

a strong and continuous response to the food needs of thousands of families adversely affected by Hurricane Katrina. It would improve the Food Stamp Program's response to Hurricane Katrina. It generally would expire no later than the end of federal fiscal year 2006. The President would have the authority to terminate its provisions earlier if conditions improved. The proposal would target three groups of low-income households: those living in areas Katrina hit, those that lost jobs in the disaster area, and those relocated from the disaster area to other parts of the country.

The proposal would incorporate the terms of USDA's Hurricane Katrina disaster relief policy for the period specified above:

States must act within seven days on all food stamp applications from affected households.

Households doubled up with friends or relatives could apply for food stamps on their own.

Work requirements and the three-month time limit on childless adults regarding finding a job would be suspended for disaster victims.

The legislation would expand food stamp assistance to disaster victims:

To account for higher food costs for people in disaster areas and people displaced by Hurricane Katrina, the maximum benefit provided through the food Stamp Program is increased by 10 percent.

The gross income limit for disaster victims would increase from 130 percent of the poverty line to 150 percent. This would help disaster survivors that suddenly incur high shelter costs when, for example, they temporarily live in a motel. (The net income limit would remain at 100 percent of the poverty line to ensure that only low-income people receive food stamps.)

All vehicles of disaster survivors, both those that they have with them and those they left behind, would be excluded from determining the household's resources.

For one year, all vehicles and bank accounts would be exempt from the \$2,000 resource limit in recognition that households are facing many extraordinary expenses and should not be required to spend down to \$2,000 when their savings may have to last them until they can find new jobs. In addition, disaster relief aid from federal, state, or local governments, charities, insurance settlements, and other sources would not count as resources.

Assets owned by a household, but which are currently inaccessible to the household due to the emergency, will not be counted for purposes of determining food stamp eligibility. For example, a family should not be rendered ineligible because of a house or car the family had to leave behind in the disaster area.

Food stamp benefits would not be prorated for the month based on the date the household applies. Under disaster conditions, families' applications may be postponed through no fault of their own. During this time, the families are forced to spend their scarce funds on food and remain just as needy as families that were able to get a ride to the food stamp office sooner.

The legislation also would streamline procedures for aiding affected households by:

Having the federal government assume 100 percent (rather than the usual 50 percent) of the administrative costs of serving disaster victims. State expenses to address the range of issues presented by these disaster victims are rising constantly and this change will assist states in their time of need.

Encouraging states to work aggressively to serve affected households by excluding any errors in applying disaster procedures from error rate calculations.

Waiving any claims for inaccurate issuances to affected households except in cases of fraud.

Requiring USDA to work with states to eliminate duplication between households initially certified for food stamps in their home state that are then relocated to a different state. Except where someone deliberately lies to get double benefits, displaced persons would not be required to keep track of which food stamps they received from which state while this overlap is being resolved. Recipients should be encouraged to spend food stamp benefits to feed their families even when they are uncertain about the status of their cases. This is particularly true since overburdened state food stamp agencies may be ill-equipped to answer their questions.

THE EMERGENCY FOOD ASSISTANCE PROGRAM AND COMMODITY DISTRIBUTION

In terms of immediate emergency relief, food stamp receipt may, in some cases, not be the most timely form of assistance that a family may access. Emergency commodities may be a faster and more efficient manner by which to provide immediate food assistance through food banks, food pantries, and congregate meal sites. In order to provide USDA with sufficient funding by which to provide emergency funding, this food assistance emergency package includes:

\$200 million for The Emergency Food Assistance Program (TEFAP), to be spent either on commodities or for transportation, processing, and administrative costs.

\$200 million for USDA to procure bulk commodities using Section 32 authority.

\$20 million for USDA to replenish Commodity Supplemental Food Program commodity stocks destroyed by Hurricane Katrina.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

To allow for unexpected increases in WIC caseload as well as the possibility of rising food costs in the WIC program, this package provides \$200 million dollars (available October 1) for the WIC program.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TO ALLOW UNITED STATES COURTS TO CONDUCT BUSINESS DURING EMERGENCY CONDITIONS

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 1634 and H.R. 3650, en bloc.

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

The clerk will report the bills en bloc.

The assistant legislative clerk read as follows:

A bill (S. 1634) to allow United States courts to conduct business during emergency conditions, and for other purposes.

A bill (H.R. 3650) to allow United States courts to conduct business during emergency conditions, and for other purposes.

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

Mr. SPECTER. Mr. President, I seek recognition to support legislation that is urgently needed in light of the devastation caused by Hurricane Katrina. This legislation would authorize Federal circuit, district, and bankruptcy courts to conduct special sessions outside their respective boundaries in times of emergency. Currently there is no authority in the law for Federal courts to hold session beyond their geographical districts.

