible. We can adopt this amendment, get it back up to last year's level as a continuing resolution ought to do. We do not add any money. We just keep it at last year's level. The House can come back and correct this mistake today.

Well, you say that is a burden on the House; the Members have probably caught their planes and gone home. I remember when the House came back on Palm Sunday to pass a resolution on the Terri Schiavo case. If they can do that, they can come back and correct this. They can come back today and say we are not going to leave 6.5 million Americans dependent on LIHEAP programs, people who will be evicted, we will not leave them in the dust.

Think about what we are doing. Think about this. Think about next month. A low-income family, a mother with two or three kids who have been in an apartment, and they have not paid their rent because they ran out of money. Maybe they had an illness. They had to pay out of pocket. So they are evicted. Where do they go?

Don't tell me that doesn't happen. We saw what happens in New Orleans.

We know now the poor are not out of sight and out of mind any longer. They are here. What happens? How uncomfortable will it be for that family? What kind of discomfort will they suffer?

What about an elderly person whose utilities have been turned off?

The PRESIDING OFFICER (Mr. ISAKSON). The time of the Senator has expired.

Mr. HARKIN. I ask unanimous consent for at least 3 more minutes to finish.

Mr. STEVENS. I will not object, but I would like to have some time on our side.

Mr. HARKIN. I don't care. If I can just get 5 minutes, I will end.

Mr. STEVENS. The Senator has already had 20 minutes. The time was equally divided?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. I was told last night, I say to my friend from Alaska, that I had a half hour. I came in this morning and found out I only have 15 minutes. I don't know who made that agreement. It was done without my knowledge.

Mr. STEVENS. I have no objection if the Senator has 4 more minutes, but I would like the time until 10 o'clock.

Mr. THOMAS. The time is at 10 o'clock.

Mr. STEVENS. I am happy—

Mr. THOMAS. There is an objection. As a Member, I object.

Mr. STEVENS. I am happy to yield to the Senator 4 minutes of our time, if he wishes.

Mr. HARKIN. I will take 3 minutes.

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

Mr. HARKIN. I thank the Senator from Alaska.

Look, we may make the House uncomfortable, but I plead with my colleagues, I plead with my colleagues, don't let this happen. Don't, in our haste to leave here and go home for the weekend, shrug our shoulders and say, well, someone will take care of it. Don't let our reticence or our reluctance to make the House come back and do what is right cause us to turn a deaf ear and a blind eye to the poorest in our country.

I plead with my colleagues, let's do the right thing. Let's adopt this amendment. The House can come back later today. They can fix it. They can make it right. It may be a little bit uncomfortable for them to get on an airplane and come back here, but think about the discomfort of the poor in our country, think about that elderly person who needs the LIHEAP program. Think about their uncomforatableness. They need us. Let's not turn our backs on them at this point in time.

Mr. STEVENS. Mr. President, as the Senator from Iowa knows, this Senator completely supports Community Service Block Grant Programs. We both serve on the Committee on Appropriations and serve on the subcommittee that deals with this issue.

I tell the Senate, on these community service block grants, for every dollar that the Federal Government puts up, more than \$2 comes from outside sources. They are not matching funds. They put them up. They supply them. This reduction in the House bill was done to sort of have leverage over our committee in conference.

The Senate bill which is carried by the distinguished Senator from Pennsylvania already has the full amount of the request in it. All we have to do is get that bill to conference, but it has not been possible thus far. But when this continuing resolution takes effect, there will be allocated to the States the money they need.

Beyond that, FEMA has all sorts of money right now to assist the people who are involved in the hurricane areas. There is no reason to think anyone is going to be shut off in the disaster area from the community block grant concept because FEMA will provide money to this agency if they are short of money in this period ahead of us because of the delay in getting the Health and Human Services bill passed by the Congress and sent to the President.

But what happens if the Senator's amendment passes? We come to a halt tonight. We have already reprogrammed money to the Department of Defense from 2005 moneys in order to carry them over until they get the money from the Defense bill, when and if it is passed.

We know we are in a period of delay because of a lot of things, because of the two major disasters, because of the delay we have had in terms of being able to confirm the nomination of the Chief Justice. There has been a lot of delay this year, and we are late. It is not something new. We have been late before and had continuing resolutions.

