

Mr. BAYH, Ms. MIKULSKI, Mr. PRYOR, Mr. BINGAMAN, Mr. WYDEN, Mr. DEWINE, Mr. HARKIN, Ms. STABENOW, Mr. CORZINE, Mr. DURBIN, Mr. KENNEDY, Mr. LEAHY, Mr. HATCH, Mr. CRAPO, Mr. LAUTENBERG, Mr. COCHRAN, Mr. COLEMAN, Mr. HAGEL, Mr. SALAZAR, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. REID, and Mr. KERRY):

S. Res. 272. A resolution recognizing and honoring the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York; considered and agreed to.

By Mr. DODD (for himself, Mr. ENSIGN, Mrs. BOXER, Ms. COLLINS, Mr. AKAKA, Mr. BURNS, Mr. BURR, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. CORNYN, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. SALAZAR, Ms. SNOWE, Mr. SPECTER, and Ms. STABENOW):

S. Con. Res. 58. A concurrent resolution supporting "Lights On Afterschool", a national celebration of after school programs; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 241

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 440

At the request of Mr. BUNNING, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 685

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 685, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 994

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachu-

setts (Mr. KENNEDY) was added as a cosponsor of S. 994, a bill to authorize the Attorney General to make grants to improve the ability of State and local governments to prevent the abduction of children by family members, and for other purposes.

S. 1086

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1139

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1438

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1438, a bill to provide for immigration reform.

S. 1700

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1740

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1740, a bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies.

S. 1798

At the request of Mr. CORZINE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1798, a bill to amend titles XI and XVIII of the Social Security Act to prohibit outbound call telemarketing to individuals eligible to receive benefits under title XVIII of such Act.

S. 1808

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1808, a bill to amend title XIX of the Social Security Act to improve the qualified medicare beneficiary (QMB) and specified low-income medicare beneficiary (SLMB) programs within the medicaid program.

S. 1814

At the request of Mr. BAYH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1814, a bill to amend the Servicemembers Civil Relief Act and the Housing and

Urban Development Act of 1968 to enhance protections for servicemembers and their dependents, and for other purposes.

S. 1828

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1828, a bill to amend the Public Health Service Act to improve and secure an adequate supply of influenza vaccine.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself, Mr. ALLEN, Mr. DEMINT, and Mr. TALENT):

S. 1859. A bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes; to the Committee on Environment and Public Works.

Mr. BURR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1859

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Affordable and Reliable Gas Act of 2005".

#### SEC. 2. LIST OF FUELS.

(a) LIST OF FUELS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) (as amended by the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1106)) is amended by striking the second clause (v) and inserting the following:

"(vi)(I) The Administrator shall have no authority, when considering a State implementation plan or a State implementation plan revision, to approve under this paragraph any fuel included in such plan or revision if the effect of such approval would be to increase the total number of fuels approved under this paragraph as of September 1, 2004 in all State implementation plans.

"(II) The Administrator, in consultation with the Secretary of Energy, shall determine the total number of fuels approved under this paragraph as of September 1, 2004, in all State implementation plans and shall publish a list of such fuels, including the states and Petroleum Administration for Defense District in which they are used, in the Federal Register no later than 90 days after enactment.

"(III) The Administrator shall remove a fuel from the list published under subclause (II) if a fuel ceases to be included in a State implementation plan or if a fuel in a State implementation plan is identical to a Federal fuel formulation implemented by the Administrator and shall reduce the total number of fuels authorized under the list published under subclause (II) appropriately.

"(IV) Subclause (I) shall not limit the Administrator's authority to approve a control or prohibition respecting any new fuel under this paragraph in a State's implementation plan or a revision to that State's implementation plan after the date of enactment of this Act if such new fuel completely replaces a fuel on the list published under subclause (II).

"(V) The Administrator shall have no authority under this paragraph, when considering any particular State's implementation

plan or a revision to that State's implementation plan, to approve any fuel unless that fuel was, as of the date of such consideration, approved in at least one State implementation plan in the applicable Petroleum Administrator for Defense District. However, the Administrator may approve as part of a State implementation plan or State implementation plan revision a fuel with a summertime Reid Vapor Pressure of 7.0 psi. In no event shall such approval by the Administrator cause an increase in the total number of fuels on the list published under subclause (II) as of the date of consideration.

“(VI) Nothing in this clause shall be construed to have any effect regarding any available authority of States to require the use of any fuel additive registered in accordance with subsection (b), including any fuel additive registered in accordance with subsection (b) after the enactment of this subclause.

“(vii)(I) The provisions of clause (vi), including the limitations of the authority of the Administrator and the cap on the total number of fuels permitted, shall remain in effect until the harmonization of fuels under subclause V of this clause is accomplished. Once such harmonization has been accomplished, clause (v) shall sunset and the limitations of the authority of the Administrator under subclause (IV) of this clause shall apply.

“(II) The Administrator, in coordination with the Secretary of Energy (hereinafter in this clause referred to as the ‘Secretary’), shall identify and publish in the Federal Register, within 12 months after the enactment of this subclause and after notice and opportunity for public comment, a list of 5 gasolines and diesel fuels to be used in States that have not received a waiver under section 209(b) of this Act. The list shall be referred to as the ‘Federal Fuels List’ and shall include one Federal on-road diesel fuel (which shall grandfather the sulfur phase down in the Administrator's ultra low sulfur diesel fuel regulations in effect as of the date of enactment and shall permit the implementation of one alternative diesel fuel, approved under this subparagraph before enactment of this subclause for a State that has not received a section 209(b) waiver, only in the State in which it was approved prior to enactment), one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasolines with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity. None of the fuels identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

“(III) Gasolines and diesel fuels shall be included on the Federal Fuels List based on the Administrator's analysis of their ability to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity as a result of the adoption of the Federal Fuels List. In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend implementation of this clause. The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Sec-

retary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

“(IV) Upon publication of the Federal Fuels List, the Administrator shall have no authority, when considering a State implementation plan or State implementation plan revisions, to approve under this subparagraph any fuel included in such plan or plan revision if the proposed fuel is not one of the fuels on the Federal Fuels List; or to approve a State's plan or plan revision to move from one fuel on the Federal Fuels List to another unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the Administrator's judgment, such plan or plan revision to adopt a different fuel on the Federal Fuels List will not cause fuel supply or distribution disruptions in the affected area or contiguous areas. The Administrator's finding shall include an assessment of reasonably foreseeable supply or distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revisions would effect alternative supply options during reasonably foreseeable supply or distribution emergencies.

“(V) The Administrator, in consultation with the Secretary, shall develop a plan to harmonize the currently approved fuels in State implementation plans with the fuels included on the Federal Fuels List and shall promulgate implementing regulations for this plan not later than 18 months after enactment of this subclause. This harmonization shall be fully implemented by the States by December 31, 2008.”

(b) BOUTIQUE FUELS.—Section 1541 of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1106) is amended by striking subsection (c) and inserting the following:

“(C) STUDY AND REPORT TO CONGRESS ON BOUTIQUE FUELS.—

“(1) JOINT STUDY.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall undertake a study of the effects on air quality, on the number of fuel blends, on fuel availability, on fuel fungibility, and on fuel costs of the State plan provisions adopted pursuant to section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)).

“(2) FOCUS OF STUDY.—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system. The study should include the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended. The study should include an analysis of the impact on ozone emissions and supply of a mandatory reduction in the number of fuel blends to 5, including one on-road Federal diesel fuel (which shall grandfather the sulfur phase down in the Administrator's ultra low sulfur diesel fuel regulations and shall permit the implementation of, one alternative diesel fuel, blend approved under this subparagraph before enactment of this subclause for a State that has not received a section 209(b) waiver, only in the State in which it was approved prior to enactment), one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasolines blends with Reid vapor pressure (RVP) controls for use in ozone attainment areas of varying degrees of severity.

“(3) CONDUCT OF STUDY.—In carrying out their joint duties under this section, the Administrator and the Secretary shall use sound science and objective science practices, shall consider the best available science, shall use data collected by accepted means and shall consider and include a description of the weight of the scientific evidence. The Administrator and the Secretary shall coordinate the study required by this section with other studies required by the act and shall endeavor to avoid duplication of effort with regard to such studies.

“(4) RESPONSIBILITY OF ADMINISTRATOR.—In carrying out the study required by this section, the Administrator shall coordinate obtaining comments from affected parties interested in the air quality impact assessment portion of the study. The Administrator shall use sound and objective science practices, shall consider the best available science, and shall consider and include a description of the weight of the scientific evidence.

“(5) RESPONSIBILITY OF SECRETARY.—In carrying out the study required by this section, the Secretary shall coordinate obtaining comments from affected parties interested in the fuel availability, number of fuel blends, fuel fungibility and fuel costs portion of the study.

“(6) REPORT TO CONGRESS.—The Administrator and the Secretary jointly shall submit the results of the study required by this section in a report to the Congress not later than 12 months after the date of the enactment of this Act, together with any recommended regulatory and legislative changes. Such report shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated jointly to the Administrator and the Secretary \$500,000 for the completion of the study required under this subsection.”

By Mr. DOMENICI (for himself,  
Mr. BINGAMAN, Mr. FRIST, and  
Mr. ALEXANDER):

S. 1860. A bill to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, nearly every form of energy production requires the use of large quantities of water. Electricity production, oil and gas production, and certain renewable energy sources are all dependent on having adequate access to water. Because water availability, particularly for human consumption, is an increasingly important international and domestic issue, it is important for us to ensure that we use our water resources in the most efficient manner in the production of energy. As the world's population grows and stores of fresh water are depleted, finding additional sources of fresh water is vital to meeting our energy needs and ensuring peace and security domestically and abroad. For this reason, developing cost-effective technologies that allow us better access to water for human use and energy production is of great significance.

Electricity production is entirely dependent on the availability of water, regardless of fuel source. Much of our fossil fuel energy production is entirely dependent on having adequate access to water. Sandia National Laboratories estimates that for every barrel of oil produced, ten gallons of water are required. For this reason, ensuring an adequate supply of water, coupled with efficient use of that water supply in our energy processes, is critical to the United States' energy portfolio. Similarly, making water available to our citizens is largely dependent on energy. Transportation, distribution, acquisition and purification of water require large amounts of energy.