The need for such authority initially became apparent following the terrorist attacks of September 11, 2001. Those attacks seriously impaired Federal court operations in New York City at the time. Court facilities available in nearby districts, such as New Jersey, could have alleviated the disruption in court services, but the authority provided in this legislation did not exist.

The recent impact of Hurricane Katrina on the Federal courts in Louisiana, Alabama, and Mississippi has heightened the urgency of congressional action on this proposal. When emergencies, whether they be natural disasters or terrorist attacks, make shifting court operations to other court facilities within the affected district impossible, a Federal court facility in an adjoining district or circuit might be more readily and safely available to court personnel, litigants, jurors, and the public.

The widespread flooding and vast destruction caused by Hurricane Katrina has created precisely this scenario. All of the Federal court facilities in the Eastern District of Louisiana are severely damaged and will not be available for a significant period of time. Courthouses have roof and window damage, extensive water infiltration, and no electrical power. Senior court management are meeting in Lafayette to discuss finding viable and possibly long-term alternative sites for court operations for that entire district, but such alternative sites most certainly must be outside the geographical boundaries of that district.

Federal courts in the Middle and Western Districts of Louisiana are expected to remain open for business and possibly could provide temporary courtroom facilities, and the judiciary will be exploring these and other possibilities if given the authority proposed in this bill.

In the Southern District of Alabama, seawater has flooded the basement of the Mobile, AL, courthouse, and debris is scattered throughout the grounds. The court does not know when that facility will become operational again, and this court too, may have to be temporarily relocated outside of the district. Similarly, in the Southern District of Mississippi, seawater has flooded the Gulfport facility, and communications and electrical power are down. Court operations in the Gulfport area have been shifted within that district to the court facility in Jackson, MS.

The Fifth Circuit operations in New Orleans are completely closed and will

remain so for the foreseeable future. In the meantime, the judiciary has undertaken efforts to determine how much of the Fifth Circuit operations in New Orleans can be shifted within the circuit to Houston, and for what period of time.

The Federal courts in these areas devastated by Hurricane Katrina simply must be able to shift court proceedings temporarily into a neighboring district. Without this legislation, the Federal criminal justice system risks grounding to a protracted halt throughout the gulf region at a time when it is needed most. This legislation is needed now to avoid undue delay in bringing criminals to swift justice and resolving civil matters important to private citizens, especially bankruptcy proceedings in anticipation of an increase in bankruptcy filings in Hurricane Katrina's wake.

The need for this bill was brought to my attention by Judge Edward Becker of the Third Circuit and his colleagues at the Administrative Office of the Federal Courts and it enjoys their strong support. This bill is supported by my Democratic colleague, Senator LEAHY, as well as Senators from the States ravaged by Hurricane Katrina. Since this bill is noncontroversial and clearly urgent, it is my hope that it can be passed by unanimous consent before the end of business today.

Mr. LEAHY. Mr. President, the devastation wrought by the Hurricane Katrina to New Orleans and the gulf coast is not yet fully known. As the fate of thousands of our fellow Americans remains uncertain and the lives of many have been uprooted and the livelihood of many others affected, we must do all we can to assist those still suffering.

During this time of crisis, one thing we can do is ensure that the Federal courts in these afflicted regions continue to function. I worked with Senators LANDRIEU, VITTER, and Chairman SPECTER, Chairman SENSENBRENNER and Congressman CONYERS to respond to a request from the Judicial Conference for additional authority to conduct court business outside the traditional territorial jurisdiction of a court. I thank them for including in this bill important reporting and accountability requirements.

In implementing this legislation, I want to be sure that we work with the court, the Judicial Conference, and the Justice Department—but also with the local bar and others who will be most directly affected by the invocation of the authority this legislation would grant.

Mr. FRIST. Mr. President, I ask unanimous consent the bills be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD.

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

The bill (H.R. 3650) was read the third time and passed.

The bill (S. 1634) was read the third time and passed, as follows:

S. 1634

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the “Federal Judiciary Emergency Special Sessions Act of 2005”.

SEC. 2. EMERGENCY AUTHORITY TO CONDUCT COURT PROCEEDINGS OUTSIDE THE TERRITORIAL JURISDICTION OF THE COURT.

(a) CIRCUIT COURTS.—Section 48 of title 28, United States Code, is amended by adding at the end the following:

“(e) Each court of appeals may hold special sessions at any place within the United States outside the circuit as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the court of appeals (or, if the chief judge is unavailable, the most senior available active judge of the court of appeals) or the judicial council of the circuit that, because of emergency conditions, no location within the circuit is reasonably available where such special sessions could be held. The court may transact any business at a special session outside the circuit which it might transact at a regular session.

