

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

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 276) was agreed to.

DEBRIS REMOVAL ACT OF 2005

Mr. MARTINEZ. Mr. President, I ask unanimous consent to proceed to immediate consideration of S. 939.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 939) to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act.

There being no objection, the Senate proceeded to consider the bill to which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments.

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 939

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 "Disaster Recovery Act of 2005".]

SEC. 2. EXPEDITED PAYMENTS OF FEDERAL ASSISTANCE FOR DEBRIS REMOVAL AND EMERGENCY PROTECTIVE MEASURES.

[(a) DEFINITIONS.—In this section:

[(1) ELIGIBLE APPLICANT.—The term "eligible applicant" means—

[(A) a State government;

[(B) a local government;

[(C) a private nonprofit organization or institution that owns or operates any private nonprofit educational, utility, emergency, medical, or custodial care facility, including a facility for the aged or disabled, or any other facility providing essential governmental services to the general public, and such facilities on Indian reservations; and

[(D) an Indian tribe or authorized tribal organization, or an Alaska Native village or organization (other than an Alaska Native Corporation), the ownership of which is vested in a private individual.

[(2) ELIGIBLE CLAIM FOR ASSISTANCE.—The term "eligible claim for assistance" means—

[(A) a claim for the clearance, removal, or disposal of debris (such as trees, sand, gravel, building components, wreckage, vehicles, and personal property), if the debris is the result of an emergency or major disaster and the clearance, removal, or disposal is necessary—

[(i) to eliminate an immediate threat, as determined by the Secretary of Homeland Security, to human life, public health, or safety;

[(ii) to eliminate an immediate threat, as determined by the Secretary, of significant damage to public or private property;

[(iii) to ensure the economic recovery of the community affected by the emergency or major disaster to the benefit of the community and any other community, as determined by the Secretary; or

[(iv) to ensure the provision of temporary public transportation service in the community affected by the emergency or major disaster pursuant to section 419 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5186);

[(B) an action taken by an applicant before, during, or after an emergency or major disaster that is necessary—

[(i) to eliminate or reduce an immediate threat, as determined by the Secretary of Homeland Security, to human life, public health, or safety; or

[(ii) to eliminate or reduce an immediate hazard, as determined by the Secretary, that threatens significant damage to public or private property; or

[(C) any other claim that the Secretary of Homeland Security determines to be appropriate.

[(3) EMERGENCY.—The term "emergency" has the meaning given the term in section 102 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5122).

[(4) MAJOR DISASTER.—The term "major disaster" has the meaning given the term in section 102 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5122).

[(b) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (c), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 403(b), 407(d), or 503 of that Act (42 U.S.C. 5170b(b), 5173(d), 5193).

[(c) DATE OF PAYMENT.—A claim described in subsection (b) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. REQUIREMENT TO ENSURE DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

[(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term "emergency access road" means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

[(b) REQUIREMENT.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris shall include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL FROM PRIVATE LAND AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

[Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

[(1) in clause (i), by striking "and" at the end;

[(2) in clause (ii), by striking the period at the end and inserting "; and"; and

[(3) by inserting after clause (ii) the following:

["(iii) the removal, clearance, and disposal of debris from private property that is the result of an emergency or major disaster."].

SECTION 1. SHORT TITLE.

This Act may be cited as the "Debris Removal Act of 2005".

SEC. 2. EXPEDITED PAYMENTS.

(a) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 407 of that Act (42 U.S.C. 5173).

(b) DATE OF PAYMENT.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term "emergency access road" means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) REIMBURSEMENT AUTHORIZED.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris may include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by inserting after clause (ii) the following: "(iii) the removal of debris and wreckage resulting from a major disaster from owner occupied private residential property, utilities, and residential infrastructure (such as a private access route) as necessary for a safe and sanitary living or functioning condition.".

SEC. 5. APPLICABILITY; TERMINATION OF AUTHORITY.

This Act and the authority provided by this Act (including by any amendment made by this Act) shall—

(1) apply to each major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(2) terminate on the date that is 1 year after the date of enactment of this Act.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, the title amendment be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2340) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Debris Removal Act of 2005”.

SEC. 2. EXPEDITED PAYMENTS.

(a) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 407 of that Act (42 U.S.C. 5173).