Providing water to meet population growth will become increasingly important in the coming years. Nearly 1.2 billion people, roughly one fifth of the world's population, live without reliable access to water. It is estimated that by 2025, roughly one-third of the world will have inadequate access to water. By 2030 there will be an additional 3 billion people. By 2025, it is estimated that the population of the Arab world will reach 600 million, twice the population of 2000. At the World Economic Forum this summer, experts testified that most of the countries in the Arab world had exhausted their water resources and that the only way to provide water is the expensive prospect of desalination. At the forum, former Jordanian water minister told those in attendance "We are not secure about water supplies. Supplies are simply not enough . . . This is a scary issue." He went on to estimate that the water deficit in the Arab world will grow by more than 600 percent by 2025.

The need for renewed Federal investment to develop technologies that will ensure efficient use of scarce water resources in energy production is critically important for domestic growth and prosperity. A study by the Governmental Accountability Office stated that "water managers in thirty-six States anticipate shortages in localities, regions, or state-wide in the next 10 years." In the West, the competing demands of population growth, drought, energy resources development, agricultural needs, environmental needs, and tribal interests have resulted in a paucity of available water. Unbridled population growth in the western U.S. has stretched water resources even thinner. The U.S. Census Bureau recently estimated that by 2030 Nevada will have more than four million residents, twice as many as in 2000. In a region already critically short of water and subject to the unpredictable nature of an already over-allocated Colorado River, even a mild drought could stymie growth and economic development. For this reason, we need to investigate new technologies that allow us to access additional water, and just as importantly, to use water in the most efficient ways, particularly in the production of all forms of energy.

While stories are legion about the deleterious effects of the prolonged drought in the West, including my home State of New Mexico, the availability of water is an increasingly critical issue in the eastern United States. Usable supplies of water in the east coast have been stretched thin. Despite receiving substantially more rainfall than the western U.S., much of the east coast is facing water shortages. For example, Boston, Atlanta and much of Florida are nearing the end of readily available water. Just as with our current oil and natural gas energy crisis, the answer for our looming water crisis is not just to produce more, but to foster new technologies that will both aid in more production, and just as significantly, reduce the amount of water required for energy production and other needs.

I rise today to introduce the Energy-Water Efficiency Technology Research, Development, and Transfer Program Act of 2005. The emphasis of this program is to address the inextricable relationship between energy and water. Large amounts of water are required for electric generation and oil and gas production. Additionally, large amounts of energy are required for reclaiming and transporting water. Water shortages impair our ability to meet our energy needs and conversely, energy shortages impair our ability to provide adequate supplies of water. The bill would establish an ambitious program within the National Laboratories to develop, transfer and demonstrate in real world applications energy and water efficiency technologies to meet the increased demand for water internationally and domestically. The bill establishes a merit-based competitive grant program for research grants, provides that a set percentage of funding received by the program be used to demonstrate promising technologies, and provides for research undertaken by our National Laboratories. Our National Laboratories have shown an ability to push the state of the art forward, furthering technologies such as highspeed computing, nano-technology, and advanced engineering and science. Federal investment in these areas has resulted in thousands of new technologies that benefit humanity. We now have the opportunity to direct a portion of this immense capability to solve our water and related energy issues. I have no doubt that this legislation would help to push the state of the art forward to ensure that the world has access to this life sustaining resource for years to come.

For the reasons I have articulated, renewed Federal investment in this area is of critical importance both domestically and abroad. I thank Senator BINGAMAN, ranking member of the Energy and Natural Resources Committee, Majority Leader FRIST and Senator ALEXANDER for being original co-sponsors of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1860

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy-Water Efficiency Technology Research, Development, and Transfer Program Act of 2005".

#### SEC. 2. ENERGY-WATER EFFICIENCY AND SUPPLY TECHNOLOGY RESEARCH, DEVELOPMENT, AND TRANSFER PROGRAM.

The Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 594) is amended by inserting after section 111 the following:

#### "SEC. 112. ENERGY-WATER EFFICIENCY AND SUPPLY TECHNOLOGY RESEARCH, DEVELOPMENT, AND TRANSFER PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ADVISORY PANEL.—The term 'Advisory Panel' means the Energy-Water Efficiency and Supply Technology Advisory Panel established under subsection (f).

"(2) ENERGY-WATER EFFICIENCY AND SUPPLY TECHNOLOGY.—The term 'energy-water efficiency and supply technology' means—

"(A) technologies for—

"(i) reducing the amount of energy required to provide adequate water supplies;

"(ii) reducing water consumption in the production or generation of energy;

"(iii) the reclamation of previously unusable water;

"(iv) water reuse;

"(v) agricultural, industrial, and municipal efficiency and conservation; and

"(vi) water monitoring and systems analysis; and

"(B) any other technologies identified by the Secretary as necessary to carry out the program.

"(3) LEAD LABORATORY.—The term 'lead laboratory' means each of the program lead laboratories designated under subsection (d)(1).

"(4) PROGRAM.—The term 'program' means the energy-water efficiency and supply technology research, development, and transfer program established under subsection (b).

"(b) ESTABLISHMENT.—In accordance with this section, the Secretary shall establish a National Laboratories energy-water efficiency and supply technology research, development, and transfer program that provides for the conduct of research on, and the development, demonstration, transfer, and commercialization of, economically viable and cost-effective energy-water efficiency and supply technologies to—

"(1) promote the sustainable use of water for energy production activities, including—

"(A) developing less water-intensive electric generation sources; and

"(B) developing and implementing systems analyses to balance energy and water demands;

"(2) facilitate the widespread commercialization of newly developed energy-water efficiency and supply technologies for use in real-world applications, including the conduct of an assessment of economic factors relating to the introduction and adoption of energy-water efficiency and supply technologies in practical applications;

"(3) facilitate collaboration among Federal agencies to provide for the integration of research on, and disclosure of information relating to, energy-water efficiency and supply technologies;

"(4) reclaim and improve access to previously unusable and nontraditional water resources; and

"(5) increase the amount of water available for human use.

“(c) OTHER AGREEMENTS.—The Secretary may enter into any grant, contract, cooperative agreement, interagency agreement, or other transaction, as the Secretary determines to be necessary to carry out this section.

“(d) PROGRAM LEAD LABORATORIES.—

“(1) IN GENERAL.—The program shall be carried out by Sandia National Laboratory, New Mexico, Oak Ridge National Laboratory, Tennessee, and Lawrence Livermore National Laboratory, California.

“(2) SELECTION OF UNIVERSITY PARTNERS.—Each of the lead laboratories, in consultation with the Advisory Panel, shall select at least 1 university partner to assist in carrying out the program.

“(e) WATER SUPPLY TECHNOLOGY ASSESSMENT.—

“(1) ASSESSMENT DUTIES.—In consultation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Secretary of the Interior, and other appropriate Federal agencies, the Secretary, acting through the lead laboratories, shall—

“(A) assess energy-water efficiency and supply technology research being performed;

“(B) assess the annual amount of Federal funding levels and authorizations for energy-water efficiency and supply technology research;

“(C) assess the scope of the energy-water efficiency and supply technology research performed by other agencies;

“(D) assess whether and to what extent Federal energy-water efficiency and supply technology research is duplicative;

“(E) identify energy-water efficiency and supply technology research and development priorities; and

“(F) develop a technology roadmap to identify critical energy-water efficiency and supply technology research, development, demonstration and commercialization activities to guide program activities.

“(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary, acting through the lead laboratories, shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a detailed report on the assessment conducted under paragraph (1).

“(f) ADVISORY PANEL.—

“(1) IN GENERAL.—The Secretary shall establish an advisory panel, to be known as the ‘Energy-Water Efficiency and Supply Technology Advisory Panel’, to advise the Secretary on the activities carried out under this section.

“(2) MEMBERSHIP.—Members of the Advisory Panel shall—

“(A) have expertise in—

“(i) energy-water efficiency and supply technology; or

“(ii) legal or regulatory issues associated with adopting energy-water efficiency and supply technologies in real-world applications; and

“(B) be representative of institutions of higher education, industry, State and local governments, international energy-water efficiency and supply technology institutions, Federal agencies, and nongovernmental organizations.

“(3) DUTIES.—The Advisory Panel shall—

“(A) periodically assess the performance of energy-water efficiency and supply technology research being carried out under this section;

“(B) advise the Secretary on research priorities to be carried out under this section;

“(C) make recommendations to the Secretary for awarding research grants and demonstration project grants; and

“(D) identify legal, policy, or regulatory barriers to implementing energy-water efficiency and supply technologies in real-world applications.

“(g) PROGRAM GRANTS.—

“(1) IN GENERAL.—The Secretary shall provide competitive grants to entities with expertise in the conduct of energy-water efficiency and supply technology research, development, and demonstration projects.

“(2) REQUIREMENTS.—The grants under paragraph (1) shall be provided—

“(A) in consultation with the Advisory Panel;

“(B) in coordination with the research, development, demonstration, and commercialization activities conducted by the lead laboratories; and

“(C) consistent with the technology roadmap developed under subsection (e)(1)(F).

“(3) LIMITATION.—Of amounts made available for grants under subsection (j)(2)(C), not more than 25 percent shall be provided to National Laboratories and Federal agencies.

“(4) CRITERIA.—The Secretary shall establish criteria for the submission and review of grant applications and the provision of grants under paragraph (1).

“(h) PROGRAM REVIEW.—

“(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct periodic peer reviews of the program.

“(2) REQUIREMENTS.—In conducting a review under paragraph (1), the National Academy of Sciences shall—

“(A) review the technology roadmap, technical milestones, and plans for technology transfer developed under the program; and

“(B) assess the progress of the program in achieving the technical milestones and plans for technology transfer.

“(i) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this section and each year thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Resources of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a report that describes the activities carried out under this section, including the activities carried out under subsection (f)(3)(D).

“(j) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section, including the completion of the roadmap under subsection (e)(1)(F)—

“(A) \$5,000,000 for fiscal year 2006; and

“(B) such sums as are necessary for each fiscal year thereafter.

“(2) ALLOCATION.—Of amounts made available under paragraph (1) for fiscal year 2007 and each fiscal year thereafter—

“(A) at least 30 percent shall be distributed equally between the lead laboratories for the conduct of activities under the program;

“(B) at least 10 percent shall be provided to the lead laboratories to carry out subsection (b)(2);

“(C) at least 40 percent shall be made available for program grants under subsection (g)(1); and

“(D) not more than 15 percent shall be used to pay the administrative costs of carrying out the program, including costs to support the activities of the Advisory Panel.”.