“(f) If a court of appeals issues an order exercising its authority under subsection (e), the court—

“(1) through the Administrative Office of the United States Courts, shall—

“(A) send notice of such order, including the reasons for the issuance of such order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

“(B) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including—

“(i) the reasons for the issuance of such order;

“(ii) the duration of such order;

“(iii) the impact of such order on litigants; and

“(iv) the costs to the judiciary resulting from such order; and

“(2) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.”.

(b) DISTRICT COURTS.—Section 141 of title 28, United States Code, is amended—

(1) by inserting “(a)(1)” before “Special”;

(2) by inserting “(2)” before “Any”; and

(3) by adding at the end the following:

“(b)(1) Special sessions of the district court may be held at such places within the United States outside the district as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the district court (or, if the chief judge is unavailable, the most senior available active judge of the district court) or the judicial council of the circuit that, because of emergency conditions, no location within the district is reasonably available where such special sessions could be held.

“(2) Pursuant to this subsection, any business which may be transacted at a regular session of a district court may be transacted at a special session conducted outside the district, except that a criminal trial may not be conducted at a special session outside of the State in which the crime has been committed unless the defendant consents to such a criminal trial.

“(3) Notwithstanding any other provision of law, in any case in which a special session is conducted pursuant to this subsection, the district court may summon jurors—

“(A) in civil proceedings, from any part of the district in which the court ordinarily conducts business or the district in which the court is holding a special session; and

“(B) in criminal trials, from any part of the district in which the crime has been committed and, if a defendant so consents, from any district in which the court is conducting business pursuant to this subsection.

“(4) If a district court issues an order exercising its authority under paragraph (1), the court—

“(A) through the Administrative Office of the United States Courts, shall—

“(i) send notice of such order, including the reasons for the issuance of such order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

“(ii) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including—

“(I) the reasons for the issuance of such order;

“(II) the duration of such order;

“(III) the impact of such order on litigants; and

“(IV) the costs to the judiciary resulting from such order; and

“(B) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.”.

(c) BANKRUPTCY COURTS.—Section 152(c) of title 28, United States Code, is amended—

(1) by inserting “(1)” after “(c)”;

(2) by adding at the end the following:

“(2)(A) Bankruptcy judges may hold court at such places within the United States outside the judicial district as the nature of the business of the court may require, and upon such notice as the court orders, upon a finding by either the chief judge of the bankruptcy court (or, if the chief judge is unavailable, the most senior available bankruptcy judge) or by the judicial council of the circuit that, because of emergency conditions, no location within the district is reasonably available where the bankruptcy judges could hold court.

“(B) Bankruptcy judges may transact any business at special sessions of court held outside the district pursuant to this paragraph that might be transacted at a regular session.

“(C) If a bankruptcy court issues an order exercising its authority under subparagraph (A), the court—

“(i) through the Administrative Office of the United States Courts, shall—

“(I) send notice of such order, including the reasons for the issuance of such order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

“(II) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including—

“(aa) the reasons for the issuance of such order;

“(bb) the duration of such order;

“(cc) the impact of such order on litigants; and

“(dd) the costs to the judiciary resulting from such order; and

“(ii) shall provide reasonable notice to the United States Marshals Service before the

commencement of any special session held pursuant to such order.”.

(d) UNITED STATES MAGISTRATE JUDGES.—Section 636 of title 28, United States Code, is amended in subsection (a) by striking “territorial jurisdiction prescribed by his appointment—” and inserting “district in which sessions are held by the court that appointed the magistrate judge, at other places where that court may function, and elsewhere as authorized by law—”.

Mr. FRIST. Mr. President, for the information of colleagues, the bills, as stated, S. 1634 and H.R. 3650, are to address the issue of responding to the emergency of the national disaster which has occurred and in some ways is ongoing in the Gulf States. This allows our Federal court system to continue its operation. This legislation requires it to do so. This likely will be among a series of bills we will address over the coming days and weeks that respond to the disaster itself and to service the victims of that disaster, the people who are still in that coastal area of Louisiana and Mississippi and Alabama, to the victims who have been displaced, and to help volunteers and those people who are pitching in around the country, both government and private sector, as we come together to respond to this disaster that may well be the largest natural disaster we have seen in the last 100 years.

The pending legislation is the Commerce, Science, and Justice appropriations bill. In this bill, as has been discussed, are a number of provisions related to Katrina and our response to Katrina, things such as the small business disaster loans.

We will be, in fact, on that bill shortly, and the chairman will be here. I encourage Members to come over and talk to the chairman and ranking member. We want to move expeditiously with this appropriations bill, in part, because it does have Katrina-related issues in it. I would love to be able to finish this bill this week, if at all possible.