(b) DATE OF PAYMENT.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term “emergency access road” means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) REIMBURSEMENT AUTHORIZED.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris may include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (ii) the following:

“(iii) the removal of debris and wreckage resulting from a major disaster from owner occupied private residential property, utilities, and residential infrastructure (such as a private access route) as necessary for a safe and sanitary living or functioning condition.”.

SEC. 5. COST SHARE.

For a period of not less than 180 days after the date of declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) during the period beginning on August 25, 2005 through December 31, 2005, the Federal share of assistance provided to eligible applicants for debris removal under section 407 of that Act (42 U.S.C. 5173) shall be 100 percent.

SEC. 6. GUIDELINES FOR REIMBURSEMENT.

In light of concerns regarding inconsistent policy memoranda and guidelines issued to counties and communities affected by the 2004 hurricane season, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Prepared-

ness and Response, shall provide clear, concise, and uniform guidelines for the reimbursement to any county or government entity affected by a hurricane of the costs of hurricane debris removal.

SEC. 7. APPLICABILITY; TERMINATION OF AUTHORITY.

This Act and the authority provided by this Act (including by any amendment made by this Act) shall—

(1) apply to each major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(2) terminate on the date that is 1 year after the date of enactment of this Act.

The committee amendment in the nature of a substitute, as amended, was agreed to. The amendment (No. 2341) was agreed to, as follows:

Amend the title so as to read: “To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes.”.

The bill (S. 939), as amended, was read the third time and passed.

Mr. LOTT. Mr. President, I know that the distinguished chairman and the ranking member want to move forward on this legislation. I do not want to delay their proceedings, but I will take just a moment. I will take advantage of the opportunity to put a statement in the RECORD.

I think it is important that we acknowledge the importance of this relatively small bill as we try to recover from the hurricanes we are dealing with.

I think we must give credit to the chairman of the Governmental Affairs and Homeland Security Committee, Senator COLLINS from Maine, the ranking member, Senator LIEBERMAN from Connecticut, to the leadership of the distinguished Senator from Florida, and Senator MARTINEZ, who knows full well the things we are dealing with in the recovery from these disasters. His own State has been hit once again. Mother Nature can be a very devastating vixen when you don't anticipate the kind of damage you wind up with.

Also, I thank the Democrats and their leadership for helping clear this legislation.

I thank and acknowledge Senator VITTER's and Senator LANDRIEU's involvement in all these efforts.

It is hard to get anything done in the Senate these days. It is the way our body functions. And we all question everything, legitimately. But we got it done.

I would like to give credit to both sides and to all of those involved.

This just has four or five important things. They are important. People are hurting, and this will help us get through this recovery period.

Thank you very much for allowing me this moment to comment.

S. 939

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 “Debris Removal Act of 2005”.

SEC. 2. EXPEDITED PAYMENTS.

(a) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 407 of that Act (42 U.S.C. 5173).

(b) DATE OF PAYMENT.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term “emergency access road” means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) REIMBURSEMENT AUTHORIZED.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris may include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (ii) the following:

“(iii) the removal of debris and wreckage resulting from a major disaster from owner occupied private residential property, utilities, and residential infrastructure (such as a private access route) as necessary for a safe and sanitary living or functioning condition.”.

SEC. 5. COST SHARE.

For a period of not less than 180 days after the date of declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) during the period beginning on August 25, 2005 through December 31, 2005, the Federal share of assistance provided to eligible applicants for debris removal under section 407 of that Act (42 U.S.C. 5173) shall be 100 percent.

SEC. 6. GUIDELINES FOR REIMBURSEMENT.

In light of concerns regarding inconsistent policy memoranda and guidelines issued to counties and communities affected by the 2004 hurricane season, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall provide clear, concise, and uniform guidelines for the reimbursement to any county or government entity affected by a hurricane of the costs of hurricane debris removal.

SEC. 7. APPLICABILITY; TERMINATION OF AUTHORITY.

This Act and the authority provided by this Act (including by any amendment made by this Act) shall—

(1) apply to each major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(2) terminate on the date that is 1 year after the date of enactment of this Act.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 109-5 AND 109-6

Mr. McCONNELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on October 27, 2005, by the President of the United States: the Tax Convention with Bangladesh, Treaty Document No. 109-5; and the U.N. Convention Against Corruption, Treaty Document No. 109-6. I further ask unanimous consent that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith for the advice and consent of the Senate to ratification a Convention Between the Government of the United States of America and the Government of Bangladesh for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Dhaka on September 26, 2004 (the "Convention"). An exchange of notes is enclosed, and the report of the Department of State with respect to the Convention is transmitted for the information of the Senate.