By Mr. GREGG (for himself and Mr. KENNEDY):

S. 1863. A bill to establish the Gulf Coast Recovery and Disaster Preparedness Agency, and for other purposes; to

the Committee on Homeland Security and Governmental Affairs.

Mr. GREGG. Mr. President, our Nation's history is not only one of growing prosperity, opportunity, and the steady progress of a free and industrious society, but it is also uniquely identified by the challenges that we have faced and overcome. Sometimes, these challenges have been natural disasters—earthquakes, floods, and hurricanes that have devastated entire towns and cities, uprooted communities, and tragically killed hundreds, if not thousands, of people. Disasters such as the Galveston Hurricane of 1900, the 1906 San Francisco earthquake, the Great Flood of 1927, and Hurricane Camille are the first ones that come to mind, although there are others that we could also add to this list of superdisasters.

Unfortunately, it now appears that the list of these superdisasters has gotten longer. In a number of respects, the devastation inflicted by Hurricane Katrina has so far exceeded any natural disaster that our country has faced: the official death toll is around 1,000 and could go higher; approximately 90,000 square miles, nearly the size of the United Kingdom, has been impacted; a city of nearly half a million was almost entirely emptied; as many as 1 million jobs have been directly affected; and recovery and reconstruction costs could go to as high as \$200 billion, if not more. Figures aside, the tragic and widespread devastation that this storm has wreaked is apparent to anyone who has watched news footage from the golf coast region. The images are heart wrenching, and our prayers go out to those who have suffered and have lost loved ones.

Weeks after Hurricane Katrina hit the gulf coast region, Hurricane Rita brought further devastation to areas that were either already impacted or to areas further south and to the west. Although not as powerful as Katrina, Rita dealt a strong blow to many communities. Lives were lost, entire neighborhoods were completely destroyed, and many families were displaced. Again, we extend our prayers and wishes to those who were directly affected by this storm.

While the combined impact of Hurricanes Katrina and Rita is similar to other superdisasters, it also unprecedented in a few key aspects. In particular, the Federal Government is now expected to play, and is playing, a significant role in the response and recovery efforts. This is partly due to the significant growth in the Federal Government over the past 100 years. Back in 1900 when the Galveston Hurricane occurred, there were only eight executive departments in the entire government—the Department of Commerce, the Department of Labor, the Department of Health and Human Services, HUD, the U.S. Coast Guard, the EPA, FEMA, and, of course, the Department of Homeland Security had yet to be established. Today, the federal government is much more expansive than

when previous superdisasters took place, and it now delivers a wide array of services and benefits that Americans have come to expect.

In response, President Bush and Congress have approved the spending of billions in Federal funds, unleashing an outpouring of federal aid, assets, and manpower. Over the past 2 weeks, Congress already has approved over \$61 billion in supplemental appropriations, and it is contemplating the spending of additional federal funds. Almost every executive department and Federal agency is taking part, taxpayer funds are being doled out to contractors and State and local authorities, and the future of the gulf coast region and millions of its residents is being shaped daily by this massive effort. While mistakes have been made at all levels, we now have the opportunity to make sure that mistakes are not repeated and that we do not come out of this whole experience wondering where all the money went and whether we did the best we can to respond to this challenge.

My Senate colleagues and I have been discussing various proposals for how the federal recovery effort should be managed. I believe that history can be of help—for instance, we can learn from the Great Flood of 1927, a natural disaster that killed hundreds in seven states and flooded around 27,000 square miles. In response, President Coolidge appointed Secretary of Commerce Herbert Hoover to coordinate relief across eight different agencies, the Red Cross, and other organizations. While the relief effort had its flaws, I believe that Coolidge's appointment of a lead director, who had substantial crisis management experience and public recognition, was a wise decision. By centralizing oversight authority over the entire effort under such a central person, Coolidge's appointment of Hoover helped minimize friction and discoordination across agencies, ensuring that the relief response was run efficiently. The appointment also enhanced accountability since everyone knew who was in charge.

The recovery effort for Hurricanes Katrina and Rita is going to be much more complicated and multifaceted than the relief response for the Great Flood of 1927. The breadth of the destruction and the wide array of Federal departments and agencies involved—combined with the efforts of State and local authorities, nonprofit organizations, and private contractors—make the potential for bureaucratic tensions, redundancy, confusion, and waste even greater. I therefore believe that a centralized management structure is as necessary now as it was back in 1927. So, before Congress continues pouring billions of taxpayer dollars and adding additional tasks on top of the recovery effort, Congress should first make sure that a centralized management structure is in place. In particular, we need a person with impeccable credentials endowed with robust planning, oper-

ational, and budgetary authorities to be on the ground in the gulf coast region. We need to make sure that accountability is clearly assigned, not diffused. We need to make sure that the right hand knows what the left hand is doing, so to speak, and that federal funds are effectively being used to get the gulf coast region back on its feet. And we need this centralized structure as soon as possible.

As such, I am proposing the Gulf Coast Recovery and Preparedness Act of 2005, along with Senator KENNEDY, which establishes the Gulf Coast Recovery and Disaster Preparedness Agency, a new agency that will be headed by a director who will oversee the entire recovery effort. The Director will be the person responsible for budgeting, overseeing, and executing the entire recovery effort to the extent that Federal resources are used. The director will also regularly report to Congress on how this effort is being conducted and will have deputies and support staff to keep track of how funds are being spent and to investigate any fraud, waste or abuse. Lastly, I recognize that we do not want the legacy of Katrina and Rita to be another layer of bureaucracy, so the legislation would make sure that the agency and the director's position are only temporary, and that it terminates within 6 years.

Within the agency, there will be essentially a planning board—named the Gulf Coast Revitalization Authority that will consist of Federal, State, and local officials, as well as representatives from affected communities. The board, which will be chaired by the director, will be tasked with creating a comprehensive plan for redeveloping the entire region impacted by Hurricanes Katrina and Rita. The plan will ensure that objectives, priorities, and critical infrastructure decisions are developed in a thoughtful and comprehensive manner before federal resources and other funds are completely committed. The authority board will also make sure that there is substantial and meaningful public participation, which is critical for making potentially difficult rebuilding and revitalization decisions. The director, who must approve the plan after it is passed by the authority, will be responsible for executing it.

Our Nation has been through a lot since Katrina and Rita hit the gulf coast, and I am continually amazed at the acts of heroism and charity that are taking place across the gulf coast region. And while the tasks ahead may be less dramatic and less attention-grabbing, I believe that it is how we address these challenges—in particular, the rebuilding of infrastructure, the provision of social services to evacuees scattered across the country, and the redevelopment of entire communities—that will truly test our Federal Government in ways that we have not seen in recent memory. In the end, I am confident that we can succeed and the

gulf coast region will fully recover and thrive. Our Nation's history has shown how well Americans perform in the face of challenges. However, we must not simply expect this success nor expect that throwing around billions of dollars will necessarily achieve it. Instead, Congress must take action now to ensure that the recovery effort is managed efficiently and effectively. By setting into place such a management structure, I believe that we will be able to look back at these difficult times and be proud of how we handled the public's trust and the taxpayers' money. This is what the American people have elected us to do, and I know that it can be done if we make the right choices right now.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1863

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Gulf Coast Recovery and Disaster Preparedness Act of 2005".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) AGENCY.—The term "agency" has the meaning given under section 551(1) of title 5, United States Code.

(2) AUTHORITY.—The term "Authority" means the Gulf Coast Revitalization Authority.

(3) DIRECTOR.—The term "Director" means the Director of Gulf Coast Recovery and Disaster Preparedness.

(4) GULF COAST AGENCY.—The term "Gulf Coast Agency" means the Gulf Coast Recovery and Disaster Preparedness Agency.

(5) GULF COAST RECOVERY AND DISASTER PREPAREDNESS PROGRAM.—The term "Gulf Coast Recovery and Disaster Preparedness Program" means all activities described under section 3(b)(3) (B) and (C).

#### SEC. 3. ESTABLISHMENT AND FUNCTIONS.

(a) ESTABLISHMENT.—There is established the Gulf Coast Recovery and Disaster Preparedness Agency. The Gulf Coast Recovery and Disaster Preparedness Agency is an independent establishment as defined under section 104 of title 5, United States Code.

(b) DIRECTOR.—

(1) APPOINTMENT.—

(A) IN GENERAL.—The Director of Gulf Coast Recovery and Disaster Preparedness shall be the head of the Gulf Coast Agency. The Director shall be appointed by the President, by and with the advice and consent of the Senate.

(B) EXECUTIVE SCHEDULE LEVEL I POSITION.—The Director shall be paid at the rate of pay payable for a position at level I of the Executive Schedule under section 5312 of title 5, United States Code.

(C) DIRECT REPORT TO PRESIDENT.—The Director shall directly report to the President.

(2) QUALIFICATIONS.—The individual appointed as Director shall be appointed on the basis of—

(A) demonstrated leadership, integrity, and experience; and

(B) demonstrated experience in management of large organizations.

(3) FUNCTIONS.—The Director shall—

(A) be responsible for the efficient and effective use of Federal resources relating to

the recovery from Hurricane Katrina and Hurricane Rita;

(B) exercise planning, management, and overall control of all Federal funding, personnel, and assets used by Federal, State, or local government authorities for the purposes of—

(i) rebuilding or responding to the damage or destruction of private or public infrastructure caused by Hurricane Katrina and Hurricane Rita to the United States;

(ii) responding, supporting, or otherwise assisting efforts to meet the nutritional, health, educational, housing, transportation, employment, law enforcement, and social service needs of citizens who have been personally displaced or otherwise adversely and directly impacted by Hurricane Katrina and Hurricane Rita;

(iii) studying, planning, and preparing public and private responses to future natural disasters in the region;

(iv) planning, building, and repairing public infrastructure to prevent or mitigate the impact of future natural disasters in the region, including the levee system surrounding the City of New Orleans, Louisiana;

(v) studying, planning, and implementing environmental remediation and coastal restoration efforts in the region;

(vi) studying, planning, and implementing economic redevelopment efforts in areas affected by Hurricane Katrina and Hurricane Rita;

(vii) ensuring the efficient and effective use of Federal funds in all activities relating to the recovery from Hurricane Katrina and Hurricane Rita; and

(viii) any other recovery, rebuilding, or redevelopment effort relating to the direct impact of Hurricane Katrina and Hurricane Rita; and

(C) expend and obligate funds appropriated to the Gulf Coast Agency for purposes described under subparagraph (B), including specific reconstruction projects.

