

leave. I'll never forget looking back as I left Hart 216 and seeing the almost surreal scene of Senators mixing with media and staff, talking to Internet pirates and heavy metal band rock stars with rock music playing in the background. It was a scene that only Shawn could have pulled off.

Shawn did all this—he succeeded at all he undertook—without boasting or calling attention to himself. He knew there were more important things in life than a battle of wills and, as a result, he won the respect and trust of people on both sides of the aisle.

There is not one person on the Hill or in business who would call Shawn an adversary or enemy. Those who worked with Shawn learned a lot more from him than the other way around.

Two other fond memories of Shawn from early in his career come to mind. When the Senate was debating the constitutional amendment for a balanced budget, the BBA, I asked Shawn to develop some materials supporting the need for the amendment.

With customary good staffing, Shawn put together a very impressive set of volumes which he drove out to my home the weekend before the debate. I was astounded by the depth, and to be truthful, the volume of the materials. "Shawn," I said, "I'm just overwhelmed by the amount of material you developed. You didn't need to do all that." Shawn thought a moment, paused, and said, "With all due respect, Senator, could you have told me that yesterday?" That was the wit of Shawn Bentley. Quickly recovering, I replied, "Shawn, I don't need all those materials if I have you sitting by my side. That's good enough."

And I meant it. I could always count on Shawn to be well-prepared, succinct, and oh-so-witty. But Shawn was Shawn. So, then we got to the floor with the BBA.

As chairman of the Judiciary Committee, I was managing this constitutional amendment's debate on the floor with Shawn right there beside me. One of the most contentious issues was over how the amendment would affect the Social Security fund.

Senator Fritz Hollings, then the junior Senator from South Carolina, for some 40 years I might add, was recognized by the Chair to speak in opposition. Knowing his remarks were long, I took that opportunity to go to the cloakroom and make a phone call. I asked Shawn and another capable staffer, Larry Block, to please take notes and write down five points to respond to Senator Hollings.

The trouble was that with his deep South Carolinian accent, neither Shawn nor Larry had absolutely any idea what Senator Hollings said. After about five minutes, my two staffers were getting pretty nervous on the floor anticipating my return. Suddenly, Shawn gave a big smile. "I've got it," he said. "All we need to do is write down five points supporting the BBA and why its enactment would not

have a negative impact on Social Security."

I soon returned and read the talking points, adding several points of my own. All went well. Only later did I realize what Shawn had intuitively grasped. If we could not understand Senator Hollings, no one else could either!

The moral of this story: As President Andrew Jackson opined many years ago, "Take time to deliberate, but when the time for action arrives, stop thinking and go in."

Shawn was probably one of the most deliberate lawyers ever to have worked on the Judiciary Committee. On Capitol Hill, where the emphasis too often seems to be on getting there first, Shawn's primary concern was always getting it right first. I could count on him to have the right answer to my questions, and if he did not know the answer, he wouldn't guess—he would do the work and get it right and then make his recommendation to me.

I cannot say enough good things about Shawn Bentley. Indeed, his loss is a loss to the Senate family, to his family, and indeed the Nation.

As we head into this season of Autumn, as the leaves change colors and the temperature turns, some verses from Ecclesiastes 3 seem so appropriate:

There is a time for everything,
And a season for every activity under heaven:

A time to be born and a time to die,
A time to plant and a time to uproot,
A time to tear down and a time to build,
A time to weep and a time to laugh,
A time to mourn and a time to dance,
A time to embrace and a time to refrain,
A time to search and a time to give up,
A time to tear and a time to mend,
A time to be silent and a time to speak, and
A time to love and a time to hate.

Let us take comfort in those words, knowing that it was God's will that this be Shawn Bentley's time. But we can still rejoice in his life, and embrace all that was good about Shawn Bentley, the son, husband, father and friend we all loved so dearly. And may his family find comfort in the lasting memory of this great man, Shawn Marion Bentley, who indeed lived his life by the words of "With Arms Wide Open":

"If I had just one wish
Only one demand
I hope he understands
That he can take his life
And hold it by the hand
And he can greet the world
With arms wide open . . ."

Shawn Bentley's untimely passing is this Nation's loss.

On behalf of the Senate, let me say that our hearts go out to the Bentley family—to his loving wife Becky, their beautiful daughters Katie and Samantha, his parents DeAnna and Marion, and his five brothers Jared, Derek, Justin, Christopher and Gavin.

Mr. LEAHY. Mr. President, the Senator from Utah and I are here to talk about something where somebody's

schedule has been terribly changed, the schedule of his whole family. I am talking about Shawn Bentley and how all of us who knew him are offering our deepest sympathy for him.