This matter the Senator has brought up will not lead to people being denied assistance because the States can advance their money for this period of 6 weeks, and it will be repaid when we pass the bill. The Senate will hold the money for the Community Services Block Grants. We always have. It is one of the things we have negotiated with the House almost every year. The Senator knows this. We go to conference almost every year, and the House has reduced this item. It is sort of a little leverage in terms of negotiation with the Senator from Iowa, the Senator from Pennsylvania, both of whom have done an excellent job with Community Services Block Grants.

As I said, I support it. The chairman of the committee supports it. We support the Community Services Block Grant Program. It will be fully funded. It has been fully funded in the bill that is before the Senate. To delay this bill now and delay funding for everyone else because there is a little glitch here that it could—it could—be read to be something that is taking money, as a practical matter, it carries the same language that was in the continuing

resolution before when the minority was in the majority. This is exactly what happened before. It is the same thing.

And it is a continuing resolution that has to be passed. If it is not to the President by tonight, funding stops for everybody, not just a slight glitch in the Community Services Block Grant. I do not like to see people out there who really depend upon the Federal Government for assistance being told somehow or other they are going to be denied money. The money that comes from the Federal Government is less than a third of the money they get.

So we have a possibility of a slight delay in Federal money getting to them, but during that period, the non-Federal money, both from States and private sources, will meet the need. Beyond that, FEMA has money. We all know we gave them a tremendous amount of money to deal with those who are in the disaster areas.

So I say to my friend from Iowa, this is wrong. This is wrong. We will resolve this difference with the House. We have never before abandoned Community Service Block Grants in the Senate. I do not care which party has been in charge over the Senate, we have supported this program. And we will. But to threaten these people, to make it sound as though somehow or other they are going to put them out on the street and they are not going to get any assistance, that is wrong.

I tell the Senate, if we do not pass this bill without amendment, not only will the House be back here, we will be back here for days wrangling over what to do because we cannot get the House back by midnight. We go into that period of all the slush that comes after the funding runs out. And it is not an easy sight.

We all remember the time it happened once before when the Government did shut down because of a dispute between the House and the Senate. It was resolved out at Andrews Air Force Base about 9 days later, as I recall.

Now, at this time, after these two disasters, is no time to put a question on the availability of the funds for every agency. If the Senator's amendment is adopted, every agency is going to have to say: What do we do? We can't spend any money from the 2006 account. They will not have this continuing resolution, a lot of them, to spend from 2005 levels.

This is chaos. We do not deserve chaos in this country after the two disasters we have just come through. I say to the Senate, it is absolutely wrong to try to stop this continuing resolution this year. We have troops in the field. As I said, those of us on the Defense Appropriations Committee have, this last week, approved about seven different reprogrammings to make sure funds are available tomorrow morning for those people who need them who are deployed overseas. So to stop these funds, to stop this bill, would stop everything tonight.

Now, again—and the Senator has mentioned my State—my State is one of the States that needs funding of this kind. There is no question that if there is a hiatus of having Federal funds, the State is going to have to step forward and put some of their money up first. But they know we will restore this money. By the time the 2006 bill is signed, it will say that starting for October 1, they will get this money they should have had.

I tell the Senator from Iowa, there is just—

Mr. SPECTER. Mr. President, will the Senator yield?

Mr. STEVENS. Mr. President, I will yield right now to the chairman of the committee.

Mr. SPECTER. When the Senator from Alaska comments that the States can put up some money so there would be no shortfall in the interim until November 18, what assurances are there that that could happen, that they have the funds and the disposition to do so?

Mr. STEVENS. Well, I say to the Senator, I know my State. My State is not going to let those people suffer because there is a temporary hiatus in Federal funding. The checks will go out from the State. The State provides the checks. I cannot imagine that would happen.

Beyond that, FEMA is there. If this agency does not have the money to meet the needs in the area of the two disasters, FEMA can step forward and give them money. And it is already doing that. That is my information.

Mr. SPECTER. Mr. President, would the Senator from Alaska permit me to ask the same question to the Senator from Iowa? If I may have the attention of the Senator from Iowa.