(4) BUDGET AUTHORITIES RELATING TO THE GULF COAST RECOVERY AND DISASTER PREPAREDNESS PROGRAM.—

(A) BUDGET.—With respect to budget requests and appropriations for the Gulf Coast Recovery and Disaster Preparedness Program, the Director shall—

(i) based on priorities set by the President, provide to agencies performing activities of the Program, guidance for developing the Program budget pertaining to such agencies;

(ii) develop and determine an annual consolidated Gulf Coast Recovery and Disaster Preparedness Program budget; and

(iii) present such consolidated budget, together with any comments from the heads of agencies, to the President for approval.

(B) APPROPRIATIONS.—

(1) IN GENERAL.—The Director shall be responsible for managing appropriations for the Gulf Coast Recovery and Disaster Preparedness Program by directing the allotment or allocation of such appropriations through the heads of the agencies performing activities of the Program, with prior notice (including the provision of appropriate supporting information) to the head of the agency receiving any such allocation or allotment.

(ii) ALLOCATIONS.—Notwithstanding any other provision of law, pursuant to relevant appropriations Acts for the Gulf Coast Recovery and Disaster Preparedness Program, the Director of the Office of Management and Budget shall exercise the authority of the Director of the Office of Management and Budget to apportion funds, at the exclusive direction of the Director of Gulf Coast Recovery and Disaster Preparedness, for allocation to agencies performing activities of the Gulf Coast Recovery and Disaster Preparedness Program. Department comptrol-

lers or appropriate budget execution officers shall allot, allocate, reprogram, or transfer funds appropriated for the Gulf Coast Recovery and Disaster Preparedness Program in an expeditious manner.

(iii) MONITORING IMPLEMENTATION.—The Director shall monitor the implementation and execution of the Gulf Coast Recovery and Disaster Preparedness Program by the heads of relevant agencies.

(iv) APPORTIONMENT AND ALLOTMENT.—Apportionment and allotment of funds under this paragraph shall be subject to chapter 13 and section 1517 of title 31, United States Code, and the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

(c) OFFICERS TO ASSIST THE DIRECTOR.—

(1) IN GENERAL.—The Office shall have other officers necessary to assist the Director in carrying out the functions of the Director, including—

(A) overseeing recovery operations and disaster preparedness;

(B) expending and obligating Federal funds appropriated to the Gulf Coast Agency for the Gulf Coast Recovery and Disaster Preparedness Program, including specific reconstruction projects;

(C) ensuring that Federal funds are prudently spent and fully audited; and

(D) investigating waste, fraud, and abuse in the use of Federal funds for the activities of the Gulf Coast Recovery and Disaster Preparedness Program.

(2) DEPUTY DIRECTORS.—The Director may appoint no more than 5 Deputy Directors who shall be assigned to geographic areas of the Gulf Coast region.

(d) LOCATION OF THE OFFICE OF THE DIRECTOR.—The Office of the Director shall be physically located within the region comprising the gulf coast areas of the States of Louisiana and Mississippi. The Director may establish additional office locations as necessary.

#### SEC. 4. ADMINISTRATIVE AND PERSONNEL PROVISIONS.

(a) EMPLOYEES.—The Director may select, appoint, and employ such officers and employees as may be necessary—

(1) in accordance with the provisions of title 5, United States Code, including section 3101 of that title; and

(2) without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except the pay of any personnel under this paragraph may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(b) CONSULTANTS AND CONTRACTS.—The Director may—

(1) obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-15 of the General Schedule by section 5332 of title 5, United States Code; and

(2) to the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements and to make such payments as may be necessary to carry out the provisions of this Act.

#### SEC. 5. SUPPORT FOR WORKERS AFFECTED BY HURRICANE KATRINA AND HURRICANE RITA.

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) WORKERS AFFECTED BY HURRICANE KATRINA AND HURRICANE RITA.—The term “workers affected by Hurricane Katrina and Hurricane Rita” means workers who were re-

siding in the area directly impacted by Hurricane Katrina and Hurricane Rita as of the date those hurricanes occurred.

(b) EMPLOYMENT REQUIREMENT.—

(1) CONTRACTS.—Except as provided in subsection (c), the Director or the head of an executive agency may not enter into a contract to procure disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts unless such contract requires that workers affected by Hurricane Katrina and Hurricane Rita—

(A) comprise not less than 30 percent of the workforce employed by the contractor to perform such services; and

(B) comprise not less than 30 percent of the workforce employed by each subcontractor at each tier in connection with such contract.

(2) GRANTS.—Except as provided in subsection (c), the head of an executive agency may not award a grant of Federal funds to any recipient, for the purpose of providing disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts unless the terms of the grant require that such workers affected by Hurricane Katrina and Hurricane Rita—

(A) comprise not less than 30 percent of the workforce employed by that recipient to perform such services; and

(B) comprise not less than 30 percent of the workforce employed by any indirect recipient of such grant funds to perform such services.

(3) EXCEPTION FOR PROFESSIONAL SERVICES.—The requirements under paragraphs (1) and (2) do not apply to the procurement of professional services.

(c) EXEMPTIONS FOR EXCEPTIONAL CIRCUMSTANCES.—

(1) AUTHORITY.—The Director or the head of an executive agency may enter into a contract or award a grant that would otherwise be prohibited under subsection (b) due to the employment by an employer of a workforce that does not meet the workforce composition requirement under such subsection if the employer qualifies for and receives an exemption under paragraph (2).

(2) PROCEDURES FOR GRANTING EXEMPTIONS.—

(A) IN GENERAL.—Not later than 45 days after the date of the appointment of the Director, the Director shall establish procedures for providing exemptions for employers who despite making reasonable efforts to do so, are unable to comply with the workforce composition requirement under subsection (b) due to an emergency, or due to the lack of available and appropriately qualified workers who have been affected by Hurricane Katrina and Hurricane Rita.

(B) EXEMPTIONS BEFORE PROCEDURES ESTABLISHED.—During the 45-day period referred to under subparagraph (A), the Director may exempt an employer as the Director determines necessary.

(d) REPORTS REQUIRED.—

(1) IN GENERAL.—In the each report submitted under section 6, the Director shall include a report of the hiring of workers affected by Hurricane Katrina and Hurricane Rita.

(2) CONTENT.—Each report submitted under paragraph (1) shall include, with respect to the preceding fiscal quarter, information on—

(A) the total number of workers affected by Hurricane Katrina and Hurricane Rita hired by contractors, subcontractors, or employers that provided disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts;

(B) the total number of individuals hired by contractors, subcontractors, or employers that provided disaster recovery services in



connection with Hurricane Katrina and Hurricane Rita reconstruction efforts; and

(C)(i) whether the Director or head of the executive agency provided any exemptions under subsection (a)(2);

(ii) the total number of contractors, subcontractors, and employers provided such exemptions in each State, and the percentage they represent of all contractors, subcontractors, and employers providing services; and

(iii) the total number of workers employed under contracts or grants for which an exemption was granted and the percentage of such workers who were workers affected by Hurricane Katrina and Hurricane Rita.

(3) **SOURCE OF INFORMATION.**—For purposes of preparing a report required under paragraph (1), the Director or the head of an executive agency shall require employers providing disaster recovery services in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts to provide to the agency, under penalty of perjury, information relevant to such reports.

#### SEC. 6. REPORTS TO CONGRESS.

(a) **IN GENERAL.**—Every 3 months, for each calendar quarter, the Director shall submit a report to Congress on the progress of the Gulf Coast Recovery and Disaster Preparedness Program, including—

(1) any findings regarding fraud, waste, and abuse of Federal funds, personnel, and assets; and

(2) the status of progress toward the rebuilding of the Gulf Coast region during the 3-month period preceding the date of submission of the report.

(b) **FIRST REPORT.**—The first report under this section shall be submitted for the first full calendar quarter for which a Director has been appointed.

#### SEC. 7. GULF COAST REVITALIZATION AUTHORITY.

(a) **ESTABLISHMENT.**—There is established, within the Gulf Coast Agency, the Gulf Coast Revitalization Authority. The Authority shall have responsibility for the development of a comprehensive plan for rebuilding and improving the public infrastructure of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita.

(b) **PURPOSE.**—The purpose of the Authority is to develop a plan with substantial local participation to—

(1) rebuild and improve the public infrastructure of the Gulf Coast region affected by Hurricane Katrina and Hurricane Rita;

(2) determine how best to use available Federal resources; and

(3) coordinate State and local government and private sector initiatives with the Federal effort.

(c) **COMPOSITION OF THE AUTHORITY.**—The Authority shall consist of 19 members including—

(1) the Director, who shall serve as Chairperson of the Authority;

(2) the Governor of Louisiana;

(3) the Governor of Mississippi;

(4) the Governor of Alabama;

(5) the Governor of Texas;

(6) the Mayor of New Orleans, Louisiana;

(7) 3 members appointed by the President;

(8) 3 residents of communities within the area affected by Hurricane Katrina and Hurricane Rita appointed by the Governor of Louisiana—

(A) of whom 1 shall be a local elected official;

(B) of whom 1 shall be from a nonprofit organization; and

(C) of whom 1 shall be a leader in the private sector;

(9) 3 residents of the communities within the area affected by Hurricane Katrina and Hurricane Rita appointed by the Governor of Mississippi—

(A) of whom 1 shall be a local elected official;

(B) of whom 1 shall be from a nonprofit organization; and

(C) of whom 1 shall be a leader in the private sector;

(10) 1 resident of a community within the area affected by Hurricane Katrina and Hurricane Rita appointed by the Governor of Alabama;

(11) 1 resident of a community within the area affected by Hurricane Katrina and Hurricane Rita appointed by the Governor of Texas; and

(12) 2 residents of New Orleans, Louisiana, appointed by the Mayor of New Orleans, Louisiana.

(d) **REPRESENTATIVES.**—

(1) **IN GENERAL.**—Each member of the Authority described under subsection (c) (2) through (6) may designate a representative to attend any meeting of the Authority in the absence of that member.

(2) **QUORUM AND VOTING.**—A representative designated under this subsection—

(A) shall count for purposes of a quorum; and

(B) may vote on any matter of the Authority.

(e) **APPOINTMENTS; VACANCIES; QUORUM.**—

(1) **APPOINTMENTS.**—All members of the Authority shall be appointed within 14 days after the date of enactment of this Act.

(2) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Authority. Any vacancy in the Authority shall not affect its powers, but shall be filled in the same manner as the original appointment.