Second, just for the information of our colleagues, the House will pass, at some point today or this afternoon, our second supplemental request to respond to this disaster. We have passed a \$10.5 billion bill in an urgent emergency session last Thursday night. The Senate addressed it. This will be a second supplemental. As most know, it is more than \$50 billion, a very large sum, but that is the appropriate sum, as a second phase, as determined by our appropriate personnel and staff.

The House will pass that later today. Once they pass that, it will come to the Senate either this afternoon or this evening. I want to make sure our members know we will have rollcall votes today. It may well be tonight, but we need to pass the supplemental as soon as we possibly can.

Ms. MIKULSKI. Mr. President, this side of the aisle concurred when the majority leader offered the unanimous consent allowing the Federal court to do their business outside of their jurisdiction. It is the people’s business. How

fitting we have the wheels of justice providing that flexibility. I am sure there will be other legislation; we hope it all goes as smoothly.

MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006—Continued

Ms. MIKULSKI. For the Commerce, State, Justice appropriations, we are now waiting for the chairman to give his statement. We will correct some technical amendments. We are urging colleagues to come and offer amendments. We know of six on our side of the aisle. We are doing our best. We would like to be able to finish this bill today, but if we start offering amendments at sundown—sundown is a great cocktail party, but that is not a great way to do appropriations. So we really want to do this bill because it funds the FBI, it funds the Justice Department, it funds important help to the FEMA victims. We would like to move it along.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. LINCOLN. Mr. President, I first compliment my colleagues, Senator MIKULSKI and Senator SHELBY, for doing such a fine job and for the hard work they have done on a very important issue. I compliment my colleague and neighbor from Tennessee, Senator FRIST, for working so diligently to get the supplemental emergency appropriations bill over here so we can help our neighbors in the delta region, in the Midsouth, lower Midsouth region. And I again compliment my colleagues from the States of Mississippi and Alabama and Louisiana for their incredible passion and concern, as well as their hard work and their diligent efforts in responding to the needs of their constituency.

Sitting here on the Senate floor listening to my colleague from Louisiana, Senator LANDRIEU, I thought so desperately about some lessons I had learned growing up along the Mississippi River. My father was very emphatic about how important it is to not only have good neighbors but to be a good neighbor, how critically important it is that you have good neighbors that can help you raise your children, educate them, to help out with a cup of sugar or other needs you might have at the end of the month if you do not have enough, to make sure if you are trying to harvest your crops—as many of our farmers are right now—and you find out that to diligently get those crops

out of the field you may not have enough hands or equipment to do that, that you can look to your neighbor to help you do that and others things.

I think during times like these, as we look to our neighbors from Louisiana and Mississippi and Alabama and the needs they have, it is important for us—as we have been the recipient of their generosity and their camaraderie and fellowship—to understand how important it is for us, as neighbors, to be the good neighbor they have been to us and welcoming their constituency into our homes in Arkansas, to help provide them not only the necessities of life—the water, the food, the rest, the shelter, the clothes—they might need right now in such a difficult time but also to provide them the hug, the love, the comfort, the stability, the idea that we will be there with them, we will be there for them, as long as they need us.

That is why I come to the floor of the Senate today. As Senator FRIST has mentioned, bringing an emergency supplemental appropriations bill over is really critical. But as many of us know who have worked diligently on so many of the components of our Government—that provides assistance and aid as well as just everyday services to the people we represent—it is very important to enable these agencies, these providers of services the language and the ability to use these dollars as efficiently, as effectively, and as quickly as they possibly can be used in reaching the needs of our fellow Americans whose lives have been shattered.

AMENDMENT NO. 1652

(Purpose: To provide for temporary medicaid disaster relief for survivors of Hurricane Katrina, and for other purposes)

Mr. President, I wanted to wait until the Senator from Alabama had come to offer an amendment, but I do rise today to offer an amendment to respond to the dire health care crisis that has been created by Hurricane Katrina.

Hurricane Katrina has created a crisis of epic proportions for our Nation but particularly in the Midsouth region. It is a humanitarian crisis for the people of Louisiana, Mississippi, and Alabama. It is a capacity crisis for hospitals, for clinics, and community health centers, for physicians and nursing homes that are bursting at the seams with a surge in demand for care, mostly emergency care, mostly dire care, that has been evidenced by not only those who have been victimized by the dangerous natural elements but also by those who have been removed at a moment’s notice from their homes where they have left their insulin, perhaps, or their high blood pressure medicine or other things that allow them a quality of life and a sustainability of life on a day-to-day basis.

It is a fiscal crisis for the States directly affected as well as those which have welcomed the displaced survivors, including Arkansas, Florida, Oklahoma, Texas, and so many other States. When New York City faced a