Mr. STEVENS. If the Senator wants the floor, I will be glad to yield the floor to him. But I hope the Senator from Pennsylvania is not going to support this amendment. If you do so, it means we will be in real trouble as far as our committee is concerned.

Mr. SPECTER. Well, I have no present intention of supporting the amendment. I would like to try to find a way to resolve the issue substantively. But it is not an infrequent occurrence that the House leaves town and leaves us with a gun at our head, where we have no practical alternative but to yield to the House, which is out of town, to run the Government.

But I am intrigued by what the Senator from Alaska has said. He is very experienced and has been here a long time. He knows the ins and outs of Government perhaps better than anyone. And when the Senator says the States will provide the shortfall in the interim, it is a brief period of time, or FEMA could step in, I would be interested in the comments—I have discussed this preliminarily with Senator HARKIN.

Mr. STEVENS. It is to October 18. That is what we are talking about.

Mr. SPECTER. I hear it is November 18. It is 6 weeks.

Mr. STEVENS. November 18? I apologize. That happens to be on my birthday.

Mr. SPECTER. Well, that ends the debate. Six weeks is a short time in the fiscal year the way we function around here, but it could be a very long time for people who need money to keep their bodies and souls together.

Let me direct a question to Senator HARKIN.

The Senator from Alaska, having yielded the floor to me, how about Senator STEVENS' idea of the States making up the shortfall, on the assurances from the chairman of the Appropriations Committee and the President pro tempore and Senator HARKIN and myself—the ranking member and chairman of the subcommittee—that we will provide the additional funds when we go to conference so that any shortfall will be made up, that we will exercise our very best efforts and think we can be successful—we have some leverage, too, in conference—that the moneys will be paid in the interim and the shortfall will be made up?

Mr. STEVENS. Will the Senator yield for a question?

Mr. SPECTER. Sure.

Mr. STEVENS. Will you amend that question by saying we will provide in the bill that the States will be repaid for what they advance?

Mr. SPECTER. I will amend my statement to that effect.

The PRESIDING OFFICER. The Senator from Alaska has yielded to the Senator from Pennsylvania. However, the Senator from Pennsylvania may not yield to the Senator from Iowa. The Senator from Iowa can ask for recognition.

Mr. STEVENS. I yielded the floor, Mr. President.

Mr. SPECTER. We can work that out, Mr. President. I yield to the Senator from Iowa. I yield the floor so he can have the floor.

Mr. HARKIN. Will you ask the question again?

The PRESIDING OFFICER. Does the Senator from Iowa seek recognition?

Mr. HARKIN. Will the Senator please ask the question again? Is the question about the States making up the difference?

The PRESIDING OFFICER. If everyone will suspend, the time is controlled by the Senator from Alaska. The Senator from Pennsylvania could not yield to the Senator from Iowa. However, subject to correction by the Parliamentarian, the Senator from Alaska may yield to the Senator from Iowa.

Mr. STEVENS. Mr. President, I yield time to the chairman of the committee. I was just occupying the position of the chairman until he sought recognition.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, how much time is left on both sides of this issue?

The PRESIDING OFFICER. The majority has 4 minutes. The minority has none.

Mr. COCHRAN. Mr. President, I yield myself the remainder of the time allocated to the majority.

Do you know what this is, pure and simple? Shenanigans. Pure and simple, shenanigans. Now, the reporter may not know how to spell that, and I am not sure I could get it right, but it is not a serious effort to increase funding for anybody for anything. No matter what my good friend from Iowa has said about the intentions of this amendment, it is to force Senators to vote for a lower level of funding than he is proposing.

The problem is, the House is involved in this. We received this bill from the House. It is a continuing resolution to provide interim funding until we complete action on the next fiscal year bills for these programs.

You have heard the distinguished Senator from Pennsylvania, who is chairman of the subcommittee, who will help write that bill and manage the bill on the floor of the Senate. He is not going to reduce the levels of these programs, as the Senator from Iowa suggests will be done.

We will negotiate, in due course, in the regular order with the House, for appropriate levels of funding for the next fiscal year when we pass the next fiscal year bill. This is a temporary measure. It is not going to deprive anybody of funds they would otherwise get under the next year's bills.