Certain people on the Senate Judiciary Committee are like family, and Shawn had most Senators and staff among his many friends. He was extremely well liked on both sides of the aisle, both for who he was and for what he did.

In his decade as a senior intellectual property counsel to my friend from Utah, Senator HATCH, he touched every significant piece of legislation that we undertook: The Satellite Home Viewer Act, the Digital Millennium Copyright Act, the Federal Trademark Dilution Act. Those were the significant ones. There are a lot of others, important ones, that he was intimately involved with. But he touched us not only with his skill as a lawyer, his devotion as a public servant, his generosity as a colleague, but especially just his innate decency as a human being.

I know that he was a loving and devoted husband, father, and son. Leaving behind a young family makes it even more tragic. I hope his family, his young daughters who did not begin to get enough time to know their father, will know that those of us in the Senate mourn his loss. It is a tragic one.

My wife Marcelle and I will keep him and his loved ones in our prayers.

I thank the distinguished senior Senator from Utah for arranging the time for us to speak.

I yield the floor.

Mr. HATCH. Mr. President, I am grateful to my distinguished colleague from Vermont for the kindness that he has shown here today and the friendship that he has shown to me and to the family of Shawn Bentley. I am very grateful to him.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that whatever time remains to me in the hour allowed under cloture be transferred to the time of the distinguished Democratic leader.

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

RECESS

Mr. STEVENS. Mr. President, there are no speakers present. I ask unanimous consent that the Senate stand in recess until 7 p.m., with the time continuing to run against cloture.

There being no objection, the Senate, at 6:16 p.m., recessed until 7 p.m. and reassembled when called to order by the Presiding Officer (Mr. DEMINT).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006—Continued

The PRESIDING OFFICER. The Senator from Alaska.

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

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

(The remarks of Mr. SCHUMER are printed in today's RECORD under "Morning Business.")

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

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

Mr. VITTER. Mr. President, I ask the Senate focus on a matter of real urgency and real importance for the people I represent in Louisiana and, indeed, for all of the victims of Hurricane Katrina along the gulf coast. We are dealing with so many new and enormously challenging situations because of the devastation of Hurricane Katrina. One of them is the fact that in Louisiana and in certain counties in Mississippi, in the truly devastated areas, we have areas that have been knocked off the map economically. There is truly no viable economic activity going on in those about six parishes in Louisiana and about three counties in Mississippi for the time being.

We will come back. Businesses will come back. Things will get back to normal over time, but it will take some time. So one of the primary challenges we have is absolutely no economic activity for now.

What does that mean? It means absolutely no local tax revenue for now to support local governmental entities, including crucial services such as fire and police and hospitals. This is an enormous and growing challenge in southeast Louisiana as we speak. Literally, we have crucial governmental entities that are trying to provide those very basic services—not a full-blown local government, not their normal budget as it was 3 months ago but those basic services, fire and police and hospitals, in order to form the basis of recovery. Because, indeed, if you do not have those essentials, you have nothing and no one will return; jobs and businesses cannot grow.

To help southeast Louisiana through this very torturous time, I have worked with the entire Louisiana congressional delegation to try to fashion some very focused relief to get funds through a loan program, which I will describe in a minute, to these local governmental entities so they can meet their core ongoing needs, their crucial emergency services, crucial necessary services such as fire and police and hospitals over the next few months until we can stabilize.

I have been working for over a week on this, getting into the details, if you will, with the Senate leadership. Let me compliment the Senate leadership and the majority leader in particular for being so focused on this issue, and working so hard on it, devoting significant staff to it.

I have also worked very hard on this issue with the White House and the administration, including the Office of Management and Budget. We have worked through the numbers and worked through various calculations of what that specific need for local government and essential services may be. I thank them and compliment them for that work.

I have also had significant discussions with the leadership of the House, and certainly House Members of the Louisiana delegation have done the same. We have thought through, worked through, talked through all of these issues.

The product of all of that work is a proposed piece of legislation which I have circulated to all Members of the Senate. Under that proposed piece of legislation, we would offer some immediate help, which we need to do now, before we recess for next week, to allow these local governmental units to survive and provide the basic police, fire, hospital, and related services they need to continue to provide if there will be any platform on which to build a full recovery.

I have circulated this proposed bill. It is a \$750 million bill that would work through an established loan program in the Department of Homeland Security. It is called the Community Disaster Loan Program. It has gotten great support through the Senate. In fact, there has been no objection on the majority side.