(3) **QUORUM.**—A majority of the members of the Authority shall constitute a quorum, but a lesser number of members may hold hearings.

(f) **PERSONNEL MATTERS FOR AUTHORITY MEMBERS.**—

(1) **COMPENSATION OF MEMBERS.**—

(A) **IN GENERAL.**—Except as provided under subparagraph (B), each member of the Authority described under subsection (c)(7) through (12) shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Authority.

(B) **FEDERAL OFFICERS AND EMPLOYEES.**—All members of the Authority who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) **TRAVEL EXPENSES.**—The members of the Authority described under subsection (c) (7) through (12) shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Authority.

(g) **PREPARATION OF A COMPREHENSIVE PLAN.**—

(1) **PRELIMINARY PLAN.**—Not later than 134 days after the date of enactment of this Act, the Authority shall approve a preliminary plan for rebuilding and improving the public infrastructure of the Gulf Coast region.

(2) **COMPREHENSIVE PLAN.**—Not later than 194 days after the date of enactment of this Act, the Authority shall approve a comprehensive plan for rebuilding and improving the public infrastructure of the Gulf Coast region.

(3) **EXTENSION.**—For good cause shown, the Authority by majority vote may extend the

time period for adoption of the comprehensive plan by not more than 60 days.

(h) **AUTHORITY OF DIRECTOR BEFORE PLANS.**—Nothing in this section shall be construed to limit the authority of the Director to approve priority projects and initiate programs which the Director determines are needed before the adoption of the preliminary and comprehensive plans.

(i) **APPROVAL OF PLANS.**—Adoption of the plans shall require approval of a majority of the members of the Authority and approval by the Director. After each of the plans has been adopted, individual projects authorized by the Gulf Coast Agency shall be consistent with that plan.

(j) **GOVERNORS APPROVAL.**—Nothing in this section shall affect the authority of a Governor to approve individual projects within the State of that Governor to the extent that the approval of the Governor is required by law.

(k) **IMPLEMENTATION MODIFICATIONS.**—

(1) **IN GENERAL.**—After the adoption of the comprehensive plan, the Authority—

(A) shall monitor implementation;

(B) develop more detailed advisory proposals consistent with the comprehensive plan; and

(C) consider and adopt such modifications to the comprehensive plan as may become necessary and appropriate.

(2) **MODIFICATIONS.**—Modifications to the comprehensive plan shall be adopted in the same manner as the plan.

(1) **CONSIDERATIONS.**—In developing the plan, the Authority shall consider—

(1) the impact of public infrastructure on minimizing the impact of future hurricanes;

(2) the impact of public infrastructure on—

(A) improving the opportunities for economic development in the region; and

(B) enhancing public services available to residents;

(3) the preservation of the unique historical and cultural character of communities, maintaining traditional styles of architecture, neighborhood design, and community facilities wherever possible; and

(4) procedures to ensure that rebuilding and redevelopment is carried out in an efficient and cost-effective manner, including efforts to promote the involvement of the private sector and nonprofit organizations.

(m) **OPPORTUNITY FOR PUBLIC COMMENT.**—The Authority shall conduct public hearings in each of the affected States and shall endeavor to provide substantial opportunity for public input, including opportunity for public comment on the preliminary plan before the comprehensive plan is adopted.

(n) **AUTHORITY PERSONNEL.**—

(1) **IN GENERAL.**—To develop the comprehensive plan the Authority shall select and supervise consultants and employees as provided under paragraphs (2) and (3) who shall include planners, architects, engineers, and experts on information technology, the environment, and economic development.

(2) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—After consultation with the Authority, the Director shall procure temporary and intermittent services under section 3109(b) of title 5, United States Code, of the individuals selected by the Authority under paragraph (1) of this subsection. The rate of pay for any such individual may not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) **EMPLOYEES.**—After consultation with the Authority, the Director shall employ individuals selected by the Authority under paragraph (1).

(4) **ASSISTANCE.**—To the extent practicable, the consultants and employees under this subsection shall provide local officials with

technical assistance and consultation on local efforts.

(o) **DETAILEES.**—Any Federal employee may be detailed to the Authority with reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. Federal agencies shall provide detailees to the Authority at the request of the Authority to the extent feasible.

(p) **USE OF FEDERAL AGENCY EXPERTISE.**—The Authority shall consult with the heads of agencies, and other Federal officials as necessary in the preparation of the comprehensive plan, and the heads of those agencies shall consult with the Authority as requested. Federal agencies shall provide expertise to the Authority to the extent feasible.

(q) **AREAS ADDRESSED BY COMPREHENSIVE PLAN.**—The comprehensive plan shall address the following areas of redevelopment:

(1) **Water Management:**

(A) Design improvements and placement of water control facilities (including drainage channels, pumping facilities, levees and barriers).

(B) Design improvements and repair of water treatment and delivery systems and sewage collection and treatment facilities.

(2) **Environmental Restoration:**

(A) A long-term coastal restoration plan, including the restoration of coastal wetlands and barrier islands that are natural flood control systems to prevent erosion and flood damages.

(B) Land and water resource conservation.

(3) **Transportation:**

(A) Priorities and criteria for demolishing and rebuilding damaged bridges, roads and highways.

(B) Identification of appropriate placement of bridges, roads, and highways that takes into consideration daily traffic flow as well as future evacuation requirements and susceptibility to hurricane damage.

(C) Adequate public transportation facilities connected to regional transportation networks that takes into consideration daily transportation needs of residents and evacuation requirements for residents without personal vehicles.

(D) Airport reconstruction including runway layouts, and connections to public transit, roads and highways.

(E) Priorities and criteria for rebuilding freight rail and freight terminals.

(4) **Ports:**

(A) Design standards for rebuilding port facilities.

(B) A plan for working with private entities to rebuild port facilities including berths, storage facilities, navigation channels, and docks.

(C) Identification of the need for improved security technologies available for port security screening.

(5) **Housing:**

(A) Criteria for demolition of damaged housing, restoration of housing where advisable, and development of newly built housing.

(B) Design improvement standards for housing that can minimize damage from a future hurricane.

(C) A plan for working with private entities and nonprofit organizations to facilitate rebuilding an adequate supply of housing that is affordable to residents of all incomes displaced by Hurricane Katrina and Hurricane Rita.

(6) **Schools:**

(A) Priorities and criteria for rebuilding schools where advisable and construction of replacement schools where necessary.

(B) Design improvement standards for schools that need to be rebuilt that include, where advisable and cost effective, state of

the art information technology infrastructure.

(7) **Hospitals and Other Public Health Care Facilities:**

(A) Design improvement standards for hospitals that will be rebuilt that includes state of the art information technology infrastructure.

(B) Design standards for health care facilities to withstand and continue operation during a future hurricane.

(8) **Utility Infrastructure:** A plan for working with private entities that serve the public to ensure utility coverage of redeveloped areas with telecommunication services, including broadband access, and energy and electricity generation and distribution.

(9) **Employment and Training:**

(A) A plan for the training of residents of the affected communities in job skills that will be required in the region.

(B) Priority for jobs for residents of the affected communities created by reconstruction programs funded by the Gulf Coast Agency to the extent practicable.

(10) **Other Public Facilities:**

(A) A plan for the rebuilding of public buildings and facilities, and for buildings and facilities of nonprofit organizations that serve a public function open to all residents within communities.

(B) A plan for the rebuilding of museums and other facilities operated by nonprofit organizations that are used to preserve and promote the historic, cultural, musical and artistic traditions of the affected areas.

(r) **EXPEDITING THE REBUILDING PROCESS.**—The Authority shall—

(1) consider whether it is necessary to waive or modify any Federal, State, or local law relating to the environment, land use, or the permitting of construction projects in order to expedite reconstruction within the Gulf Coast region; and

(2) make appropriate recommendations in the comprehensive plan relating to the waiver or modification of such laws.

(s) **PLANNING PRINCIPLES.**—In developing and implementing the comprehensive plan, the Authority and the Gulf Coast Agency shall take into consideration the following planning principles:

(1) Provide substantial opportunities for area residents to participate in the planning process.

(2) All public structures should be designed to withstand a category 5 hurricane.

(3) Preserve the unique historical, cultural, and architectural character of communities to the maximum extent possible.

(4) Infrastructure should be developed to minimize the impact of future hurricanes.

(5) Infrastructure should be developed to improve economic opportunity for the region and its residents.

(6) Transportation infrastructure should be designed and built with future evacuation needs in mind.

(7) Establish systems to maintain infrastructure over time and accommodate growth in the region.

(8) Promote access to housing, transportation, jobs and schools to residents of all incomes that accommodates economic and social integration.

(9) Promote energy efficient design.

(10) Promote transit oriented development in metropolitan areas.

(11) Promote innovations in public-private partnerships.

(12) Promote efficient and cost-effective rebuilding efforts.

(13) Promote involvement of the private sector and nonprofit organizations to broaden participation and help control costs to the Federal Government.

(t) **COLLABORATION WITH LOCAL GOVERNMENT, NONPROFIT ORGANIZATIONS, AND PRIVATE ENTITIES.**—

(1) **IN GENERAL.**—Throughout the process of developing a comprehensive plan, the Authority and the planning staff of the Authority shall work with local government officials, nonprofit organizations and private entities with a stake in the redevelopment of the region.

(2) **INDIVIDUALS AND ENTITIES.**—Individuals and entities shall include—

(A) State and local government officials;

(B) community based nonprofit organizations;

(C) chambers of commerce and business community leaders;

(D) school superintendents, parent and teacher associations;

(E) environmental groups;

(F) real estate and construction industries, both nonprofit organizations and for-profit entities;

(G) social service providers;

(H) emergency relief and disaster planning nonprofit organizations;

(I) labor organizations;

(J) utility companies;

(K) hospital administrators and practitioners; and

(L) insurance companies.

(u) **NONAPPLICABILITY OF CERTAIN PROVISIONS.**—The Authority shall not be construed to be an agency for purposes of chapter 5 of title 5, United States Code, and such chapter shall not be construed to apply to the Gulf Coast Agency with respect to the Authority. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Authority.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this Act.

#### SEC. 9. TERMINATION OF OFFICE.

(a) **IN GENERAL.**—The Office and position of Director shall terminate 3 years after the date of enactment of this Act.

(b) **EXTENSION OF TERMINATION.**—

(1) **IN GENERAL.**—The President may extend the date of termination under subsection (a) in accordance with this subsection.