The next fiscal year starts on October 1. Here we are at the end of the last fiscal year. This is shenanigans, purely and simply. The continuing resolution is not a new or innovative procedure to provide interim funding while the Congress completes actions on bills that may not yet be finally worked out between the conferees, between the House and Senate. It is often done. I do not recall there being any serious disadvantage to anyone under a continuing resolution. Any shortfalls that might occur as a result of the adoption of this continuing resolution can be made up when the regular fiscal year 2006 bill is finally agreed to by both Houses.

So I urge seriously the Senate to reject the amendment of the Senator from Iowa. It is not going to have the effect that he suggests because the House is not going to agree to it. The House has already passed the continuing resolution and set the level of funding on a temporary basis.

What is up to us now is: Are we going to provide continued funding for those programs that are identified in the continuing resolution? It is not just the programs the Senator from Iowa talks about. There are a lot of programs affected by this continuing resolution: national security issues, all kinds of other programs, nutrition programs for the poor. So what he would do, in effect, is deny them the funds that would be made available under the continuing resolution. That would be a mess.

If we want a mess on our hands and people hurting and deprived of funding

to which they are entitled under current law, at currently approved levels of funding by both Houses of Congress, vote for the amendment. That would create the real mess.

So I urge the Senate, Mr. President, to resist this amendment, vote it down. Then, let's adopt the continuing resolution and provide funding that is needed by all the agencies and Departments identified in the continuing resolution.

The PRESIDING OFFICER. All time is expired.

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

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), The Senator from New Jersey (Mr. CORZINE), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The result was announced—yeas 39, nays 53, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—39

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

NAYS—53

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

NOT VOTING—8

Biden	Gregg	Rockefeller
Byrd	Mikulski	Vitter
Corzine	Murray	

The amendment (No. 1921) was rejected.

Mr. KOHL. Mr. President, I joined my colleague, the Senator from Iowa,

in supporting the Community Services Block Grant, CSBG. The continuing resolution before the Senate contains the House-passed funding level for CSBG, \$320 million. This is a 50 percent cut from both the fiscal year 2005 level of funding and the Senate Appropriations Committee supported level.

CSBG funds can be used in a variety of ways to help low-income families make ends meet. I have heard from several agencies in Wisconsin who rely on this funding to provide a range of services, from job training to housing, to low-income families and individuals in their communities. These agencies have told me, in no uncertain terms, that a cut of this magnitude to CSBG would require them to cut actual programming aimed at reducing poverty for families and the elderly. This means a cut to programs such as the Skills Enhancement Project in Outagamie County, which provides skills training to low-income workers so that they may compete for higher paying jobs. Similarly, the Home Buyers Assistance Program, which aims to increase homeownership among low-income families, would have to narrow the number of families served if the CR was passed without additional funding for CSBG.

CSBG funding plays a similarly important role throughout my State. The West Central Wisconsin Community Action Agency, West CAP, which provides a range of supports for low-income families and individuals, relies on this funding to provide "hardship relief" programs, affordable housing, food pantry services and job training. West CAP has made it clear that this cut to CSBG couldn't come at a worse time, a time when they are seeing increases in the use of food pantries, steep increases in the pricing of basic needs, and dramatic increases in the costs of gasoline and home heating fuels, which particularly impact on low-income individuals.

That is why I am a cosponsor of the Harkin amendment to restore funding to CSBG. At a time when Katrina and Rita have focused our Nation's attention on the needs of low-income families, it is unconscionable that Congress would turn its back, by cutting CSBG. With this amendment we had a chance to set it right.

Mr. THUNE. Mr. President, today I voted in opposition to the Harkin amendment to H.J. Res. 68. I opposed this amendment not because of its substance, because I am strongly on the record supporting the Community Service Block Grant Program. I voted earlier this year for an amendment to the fiscal year 2006 budget resolution that would increase funding for a number of community development programs by a total of \$2.073 billion. This funding increase was for important programs such as community development block grants and community service block grants that give a helping hand to those who need it most and help get them back on their feet.

No, I did not oppose the amendment because of its substance. I opposed it because of its timing. We are here on the last day of the fiscal year, and the bill before us would provide stopgap funding for a majority of the Federal Government until we finish the appropriations process here in Congress. We cannot hold up this bill today to provide stopgap funding for the Federal Government. The House of Representatives passed this bill last night and has adjourned. If the President does not sign this bill before midnight tonight the Federal Government will shut down.