There is some objection on the minority side, but as yet, at least in terms of my knowledge, that objection has not been clearly identified or described to me or to anyone who can work out the problem and work out the objection.

Because of this enormously pressing need, because these units of local government are literally on the brink and can teeter either way with their mandate to provide essential services—fire protection, police protection, hospital access—I ask all Members of the Senate to give me their indulgence and focus on this proposal, and if they have a question or an objection, simply to see me or other knowledgeable Members about it as soon as possible. I will be here all night, as long as it takes. In fact, I will be presiding, starting in 7 minutes, for 2 hours. I will be happy to have conversations on the side with any Member who wants to pose questions or set forth any objections they may have to the proposal. But I ask the focus and the indulgence of all Members of the Senate to do just that, so we can come together in a bipartisan way and actually get something important and concrete done for the

true victims of Hurricane Katrina and begin to move on.

Again, this is a very time-sensitive matter so I urge Members who have questions or objections to do this tonight so we can solve these problems, pass the bill through the Senate, and make sure we pass this enormously vital and crucial legislation before the Congress leaves Washington, DC for the October recess.

Mr. President, I yield the floor.

Ms. LANDRIEU. Will the Senator yield for a question?

Mr. VITTER. I am happy to.

Ms. LANDRIEU. If the Senator will yield for a question and comment, let me thank my colleague from Louisiana for his extraordinary leadership on this issue. He has been in meetings all week, literally for weeks, as I have, and on the phone with everybody you can talk to. Of course, the time he spent in the House in Louisiana has served him well because he knows how much our needs are. But I want to ask him a few questions because he and I are committed to stay tonight until we get some kind of resolution.

Is it the intention of the Senator, the junior Senator from Louisiana, that these loans be in the same line as the current legislation, which gives discretion on the part of the administration to forgive them or not? Or is it the intention of the Senator for us to leave current law and absolutely make it certain, when no one else has been required to do so, that these loans would have to be repaid under all and every circumstance?

Mr. VITTER. Under the proposed legislation I am talking about, there is new language that would tighten up, if you will, the repayment possibilities of these specific loans. It would not change all of the Stafford Act, in terms of this loan program in general. That new language would simply apply to these specific loans.

That language is included in the proposed legislation for a very simple reason, and that reason is that, based on literally dozens of discussions with various folks, including in the House, it is very clear to me, in fact it is crystal clear to me, this will not pass tonight or tomorrow through the process without this language in the legislation.

Having said that, I have also gotten assurances from several people in the administration that they are very understanding of the extraordinary situation these local governments are in, in terms of their financial condition and their ability to pay, and they will be extremely open to working out that situation as it pertains to these liens over the period of the loans.

Personally—and I am only speaking for myself—I feel very comfortable with those assurances. Personally—and again, I am only speaking for myself—I am completely confident that without the language you are alluding to, this legislation will not pass the House either tonight or tomorrow. So that is the sole reason, that focused language

which applies only to these loans and does not change the Stafford Act on this issue otherwise, in terms of other situations—that is the only reason that language was included.

Ms. LANDRIEU. I can appreciate that. If you don't mind me pursuing that line of questioning, I can most certainly appreciate what the junior Senator is saying about the reluctance of the House of Representatives and the administration at this point because I have yet to receive any letter or assurance, but it is right now the House of Representatives that basically would be willing to make loans to the devastated cities in the gulf coast, but would insist that those loans be paid back, when not insisting on that for other loans that have been given to Puerto Rico, and to Florida, and to Alaska, and to other places, which were waived.

I understand the House of Representatives, while allowing others to borrow this money and then ask for forgiveness, would not allow Louisiana that same privilege. I understand the position of the Senator is that we be treated the same, as a first-class State, not a second-class State. I know that is your position. But it does concern the senior Senator that we would have to be dictated to by the House of Representatives, that we would have to be treated in some second-class fashion.

I am also appreciating that, while the administration has given you an assurance that they do not intend to treat us as second-class citizens, I would feel better, before we left tonight, if we had something in writing from the administration that they think Louisiana deserves the same treatment. For that reason, Louisiana, Mississippi, Alabama, and Texas—that we would deserve the same treatment as other States.

That is why I am in a situation here where I want to commend you for the compromise we have tried to reach today. It is, indeed, tempting. But we are going to have to go home, if we do not get something from this administration, and say we have agreed to a second-class status, and our people have been hurt and offended and left by a FEMA that is not operating very well. That is my concern.

I know you and I agree about that, but do you want to go ahead and answer?