(2) **CONDITIONS OF EXTENSION.**—Any extension of termination under this subsection—

(A) shall not be effective for any period occurring 6 years after the date of enactment of this Act;

(B) may not apply retroactively if the Office and the position of Director have already terminated under this section;

(C) shall not be effective unless 6 months before the date on which a termination would occur the President submits a notice to Congress of a determination to extend the termination and setting forth the length of the extension; and

(D) subject to subparagraph (A), may be made only for a 1-year period, 2-year period, or 3-year period.

Mr. KENNEDY. Mr. President, when I last spoke on the Senate floor about Hurricane Katrina, I spoke of my visit to the region—to Louisiana and Mississippi—where I witnessed first hand the devastation to these communities. Entire blocks were left bare to their foundations where families once lived. Schools and hospitals were destroyed. Power lines were draped over fallen trees and there was water everywhere. Roads were washed out and bridges were destroyed. Much of the great city of New Orleans was under water. It was beyond what any of us could have imagined.

Seeing the Gulf Coast in such a state has deeply touched me and my family



in deeply personal ways. My wife Vicki and her strong and wonderful family are from Louisiana. She went to school in Louisiana, attending Tulane University, and considers New Orleans her second home.

It has now been more than a month since Hurricane Katrina first hit the Gulf Coast. Hurricane Rita wreaked further havoc on the region. And although the emergency phase of the response may be over, we now face the extraordinary challenge of rebuilding this region and restoring people's lives.

Relief workers and agencies have been working tirelessly to clear debris, and connect evacuees to services and temporary housing. Just this week, New Orleans has finally been drained of all water left standing in the city. Health workers are working to address the public health challenges and the ongoing health needs of the evacuees. And States across the country continue to work with evacuees in their area to help them with housing, jobs and services.

Relief and recovery efforts have revealed that we have our work cut out for us. Thousands of homes were destroyed and more have water marks to the ceilings, mold and severe structural damage are everywhere. Entire schools and hospitals must be rebuilt. Roads and bridges that were washed out must be replaced. Museums with artifacts of the rich cultural tradition of the region have been damaged. Much of what has made these cities and towns vibrant has been destroyed and kept residents away from their beloved communities.

We need to make these communities whole again. We need to make them stronger and healthier. We need to build the roads and bridges that will bring the many evacuees home to quality, permanent homes, and get their children back to their schools.

We must rebuild the region thoughtfully and swiftly. We owe it to the residents of the region who want to come home. And we owe it to the thousands of relief workers, charities, and businesses that have come together to make the region and its residents safe and secure.

It is up to us in Congress to ensure that the region is equipped to rebuild. The residents of the Gulf Coast and New Orleans take pride in their cities and towns and they want to lead the way in reviving their own communities. But they desperately need our help. That is why today, Senator GREGG and I are introducing the Gulf Coast Recovery and Disaster Preparedness Act.

We need a response that is as good and generous as the American people but our existing disaster relief structures are not equipped for this monumental task.

The primary focus of our Department of Homeland Security is to protect the Nation from terrorism, and it is imperative for that work to go on unimpeded. And FEMA is primarily a

rapid response agency whose first responsibility is to provide relief in the immediate aftermath of a disaster.

Given the enormity of the number of people displaced by Hurricanes Katrina and Rita, the rebuilding will be an all-consuming task. And if it is to take place as rapidly as possible, it requires the creation of a new Federal entity to be an effective partner in that effort.

Our bill creates a Gulf Coast Recovery and Disaster Preparedness Agency to aid in the work of rebuilding the region. The enormous Federal investment that will be needed to revitalize the region would be channeled through this agency. Estimates of the cost of rebuilding the region are as high as \$200 billion. We need someone who will be responsible for the coordinated deployment of these dollars.

The agency will be headed by a Director, an eminent, nonpartisan person with demonstrated leadership in large organizations. It will take strong leadership that has the attention of the President to coordinate redevelopment efforts and cut through the redtape to ensure that Federal funds are deployed swiftly, efficiently and effectively.

Under our bill, the President appoints the Director with the advice and consent of the Senate. The Director will have overall control of Federal funding, personnel, and assets used for rebuilding the region.

The Director of the Gulf Coast Recovery and Disaster Preparedness Agency will work with an Authority, composed primarily of residents from the affected area, that will develop a comprehensive plan for rebuilding the region.

Governors, mayors, community leaders, business and non-profit leaders, citizens and the Federal Government will be able to sit around the same table to develop a common blueprint for reconstructing their communities and their lives.

While only the Federal Government possesses the necessary resources to rebuild the devastated areas, it is essential that State and local officials who know the area best be full partners. Local residents must share the decisionmaking authority. Creating this Authority to develop a comprehensive plan for redevelopment will guarantee that local concerns are taken seriously.

How to rebuild should not be determined by the biggest, most powerful contractors. We need to work from a shared vision for the future in which we all do our part in rebuilding the new Gulf Coast.

The rebuilding process does not merely involve reproducing in place the structures that existed prior to the hurricane and the flooding, although that alone would be an enormous task. It involves planning for the future of the affected communities.

To develop this plan, the Authority will involve the best flood control engineers, the best community and urban development specialists, planners, and

experts to address rebuilding or restoring water management facilities, environmental restoration, transportation, ports, housing, schools, hospitals, utility infrastructure, other public facilities, and employment and training.

And, while we need to build water control systems and structures that will be able to withstand giant hurricanes and floods in the future, it is not just about the bricks and mortar. It is about promoting economic development and improving the quality of life for the residents of the region; it is about preserving the unique historical, cultural and architectural character of communities; and restoring the ecological resources of the region. It is about promoting access to housing, transportation, jobs and schools to residents of all incomes.

We have a chance to build the Gulf economy of the future—and in doing so improve the entire Nation's economic destiny. We have a chance to build a new economy that works for everyone—with diverse housing and more job opportunities.

We cannot wait any longer. The people of Louisiana, the people of Mississippi, Alabama and now Texas, and the many States who have taken in evacuees, cannot wait any longer. We need to act and appoint an executive who will lead recovery and redevelopment efforts and really listen to what the residents of the Gulf Coast, its community leaders, business leaders and elected officials really need.

All of those who visited the region and those who have seen images of the devastation on TV recognize that rebuilding the Gulf Coast requires an unprecedented national effort. It must be a principal focus of our national government in the months ahead and it must be done in a genuine collaboration with the people of the affected region.

I want to commend my colleague Senator GREGG who has worked very hard to ensure that we come up with a sensible way of addressing the enormous challenge of rebuilding that lies ahead.

We believe that a Gulf Coast Recovery and Disaster Preparedness Director and a Gulf Coast Revitalization Authority is the best way to combine the Federal resources and coordination with real local involvement in the decisionmaking process.

By Ms. COLLINS (for herself and Mr. WARNER):

S. 1866. A bill to establish an Under Secretary for Policy in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today, on behalf of myself and Senators WARNER and COBURN, to introduce a bill establishing an Under Secretary for Policy within the Department of Homeland Security. This legislation would meet a critical need of the Department: an official at the highest

level of the Department to develop coherent strategies and provide comprehensive policy guidance for responding to the full range of threats to our homeland.

This past spring, soon after being confirmed as the second Secretary of Homeland Security, Secretary Chertoff conducted a top-to-bottom review of the Department. As Secretary Chertoff said at the launch of this "Second Stage Review," the Congress created the Department of Homeland Security "to do more than simply erect a big tent under which a lot of different organizations would be collected." Instead, the purpose of the Department is to integrate the capabilities and achieve unity of effort among a wide range of agencies and entities that are involved in protecting our homeland.

In July, Secretary Chertoff announced the results of the "Second Stage Review" and proposed several organizational changes aimed at further integrating the Department's many components. Chief among these proposed changes was the creation of a Senate-confirmed Under Secretary with responsibility for policy development across the Department.

Thus, in keeping with Secretary Chertoff's proposal, this legislation would create an Under Secretary for Policy who is appointed by the President with the advice and consent of the Senate. This Under Secretary would serve as the Secretary's principal policy advisor and enable the Department to develop comprehensive policies and strategies—across all of the Departments' components—to meet homeland security challenge. The Under Secretary's responsibilities would cover four key areas: policy development, strategic planning, international affairs, and private sector outreach. The policy development and strategic planning functions are new, while the international affairs and private sector outreach functions are transferred from other parts of the Department in order to consolidate the full range of policy-level functions under this Under Secretary.

We need no better reason to take up this bill than the tragic events of a month ago. Hurricane Katrina was a natural disaster, but the devastation, suffering, and deprivation left in the wake of this powerful storm were compounded by the failure of all levels of government—local, State, and Federal—to prepare and respond in a unified, integrated way. Moreover, the capabilities needed to have dealt with Hurricane Katrina are in many instances the same capabilities that are needed to protect America from terrorism.

The governmental failures highlighted by Hurricane Katrina are evidence of the need for greater integration and unity of effort within the Department. At the heart of this integration, the Department needs a stronger emphasis on policy development and strategic planning to meet the full

range of threats to our homeland. Creating an Under Secretary for Policy is a critical step for ensuring that our government has a truly capable Department of Homeland Security.

I ask unanimous consent that the text of the bill establishing an Under Secretary for Policy within the Department of Homeland Security be printed in the RECORD.

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

S. 1866

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

#### SECTION 1. UNDER SECRETARY FOR POLICY.

(a) SHORT TITLE.—This Act may be cited as the "Homeland Security Policy Act of 2005".

(b) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating title VI and section 601 as title XVIII and section 1801, respectively, and transferring that title to the end of the Homeland Security Act of 2002; and

(2) by inserting after title V, the following:

#### "TITLE VI—UNDER SECRETARY FOR POLICY

##### "SEC. 601. UNDER SECRETARY FOR POLICY.

"(a) IN GENERAL.—There shall be in the Department an Under Secretary for Policy, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) RESPONSIBILITIES.—Subject to the direction, authority, and control of the Secretary, the responsibilities of the Under Secretary for Policy shall be as follows:

"(1) POLICY.—

"(A) To serve as the principal policy advisor to the Secretary.

"(B) To provide overall direction and supervision for policy development to programs, offices, and activities of the Department.

"(C) To establish and direct a formal policymaking process for the Department.

"(D) To analyze, evaluate, and review completed, ongoing, and proposed programs, to ensure they are compatible with the Secretary's priorities, strategic plans, and policies.