We cannot allow important programs and agencies of the Federal Government to go without funding—especially in this great time of need. Numerous Government agencies are working around the clock in emergency recovery efforts to assist those impacted by Hurricanes Katrina and Rita on the gulf coast.

The issue that the Senator from Iowa brought up is extremely important, and I am certain that the Senate will quickly restore funding to the level that allows the CSBG Program and other community development programs to operate effectively.

Last night the Democratic whip in the House of Representatives said it would be "unacceptable" to allow the Government to shutdown. I agree. Failing to pass this stopgap funding bill today without amendments would do just that. It would shutter the windows of many vital Federal Programs—including those programs deeply involved in hurricane recovery efforts, funding for our troops, and other essential programs. This is unacceptable indeed.

I know how important the CSBG and CDBG Programs are to my home State of South Dakota. I often discuss with my constituents how these programs impact the lives of many South Dakotans. I also realize how this current funding situation would impact our State. That is why I am determined to work with my colleagues at the appropriate time to restore funding. But we cannot shut down the rest of the Federal Government today at this critical hour.

Finally, I fear this is the kind of vote that the other side makes the Senate take up just for attempted political gain and for crass political motives. I fought a hard campaign last year, and I know first hand how votes can be twisted during an election year—when tension is high and there is little time for substantive explanations. I am making this statement today to set the record straight. Those on the other side may someday try to use this vote for their political advantage, but I resolved to make the responsible vote and keep our Government from facing a shutdown and resolving the funding issue on CSBG at the correct time.

Mr. BURNS. Mr. President, today I opposed the Harkin amendment No. 1921, on the Community Services Block Grant (CSBG) Program.

Most of us know the important role that the Community Service Block Grant Program plays in addressing the needs of folks on limited incomes in Montana and across this country. The programs it encompasses go a long way toward softening some of the conditions and addressing the causes of poverty. The range of services include everything from low-income energy assistance, nutrition and housing programs, Head Start education, and other vital services offered by community action agencies.

I strongly support the CSBG Program—I always have—and I will continue to support full funding of CSBG again in the fiscal year 2006 Senate Labor, Health and Human Services and Education appropriations bill. The Senate version of the bill funds CSBG at almost \$637 million, while the House of Representatives funded the program only at \$320 million. Earlier this year, I signed a letter to my colleagues on the Senate's Appropriations Subcommittee on the Departments of Labor, Health and Human Services, and Education, outlining my support for funding CSBG at \$650 million fiscal year 2006. All the Senate needs to do now is its work in passing the fiscal year 2006 Labor-HHS-Education appropriations bill and getting it to conference where this important program and the countless others' funding levels may be reconciled with the House bill.

I have no doubt the CSBG Program will be funded sufficiently this year, contrary to the benchmark the House of Representatives has set. Given that this situation will be resolved with the completion of the appropriation process, along with the fact that I do not believe we should hold up this continuing resolution and other important appropriation bills, such as the Defense bill which provides funding for our men and women in harm's way, or shut down the Government because of this amendment—for something I feel confident will be funded anyway. Voting for this amendment would have shut down the Government, thereby completely eliminating any of the funding mechanisms in place to continue helping those most in need. I was not willing to jeopardize their well-being.

Mr. KENNEDY. In the past five years, five million more citizens have fallen into poverty. Thirty-seven million Americans live below the poverty line. Three million more working Americans live in hunger or on the verge of hunger today than in the year 2000.

The long-term unemployment rate is at historic levels—1.4 million Americans are unemployed. Wages are stagnant throughout the United States, yet gas prices, housing costs, and heating oil costs are soaring. Families stay awake at night worrying how to make ends meet.

Many parents wonder how they will feed their children and pay their bills. It is shameful that in the richest and most powerful Nation on Earth, nearly

20 percent of all children go to bed hungry at night because their parents, even working full time, still can't make ends meet.

So how does the Republican leadership in Congress respond? By cutting one of the key programs intended to help these families and children through times of difficulty.