Mr. VITTER. I will offer two further points of explanation. First, I have been working to address these issues specifically with Members of this body, including Senator JEFFORDS of Vermont, who had this specific concern about any permanent and global change to the Stafford Act. We have worked through that issue very constructively. I thank him for bringing that concern to me so we could work it out. I am asking all Members who have a concern to do just that, to identify themselves, to bring their concern to me.

Second, I am very comfortable with all the assurances I have received from the administration.

If there is any different language that would apply to these loans, perhaps it is partly explained by the fact that the size of these loans is well beyond anything that has ever occurred in this loan program before. So we are truly breaking new ground in terms of the size and the capacity that we are asking to be allowed to have access to because of the enormous need for this on the ground in the six devastated parishes in southeast Louisiana.

My final point is, it is very clear to me we either do this or we do nothing. One thing I am not in favor of is doing nothing. One thing I am not in favor of is giving speeches but going home with absolutely no concrete help for these desperate units of local government which have done heroes' work in terms of providing police and fire protection, health services, and hospital access. They need the help now. They cannot wait until 10 days or 2 weeks from now.

So given this is our situation, I believe this compromise is not only fair and just but absolutely essential that we strike today and tomorrow.

Ms. LANDRIEU. If the Senator will yield, I can most certainly appreciate that perspective. I definitely agree it is extremely important to not just give speeches but to get something that is real for our people. But because we have no written commitment from the administration, and no resolution, and no letter, and no written commitment from the House, no assurance, no resolution, no promise to pass the legislation that you have presented and outlined, I am not sure even if you and I could manage—because there is not very much disagreement between the two of us; but our colleagues have some disagreements—if we could pass this legislation in the Senate that it is actually really going to do anything for people at home other than say the Senate has come together.

It would not be the first time the Senate has come together, as the Senator knows, because this Senate is ready to pass emergency health care legislation, and this Senate is ready to pass emergency education legislation, and this Senate is ready to pass—and already has passed—help for small businesses. So it is not the Senate, as the junior Senator—

Mr. VITTER. Senator, I—

Ms. LANDRIEU. Just 1 minute. Let me finish.

The Senate is not necessarily the problem. We have been amazingly bipartisan. Our committee chairs and ranking members, as the Senator knows, have done yeoman's work. And in the Small Business Committee that you and I serve on, we have already passed that legislation. But the senior Senator remains concerned that we still do not have any written assurance or a resolution or something we could take home to our mayors, et cetera.

Let me say one other point. I have read carefully the proposed language

about lending Louisiana and Mississippi and Texas this money, and then making us pay it back when no one else in the country has been forced to do that. I have read that language. I have also read the language about who is eligible.

I ask the junior Senator, are you confident in the language—and I do not have it in front of me, but I can call it up, not that it is filed—that the sheriffs of Louisiana would be included in this proposed compromise? Is the Senator from Louisiana indicating that the sheriffs of our State are absolutely, positively included?

Mr. VITTER. Yes, I am completely confident of that.

Ms. LANDRIEU. OK.

Mr. VITTER. If the Senator will yield?

Ms. LANDRIEU. Go right ahead.

Mr. VITTER. A couple points: I think this is a very useful exchange because I take it from the Senator's comments that the senior Senator is, in fact, one of the folks who has expressed an objection to this moving forward tonight.

Ms. LANDRIEU. I have not yet expressed an objection, but I am considering it on the grounds—I am not yet expressing objection, but I am considering it, respectfully, having complimented the junior Senator for the great work he has done, because I am hesitant to accept terms of aid that are applied only to us and to no one else, and not because the junior Senator objects or other Senators, but because the House of Representatives, which is in control of the Republican leadership, has decided that the only way that they will amend the law is to force us alone, uniquely, to have to agree to pay it back, when no one else in America, in the past or the future, will be required to do so. That is a hard thing for the senior Senator to agree to, but I am considering it, if maybe that is our only option.

But you can understand why I might be a little bit exercised about the House of Representatives saying to people who are desperate—like on the front page of the National Geographic—we know you are suffering, we know you need help, there is no question you have no money to pay your bills, there is no question that we have lent other people money and forgiven their loans, there is no question that this is the worst natural disaster in the history of the country—but the only way we will compromise with you, Senator LANDRIEU and Senator VITTER and Senator FRIST and Senator REID, is if your desperate people promise to pay the loan back. And, by the way, we are only making the law for you.

Mr. VITTER. If I could ask—

Ms. LANDRIEU. Hold on. I will not yield at this moment. If someone—

Mr. STEVENS. I object.

The PRESIDING OFFICER. The Senator from Louisiana controls the time.