"(2) STRATEGIC PLANNING.—

"(A) To conduct long-range, strategic planning for the Department.

"(B) To prepare national and Department strategies, as appropriate.

"(C) To conduct net assessments of issues facing the Department.

"(D) To conduct reviews of the Department to ensure the implementation of this paragraph.

"(3) INTERNATIONAL RESPONSIBILITIES.—

"(A) To promote informational and educational exchange with nations friendly to the United States in order to promote sharing of best practices and technologies relating to homeland security, including—

"(i) the exchange of information on research and development on homeland security technologies;

"(ii) joint training exercises of first responders; and

"(iii) exchanging expertise and information on terrorism prevention, response, and crisis management.

"(B) To identify areas for homeland security informational and training exchange where the United States has a demonstrated weakness and another friendly nation or nations have a demonstrated expertise.

"(C) To plan and undertake international conferences, exchange programs (including the exchange of scientists, engineers, and other experts), and other training activities.

"(D) To manage international activities within the Department in coordination with other Federal officials with responsibility for counterterrorism matters.

"(4) PRIVATE SECTOR.—

"(A) To create and foster strategic communications with the private sector to enhance the primary mission of the Department to protect the American homeland.

"(B) To advise the Secretary on the impact of the policies, regulations, processes, and actions of the Department on the private sector.

"(C) To interface with other relevant Federal agencies with homeland security missions to assess the impact of the actions of such agencies on the private sector.

"(D) To create and manage private sector advisory councils composed of representatives of industries and associations designated by the Secretary—

"(i) to advise the Secretary on private sector products, applications, and solutions as they relate to homeland security challenges; and

"(ii) to advise the Secretary on homeland security policies, regulations, processes, and actions that affect the participating industries and associations.

"(E) To work with Federal laboratories, federally funded research and development centers, other federally funded organizations, academia, and the private sector to develop innovative approaches to address homeland security challenges to produce and deploy the best available technologies for homeland security missions.

"(F) To promote existing public-private partnerships and develop new public-private partnerships to provide for collaboration and mutual support to address homeland security challenges.

"(G) To assist in the development and promotion of private sector best practices to secure critical infrastructure.

"(H) To coordinate industry efforts, with respect to functions of the Department, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack.

"(I) To coordinate among Department operating entities and with the Assistant Secretary for Trade Development of the Department of Commerce on issues related to the travel and tourism industries."

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in section 103—

(A) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively; and

(B) by inserting after paragraph (5) the following:

"(6) An Under Secretary for Policy.";

(2) by striking section 879;

(3) by redesignating sections 880 through 890 as sections 879 through 889, respectively; and

(4) in the table of contents—

(A) by redesignating the items relating to title VI and section 601 as relating to title XVIII and section 1801, respectively, and transferring the items relating to that title and section to the end of the table of contents;

(B) by inserting before the item relating to title VII the following:

#### "TITLE VI—UNDER SECRETARY FOR POLICY

"Sec. 601. Under Secretary for Policy.";

(C) by striking the item relating to section 879; and

(D) by redesignating the items relating to sections 880 through 890 as relating to sections 879 through 889, respectively.

By Mr. FEINGOLD:

S. 1867. A bill to extend to individuals evacuated from their residences as a result of Hurricane Katrina the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, and for other purposes; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, today I will introduce the Displaced Citizens Voter Protection Act. This bill is a companion measure to legislation introduced in the House by my friend Representative ARTUR DAVIS of Alabama. He has been a real advocate for victims of Hurricane Katrina, and I greatly appreciate his leadership on this issue.

We are continuing to learn more about and to grapple with the myriad ways that the Hurricane Katrina disaster has affected the lives of residents of the Gulf Coast. Hundreds of thousands of people fled their homes, and are temporarily displaced. Most of these people hope to eventually return to the communities from which they were driven, and have every intention of rebuilding their lives there. As the communities in Louisiana, Alabama, and Mississippi begin to rebuild, it is crucial that those who wish to return are able to take part in the government decisions that will have an impact on their communities and their lives. They must be able to elect the Federal leaders who will shape this recovery process.

The legislation that I will introduce today will make sure that victims of Hurricane Katrina who are temporarily displaced, and who intend to return to their home States, continue to be eligible to vote in their States, and that the government takes steps to inform them of their rights in this area. It would extend the same voting protections currently available to members of the military and overseas voters to those who are displaced temporarily by Katrina. Individuals who are qualified to vote in their original place of residence, and who intend to return to that place in the near future, will be able to vote by absentee ballot for Federal elections held through 2008. Voters who intend to return to their original place of residence would be able to use the forms available online that are currently used by members of the military and other citizens who are overseas to request absentee ballots from their home State. Voters requesting an absentee ballot would be required to include an affidavit certifying that they intend to return to their home State in the near future with their ballot. The bill also directs motor vehicle authorities and voter registration agencies to take steps to notify the public that this absentee ballot option is available for Katrina victims.

This legislation does not mandate where people should vote, nor does it place additional burdens on State election officials. It simply puts a mechanism in place to make sure that these voters do not lose their right to vote in elections simply because they are temporarily displaced.

The challenges that we face in the wake of Katrina are many, and unfortunately there is some disagreement in Congress about how best to help those affected by this tragedy. This is different. This bill is a straightforward, simple, and direct response that will help keep the electoral process accessible for victims of Hurricane Katrina. I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1867

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Displaced Citizens Voter Protection Act of 2005".

#### SEC. 2. APPLICABILITY OF PROTECTIONS FOR ABSENT MILITARY AND OVERSEAS VOTERS TO KATRINA EVACUEES.

(a) RIGHT OF KATRINA EVACUEES TO USE ABSENTEE BALLOTING AND REGISTRATION PROCEDURES AVAILABLE TO MILITARY AND OVERSEAS VOTERS.—In the case of any individual who is an eligible Hurricane Katrina evacuee—

(1) the individual shall be treated in the same manner as an absent uniformed services voter and overseas voter for purposes of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), other than section 103(b)(1) (42 U.S.C. 1973ff-2(b)(1)); and

(2) the individual shall be deemed to be an individual who is entitled to vote by absentee ballot for purposes of the National Voter Registration Act of 1993 and the Help America Vote Act of 2002.

(b) DEFINITION.—For purposes of this section, the term "eligible Hurricane Katrina evacuee" means an individual—

(1) who certifies to the appropriate State election official that the individual is absent from the place of residence where the individual is otherwise qualified to vote as a result of evacuation from an area affected by Hurricane Katrina; and

(2) who provides the official with an affidavit stating that the individual intends to return to such place of residence after the election or elections involved.

(c) EFFECTIVE DATE.—This section shall apply with respect to elections for Federal office held in calendar years 2006 through 2008.

#### SEC. 3. REQUIRING DESIGNATED VOTER REGISTRATION AGENCIES TO NOTIFY DISPLACED INDIVIDUALS OF AVAILABILITY OF PROTECTIONS.

Each motor vehicle authority in a State and each voter registration agency designated in a State under section 7(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-5(a)) shall take such steps as may be necessary to notify individuals to whom services are provided of the protections provided by section 2 and of the requirements for obtaining those protections, including the requirement to submit an affidavit stating that the individual intends to

return to the place of residence where the individual is otherwise qualified to vote.

By Mr. SANTORUM:

S. 1868. A bill to ensure gasoline affordability and security; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise today to introduce the Gasoline Affordability and Security, GAS, Act. With the average price of gasoline at \$2.86 a gallon in Pennsylvania and the national average even higher, conditions are ripe for Congress to critically examine why prices are rising and act to address those factors we can control. While we have little influence over OPEC, events in oil-exporting countries or growing demand in other nations, we can take steps to expand our shrunken refining capacity, diversify our transportation fuel supply and reduce demand.

Though critical for our Nation's energy security, the benefits of many Federal policies will take some time to realize. For this reason, my bill combines consumer protection provisions with proposals incentivizing innovative technology and conservation.

Consumers are understandably concerned that they are being taken advantage of at the pump. My bill will protect consumers by distinguishing retailers engaging in predatory business activities from those simply responding to market conditions beyond their control. Under my proposal, the Federal Trade Commission, FTC, is directed to define "price gouging" and set rules that they will have the authority to enforce. This provision would be effective in times of a declared energy emergency and would not be limited to a specific geographic area in which a major disaster occurs. My constituents can vigorously attest to the fact that the effects of a natural disaster on gasoline prices are not confined to that region. The damage caused by Hurricanes Katrina and Rita has affected consumers' pocketbooks nationwide.

And to better inform consumers, the FTC will be required to make available a list disclosing the name of any entity penalized under the Federal price gouging prohibition.

Twenty-eight States currently have price gouging laws on the books. In an effort to further assist States to tackle this issue, the GAS Act also directs the FTC to create a task force that will aid any state requesting assistance with the investigation of potential price gouging and provide technical assistance in reviewing or establishing state price gouging laws.

High prices are often not the result of price gouging, and consumers have a right to know what they're paying for in a gallon of gasoline. This information is available through the Energy Information Association, EIA. But because many Americans do not have Internet access or may not be able to easily extract this data, my bill encourages the EIA to disseminate, in a

manner suitable for posting, information regarding the cost components of a gallon of gasoline to individuals selling gas or diesel fuel. Retailers may then display this information for their customers.

One important strategy to combat rising fuel prices is to diversify our fuel supply. This can be accomplished through use of coal, a resource plentiful in my State of Pennsylvania and in other regions of the country. Coal-to-liquid fuel technology now enables us to use this resource in an environmentally friendly way that can greatly benefit our economy and create hundreds of jobs in Pennsylvania alone. I am proud to be a longtime supporter of this technology and other clean coal initiatives. In 2001, I was able to secure language to enable a Pennsylvania-based coal and energy company to compete for a Clean Coal Power Initiative, CCPI, grant, and I was pleased to secure a provision in the Energy bill earlier this year that helped make this project a reality. My legislation will further encourage the production of this clean fuel by dedicating funds from the CCPI to at least one additional project.

Another way all Americans can help reduce fuel prices is to reduce gasoline consumption. But the reality is that cutting back on gas, which we need to perform responsibilities as basic as going to work and getting to the grocery store, is not easy. To help encourage conservation, I am proposing a tax credit for employees who telecommute from home and for employers who make that possible. With today's advanced technology, telework should be a part of the 21st century workplace. Forty percent of our Nation's jobs are already compatible with telecommuting. It creates the best of all worlds for both employers and employees, while reducing gas consumption and emissions.