These cuts are even more incomprehensible when we see the needs of our fellow citizens who have lost everything in Hurricanes Katrina and Rita. The needs of the poor in America had already been ignored by the Bush administration. But those devastating storms have shone a bright new light on the unacceptable poverty that continues to plague our communities today. We all watched the heart-breaking scenes of countless low-income residents with no cars, struggling to escape the path of the hurricane, and then struggling again to escape the flood waters. These were real people in real poverty left largely on their own, fending for themselves.

American people expect their leaders to stand for fairness, freedom and opportunity. Those values are the cornerstone of the American dream. We believe that if you live right and work hard, you should be able to care for your family, afford rent in a safe neighborhood, and to send your children to college.

We also believe that when life deals you a setback, you can count on your neighbors to pitch in. If you lose your job or become seriously ill, we all want to help out. If you lose your home, your belongings, and your security from a natural disaster, it is some comfort to know at least that you haven't been deserted and that help is on the way. You deserve a chance to pick yourself up, dust yourself off, and start over again—to reclaim the American dream for yourself and your family. That's the American way, the American spirit.

The State agencies and the community action agencies funded by the community service block grant program know that spirit well. They fight poverty and encourage self-sufficiency in low-income communities every day. Their services include literacy, child health care, afterschool activities, low-income housing development, food stamps, and emergency shelter assistance—all building blocks for a better future for families facing misfortune.

Unfortunately, the administration and the House of Representatives have closed their eyes to the needs of the poor and to the important work of these community service agencies across the nation. This bill takes the unconscionable step of cutting funds for the community service block grant program in half—just at the time that these services are needed most.

At a time when poverty is increasing, and in the wake of the devastation of the hurricane, the House has decided to limit funds to the very agencies that came forward to help people least able to help themselves.

As Hurricane Katrina hit, Assistant Secretary for Children and Families Wade Horn acknowledged the unique role of the community-based agencies in disaster relief and called them to action in a memorandum of September. He said that community action grantees "particularly those in Alabama, Louisiana, Mississippi, Arkansas, Texas, Florida, Georgia and Tennessee [should] open [their] doors to those displaced families who have sought refuge in [their] community and seek new ways to support individuals, families and children impacted by this disaster."

These local agencies responded to that call by providing support and other help to those in need.

I recently heard of a community action agency in Georgia. A woman lost her home and her employment to Hurricane Katrina. She and her husband had evacuated New Orleans without their medication and little more than the clothes on their backs. The woman came to the Union County Community Resource Center. She and her husband were provided with food, vouchers for clothing at local thrift stores, and were referred to the local free clinic to obtain the prescriptions they needed to replace those that were lost. They were helped to find jobs through churches, organizations, and businesses. In fact, the woman was placed in a position within the same week.

In Arkansas, community service block grant funds helped a single mother and her four children move from a shelter into federally assisted permanent housing. Funding paid for the security deposit, a deposit with the electric company, and a new washer and dryer because there were no facilities in the building.

These actions are repeated every day thousands of times over to help people get back on their feet. According to the National Association of State Community Service Programs, community action agencies have assisted over 171,000 evacuees. Much of their time was volunteered. But the services and facilities they are using will draw from the funds allocated by the government. The services for new residents, even temporary ones, will change the community priorities already set for dwindling block grant resources. How can the administration encourage these agencies to do more while simultaneously cutting their funds?

Over the past 3 years, community service block grant funds have been eroding, and a lack of funds has impaired the ability of these agencies to reach out to the poor. If the community service block grant is cut in half, their services will be compromised even more, and the agencies will face a crisis of their own that will strain their reserves. Programs that depend on grant resources for support such as fuel assistance, the earned-income tax credit, Medicare outreach, and food pantries will be seriously hurt, and in some cases will be eliminated.

With rising home energy costs, a 50-percent cut in funding will jeopardize the LIHEAP program. October and November are especially busy months for the community action agencies that administer it. The program year begins October 1, and many agencies sign up the vast majority of LIHEAP participants right away. Most States get almost 90 percent of their annual allotment in the first quarter.

In 3 months, the loss to Massachusetts will be \$2 million. Half of the State's 4,000-person staff will face layoffs. Yet our State serves more than 400,000 persons, including many from the Gulf States.