Mr. VITTER. Reclaiming my time, I would wonder if the Senator objects to the fact that under this proposal we

would also expand in terms of amount and number and capability the ability to get these loans? We are getting more of these loans than anyone in any other situation would have gotten before. I wonder if the Senator would object to that change?

Ms. LANDRIEU. Can I answer that?

Mr. VITTER. No.

Ms. LANDRIEU. Can I answer that?

Mr. VITTER. Again, reclaiming my time, I would simply ask directly if the Senator could either object or not object—let me know—and also help us identify any specific objections that may exist on the minority side.

But in closing, Mr. President, I would just say, again, it is very clear to me, having spent a week working on this, that we either do this today and tomorrow or we do nothing and go home for 10 days and give no relief to these communities and these parishes which so desperately need the help. I vote for doing something. I vote for leading. I vote for helping in a meaningful and concrete way the people of southeast Louisiana and urge all my colleagues to please join me in that effort.

I yield back my time.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, there are discussions going on concerning the future of this bill and what time we may be able to vote and dispose of the bill. I did try to go to third reading to make sure we would not have amendments coming in here at the last minute that would require Members to come back into the Senate to vote at this time.

I want to state that I do not have any problem with the exchange between the Senators from Louisiana. They do have a very difficult proposition. I am not going to get into that at this time. But I will say this: The arrangement that the junior Senator has made is much better than we got after the great earthquake in Alaska in 1964. I think people ought to realize that while the numbers of people involved in this great disaster from Katrina and the disaster of Rita—we have had massive disasters such as our earthquake and our great flood and the typhoons in Hawaii. This is not something that is new. The number of people may be greater, but the type of disaster is not any greater.

I would hope we would have a chance to finish the conversations that the leadership is having and we can find some way to deal with this situation and let people know what time, and if, we are going to be allowed to vote on this very important bill that should go to conference before we go home.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to dispense with the calling of the roll.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object.

The PRESIDING OFFICER. There is objection.

The legislative clerk continued with the call of the roll.

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

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ORDERS FOR FRIDAY, OCTOBER 7, 2005

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until 8:15 a.m. on Friday, October 7. I further ask consent that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 2863, the Defense appropriations bill. I further ask consent that following the leader's remarks, Senator LANDRIEU be recognized to speak until 9:15. I further ask consent that immediately following her remarks, and with no intervening action or debate, all time under cloture then be considered expired, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Before we recess, I will yield to the Senator from Louisiana for 5 minutes before we close.

Ms. LANDRIEU. I thank the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

DISASTER ASSISTANCE

Ms. LANDRIEU. Mr. President, it has been a very long day. I am hoping, as

this day continues into the evening hours, as we continue to work on the underlying bill, which is the Defense appropriations bill, to have an amendment dealing with Hurricane Katrina in a way this Congress might respond to this urgent need. I thank the Senator from Alaska for his patience through this day because the issue that is before us really is not an amendment on the Defense bill. It is a separate issue but needs to be handled before we leave, in my opinion.

That is why I have stayed here throughout the day and have been here, of course, throughout the week, in many meetings and phone calls, and now in time on the floor throughout the day, to try to find a way to get some immediate help to our cities and parishes and counties along the gulf coast. It looks like there is a possibility that still might be the case.

But because of the lateness of the hour, really for the staff that has been here so long, I am going to agree to continue to work through the night, allow the staff to take a recess, and spend some time on this, as I have throughout the last few hours, working with my colleagues, particularly Senator LEVIN from Michigan, who has put in a tremendous amount of time, other Senators, Senator CARPER from Delaware, Senator CLINTON, Senator DURBIN, Senator REID. And Senator FRIST has been here for a while. Of course, Senator VITTER was here earlier trying to get through this process, with the

specific focus of mine being to try to get our State in the same situation that other States have been put in when they needed help.

We are not quite there yet, but we may yet get there by the time we close the debate in just a few hours. But, really, the staff has done more than they should be asked, to stay this late.

We have tried four or five different compromises in the last 8 hours, and we are not quite there yet. But we may be there in the morning when the Senate comes out of recess.

I am going to continue to work through the evening to see if we can find some sort of solution so that our four States—Louisiana, Mississippi, Alabama, and Texas—can be treated in the same way with the same respect as other States have in disasters in the past.

I thank the Senator for his patience throughout the evening.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Louisiana.

PROGRAM

Mr. STEVENS. Mr. President, we will reconvene at 8:15 tomorrow morning. Following additional remarks by Senator LANDRIEU in the morning, we will vote on passage of the Defense appropriations bill. That vote will occur concerning at 9:15. Following that vote, we