This Convention, which is similar to tax treaties between the United States and other developing nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for the resolution of disputes and sets forth rules making its benefits unavailable to those who are engaged in treaty forum shopping.

I recommend that the Senate give early and favorable consideration to this Convention and that the Senate give its advice and consent to ratification.

GEORGE W. BUSH.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the United Nations Convention Against Corruption (the "Corruption Convention"), which was adopted by the United Nations General Assembly on October 31,

2003. I also transmit, for the information of the Senate, the report of the Secretary of State with respect to the Corruption Convention, with an enclosure.

The international fight against corruption is an important foreign policy priority for the United States. Corruption hinders sustainable development, erodes confidence in democratic institutions, and facilitates transnational crime and terrorism. The Convention will be an effective tool to assist in the growing global effort to combat corruption.

The U.N. Corruption Convention is the first global multilateral treaty to comprehensively address the problems relating to corruption. It provides for a broad range of cooperation, including extradition and mutual legal assistance, and commits governments to take measures that will prevent corruption from happening in the first place. The Corruption Convention includes provisions to criminalize and prevent corruption and provides procedures for governments to recover assets that have been illicitly acquired by corrupt officials.

The provisions of the Corruption Convention are explained in the accompanying report of the Department of State. The report also sets forth proposed reservations that would be deposited by the United States with its instrument of ratification. With these reservations, the Convention will not require implementing and consent to its ratification, subject to the reservations, understandings, and declarations described in the accompanying report of the Department of State.

I recommend that the Senate give early and favorable consideration to the Corruption Convention and give its advice and consent to its ratification, subject to the reservations, understandings, and declarations described in the accompanying report of the Department of State.

GEORGE W. BUSH.

AUTHORIZING THE REMAINS OF ROSA PARKS TO LIE IN HONOR IN THE ROTUNDA OF THE CAPITOL

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 61, submitted early today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows: A concurrent resolution (S. Con. Res. 61) authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, on Monday, this Nation lost a great American humanitarian, public servant, and true modern day civil rights hero, Mrs. Rosa

Parks. The powerful and nonviolent act of defiance of this single, extraordinary lady changed the course of human history in this Nation, and around the world. By her respectful refusal to give up her seat to a white man and move to a seat in the back of a Montgomery, AL, city bus 50 years ago, Rosa Parks spoke to the fundamental truth of our democracy: that all men are created equal. None of us living today, nor the future generations of an eternity of tomorrows, will ever be the same because of the act of this brave woman. By her solitary action, Rosa Parks proved that one person can make a difference. And she did.

Rosa Parks is not just a national hero, she is the embodiment of our social and human conscience and the spark that lit the flame of liberty and equality for African Americans and minority groups in this country and around the globe. Nelson Mandela, the former President of South Africa, once called her "the David who challenged Goliath" and his inspiration during his long imprisonment prior to taking office.

It is altogether fitting and proper that this Nation honor the memory and gentle spirit of this great American and her legacy by providing an opportunity for the ordinary citizens of this Nation to pay their last respects to Mrs. Rosa Parks.

Therefore, I proposed to the Senate leadership that we adopt a resolution authorizing such, and I am grateful to them for sponsoring the resolution that I authored to authorize the use of the Capitol Rotunda for the remains of Mrs. Rosa Parks to lie in honor beginning on Sunday, October 30.

It has been the longstanding tradition of the Congress to authorize this honor for not just Members of Congress and Presidents, but ordinary citizens whose extraordinary efforts and service distinguished them in the history of this Nation. Other great Americans who have been similarly honored date back to 1909 when Pierre Charles L'Enfant, planner of the Capital City of Washington, lay in state in the Rotunda. Others include Admiral George Dewey in 1917; General John Joseph Pershing in 1948; General Douglas MacArthur in 1964; Director of the FBI, J. Edgar Hoover in 1972; and most recently, Capitol Police Officers Jacob Joseph Chestnut and John Michael Gibson in 1998.

Congress recognized the need for the Nation to pay its respects to these honorable men and Congress should permit the Nation to pay its last respects to this honorable woman, Mrs. Rosa Louise Parks, as well.

I thank my colleagues for their assistance and support and urge the House to adopt this measure expeditiously so that America may properly honor this courageous lady and great America.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the