President Bush recently called on Federal agencies to cut back on unnecessary travel and look for other ways to conserve fuel. The legislative branch should make a concerted effort to do the same. We cannot expect the American people to make sacrifices that we ourselves are not willing to make. Accordingly, my bill includes language to urge Congress and legislative branch employees to conserve transportation fuel by whatever means practicable, and as a part of these efforts, promote teleworking.

It is my hope that Congress will take a hard look at this country's fuel supply and will act decisively to make us less reliant on foreign sources. This Act contains steps we can take now to protect consumers and conserve fuel, while moving towards our goal of lower prices and energy independence.

I ask unanimous consent that the text of legislation titled: the "Gasoline Affordability and Security Act" be printed in the RECORD.

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

S. 1868

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Gasoline Affordability and Security Act" or the "GAS Act".

### TITLE I—CONSUMER PROTECTION

#### SEC. 101. PROHIBITION ON GASOLINE PRICE GOUGING.

(a) UNLAWFUL CONDUCT.—During the 30-day period beginning on the date on which the President determines the existence of conditions warranting the drawdown and sale of petroleum products from the Strategic Petroleum Reserve under subsection (d) or (h) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), it shall be an unfair or deceptive act or practice in violation of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)) for any person to sell gasoline or diesel fuel at a price which constitutes price gouging as defined by rule pursuant to subsection (b).

(b) ENFORCEMENT.—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) and shall be enforced by the Federal Trade Commission in accordance with all applicable terms and provisions of the Federal Trade Commission Act.

(c) PENALTIES.—Any person who violates subsection (a), or the rules promulgated pursuant to this section, shall be subject to a civil penalty in an amount not to exceed \$11,000 per day in which a violation occurs.

(d) RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Federal Trade Commission shall promulgate rules, in accordance with section 5(n) of the Federal Trade Commission Act (15 U.S.C. 45(n)), that—

(1) define "price gouging" for purposes of this section; and

(2) carry out this section.

#### SEC. 102. COMPETITIVE PRICING TASK FORCE.

(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Federal Trade Commission shall establish a Competitive Pricing Task Force (referred to in this section as the "Task Force").

(b) DUTIES.—The Task Force shall provide each State attorney general who requests assistance from the Task Force—

(1) with assistance in the investigation of alleged price gouging affecting the consumers of the State; and

(2) such additional technical assistance as may be necessary in studying and drafting State laws to prohibit price gouging.

(c) DURATION.—The Task Force shall carry out the duties described in subsection (b) during the 2-year period beginning on the date on which the Task Force is established under subsection (a).

#### SEC. 103. CONSUMER INFORMATION.

(a) LIST.—The Federal Trade Commission shall publish a list on its Web site containing the names of all persons penalized under section 101.

(b) INFORMATION ABOUT GASOLINE PRICES.—The Energy Information Administration of the Department of Energy shall disseminate to all persons selling gasoline or diesel fuel to retail consumers, in a manner suitable for posting, information contained in the table on the Administration's Web site entitled, "WHAT WE PAY FOR IN A GALLON OF REGULAR GASOLINE", to inform such consumers of the factors contributing to the price of gasoline.

#### SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

### TITLE II—INCREASING SUPPLY

#### SEC. 201. FUEL DIVERSIFICATION.

Section 402 of the Energy Policy Act of 2005 (42 U.S.C. 15962) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (iv), by striking "and" at the end;

(B) by redesignating clause (v) as clause (vi); and

(C) by inserting after clause (iv) the following:

"(v) a Fischer-Tropsch technology project to produce ultra-low sulfur liquid transportation fuel; and"; and

(2) by adding at the end the following:

"(j) ENERGY POLICY PRIORITY.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date on which the Secretary provides funds for a Fischer-Tropsch technology project to produce ultra-low sulfur liquid transportation fuel under subsection (b)(1)(A)(v), the Secretary shall establish as an energy policy priority the expedited, large-scale commercialization of that technology to promote the supply of affordable, clean, domestic gasoline and diesel fuel.

"(2) SUBSEQUENT PROJECTS.—

"(A) IN GENERAL.—In accordance with the energy policy priority established under paragraph (1), the Secretary shall provide funds for a subsequent Fischer-Tropsch technology project to produce ultra-low sulfur liquid transportation fuel as soon as practicable after the date on which the priority is established.

"(B) CRITERIA FOR SELECTION.—In carrying out subparagraph (A), the Secretary shall select the private sector recipient that is the most capable of designing and constructing a Fischer-Tropsch technology project with an output of not less than 50,000 barrels per day of ultra-low sulfur transportation fuel, as determined by the Secretary."

#### SEC. 202. FUEL TREATMENT.

Not later than 60 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct an expedited review of any fuel additive an application for verification for which has been filed in accordance with the voluntary diesel retrofit program.

### TITLE III—DECREASING DEMAND

#### SEC. 301. CREDIT FOR TELEWORKING.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

##### "SEC. 30D. TELEWORKING CREDIT.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified teleworking expenses paid or incurred by the taxpayer during such year.

"(b) MAXIMUM CREDIT.—

"(1) PER TELEWORKER LIMITATION.—The credit allowed by subsection (a) for a taxable year with respect to qualified teleworking expenses paid or incurred by or on behalf of an individual teleworker shall not exceed—

"(A) in the case of an eligible taxpayer described in subsection (c)(1)(A), \$1,000, and

"(B) in the case of an eligible taxpayer described in subsection (c)(1)(B), \$2,000.

"(2) REDUCTION FOR TELEWORKING LESS THAN FULL YEAR.—In the case of an individual who is in a teleworking arrangement for less than a full taxable year, the dollar amount referred to subparagraph (A) or (B) of paragraph (1) shall be reduced by an amount which bears the same ratio to such dollar amount as the number of months in which such individual is not in a teleworking arrangement bears to 12. For purposes of the

preceding sentence, an individual shall be treated as being in a teleworking arrangement for a month if the individual is subject to such arrangement for any day of such month.

“(c) DEFINITIONS.—For purposes of this section—

“(1) ELIGIBLE TAXPAYER.—The term ‘eligible taxpayer’ means—

“(A) in the case of an individual, an individual who performs services for an employer under a teleworking arrangement, and

“(B) in the case of an employer, an employer for whom employees perform services under a teleworking arrangement.

“(2) TELEWORKING ARRANGEMENT.—The term ‘teleworking arrangement’ means an arrangement under which an employee teleworks for an employer not less than 75 days per year.

“(3) QUALIFIED TELEWORKING EXPENSES.—The term ‘qualified teleworking expenses’ means expenses paid or incurred under a teleworking arrangement for furnishings and electronic information equipment which are used to enable an individual to telework.

“(4) TELEWORK.—The term ‘telework’ means to perform work functions, using electronic information and communication technologies, thereby reducing or eliminating the physical commute to and from the traditional work site.

“(d) LIMITATION BASED ON AMOUNT OF TAX.—

“(1) LIABILITY FOR TAX.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

“(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

“(B) the tentative minimum tax for the taxable year.

“(2) CARRYFORWARD OF UNUSED CREDIT.—If the amount of the credit allowable under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for the taxable year, the excess shall be carried to the succeeding taxable year and added to the amount allowable as a credit under subsection (a) for such succeeding taxable year.

“(e) SPECIAL RULES.—

“(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (d)).

“(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

“(3) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

“(4) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any expense if the taxpayer elects to not have this section apply with respect to such expense.

“(5) DENIAL OF DOUBLE BENEFIT.—No deduction or credit (other than under this section) shall be allowed under this chapter with respect to any expense which is taken into account in determining the credit under this section.”.

(b) CONFORMING AMENDMENTS.—

Subsection (a) of section 1016 of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 30D(e)(1), in the case of amounts with respect to which a credit has been allowed under section 30D.”.

(2) Section 55(c)(3) of such Code is amended by inserting “30D(d),” after “30(b)(3),”.

(3) Section 6501(m) of such Code is amended by inserting “30D(e)(4),” after “30C(e)(5),”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 30D. Teleworking credit.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

#### SEC. 302. EMPLOYER-PROVIDED COMPUTER EQUIPMENT TREATED AS FRINGE BENEFIT.

(a) IN GENERAL.—Subsection (a) of section 132 of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting “, or”, and by adding at the end the following new paragraph:

“(9) qualified employer-provided computer equipment fringe.”.

(b) QUALIFIED EMPLOYER-PROVIDED COMPUTER EQUIPMENT FRINGE.—Section 132 of such Code is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

“(o) QUALIFIED EMPLOYER-PROVIDED COMPUTER EQUIPMENT FRINGE.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified employer-provided computer equipment fringe’ means any computer and related equipment and services provided to an employee by an employer if—

“(A) such computer and related equipment and services are necessary for the employee to perform work for the employer from the employee’s home, and

“(B) the employee makes substantial business use of the equipment in the performance of work for the employer.

“(2) SUBSTANTIAL USE.—For purposes of paragraph (1), the term ‘substantial business use’ includes standby use for periods when work from home may be required by the employer such as during work closures caused by the threat of terrorism, inclement weather, or natural disasters.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

#### SEC. 303. SENSE OF CONGRESS.

It is the sense of Congress that Congress and the employees of the legislative branch of the Federal Government should—

(1) conserve gasoline, aviation, and diesel fuel by whatever means practicable; and

(2) as a part of such conservation efforts, promote teleworking.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 271—DESIGNATING THE WEEK BEGINNING OCTOBER 16, 2005, AS “NATIONAL CHARACTER COUNTS WEEK”

Mr. DOMENICI (for himself, Mr. DODD, Mr. STEVENS, Mr. AKAKA, Mr. WARNER, Ms. LANDRIEU, Mr. DEWINE, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. JOHNSON, Mr. ENZI, Mr. KERRY, Mr. COCHRAN, Mr. LEVIN, Mr. LOTT, Mr.

BIDEN, Mr. ALLEN, Ms. STABENOW, Mr. INHOFE, Mr. DURBIN, Mr. ENSIGN, Mr. ROCKEFELLER, Mr. CORNYN, Mr. BURNS, Ms. MURKOWSKI, Mr. ALEXANDER, Mr. TALENT, Mrs. DOLE, Mr. CRAIG, and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

#### S. RES. 271

Whereas the well-being of the Nation requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth, to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the Nation;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations would focus on character education, would be of great benefit to the Nation: Now, therefore, be it

*Resolved*, That the Senate—