According to Action Inc., a community action agency in Gloucester, MA, a temporary 50-percent cut in funds will result in the elimination of its housing and family legal services. Three hundred fifty very low-income local families who face housing problems will be at risk of homelessness.

The family law program will also be eliminated. Yet it helps 75 very low-income residents a year by providing legal assistance on issues such as divorce, custody, visitation and child support. Four hundred twenty-five families will not have the legal assistance that helps prevent evictions and solve critical family issues.

Action Inc. is only one example of the numerous agencies in Massachusetts and across the Nation facing layoffs and program cuts or even elimination because of the harsh cuts in continuing resolution.

It is wrong for the administration and the House of Representatives to shred America's safety net even further when so many Americans are already falling through it. We know how to mend it. All we lack is the will and the leadership to do it.

The community services block grant agencies have been fighting to alleviate poverty with great skill. It is time the Government stopped forcing them to do so against such heavy odds. The challenge is too critical for Americans to ignore any longer. We can no longer remain indifferent to the least of those among us.

Personal responsibility, community responsibility, government responsibility—they go hand in hand. When one of them breaks down, as it has now, we have to fix it. I am saddened by Congress's harsh treatment of those most in need. We should fully fund the community service block grant, not cut it in half.

It may be inconvenient for House Members to take a plane ride back to Washington to fix the problem they created, but it does not compare to the hardships millions of poor people face today and every day.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 68) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third

time, the question is, Shall the joint resolution pass?

The joint resolution (H.J. Res. 68) was passed.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006—Resumed

Mr. STEVENS. Mr. President, is the pending business the Defense appropriations bill?

The PRESIDING OFFICER. The pending business is H.R. 2863, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1922

Mr. STEVENS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 1922.

At the appropriate place in the bill insert the following:

SEC. . . Notwithstanding Sec. 101 of H.J. Res. 68, the Community Services Block Grant program shall be funded at the same rate of operation as in Division F of Public Law 108-477, through November 18, 2005.

Mr. STEVENS. Mr. President, this will ensure, once our Defense bill is passed, that this glitch in the community services block grants will be eliminated. I hope everyone understands that the sooner we get this bill to the President, the better off this program will be. In the meanwhile, this is assurance that the Senate stands behind the total figure that is in the Senate bill as reported out from the Senate today.

I ask for adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 1922.

The amendment (No. 1922) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. I ask unanimous consent that Senator GRASSLEY and my

colleague, Senator MURKOWSKI, be added as cosponsors of the amendment.

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

Mr. STEVENS. 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. STEVENS. 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. STEVENS. Mr. President, we have not been notified by any Senator that they wish to offer an amendment to the Defense bill today. It is my understanding later today there will be an agreement that all amendments in the first degree to this bill should be filed by 5 o'clock Monday.

Under the circumstances, since other Senators wish to speak on nongermane matters, unless there is someone who wants the floor right now to talk about defense—I am informed there may be an amendment.

MORNING BUSINESS

Mr. STEVENS. Mr. President, pending the arrival of the Senator who wishes to offer an amendment, I ask unanimous consent that there be a period for the transaction of morning business in order that the Senator from North Dakota can speak for 10 minutes.

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

The Senator from North Dakota is recognized.

Mr. DORGAN. I thank the Chair.

(The remarks of Mr. DORGAN and Mr. WYDEN pertaining to the introduction of S. 1805 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

STRATEGIC GASOLINE AND FUEL RESERVE ACT OF 2005

Mr. DURBIN. Mr. President, as of yesterday afternoon, nearly a quarter of this country's refinery capacity is offline.

Already feeling the impact of high prices at the gas pump prior to the two hurricanes, Americans are bracing for additional price increases as refinery operations remain shutdown in the gulf coast. Americans are also bracing for record high energy costs this winter.

While the administration has ordered the release of petroleum from the Strategic Petroleum Reserve, without refinery capacity, putting crude oil on the market does little to nothing to alleviate immediate supply constraints and high prices at pump.

What hurricanes Katrina and Rita taught is that we must be ready for a rainy day. That is why it is critical to our national and economic interests to build a gasoline reserve to keep the country moving forward in case of an emergency.