

I was personally touched by Chief Justice Rehnquist's determination and heroic passion to serve while battling cancer. As we often hear, we are a government of law and not men and women, and that is true. But our constitutional principles are not self-enforcing. We depend on men and women of good hearts and sharp minds to steer us through difficult moments when the issues of the day collide with our Constitution of over 200 years of age.

He was to the end a midwesterner: strong, reliable and devoted to the idea of leaving things better than he found them. The whole Nation, and future generations of Americans should be deeply grateful for the legacy he has left.

SMALL BUSINESS CONTRACTING PROVISIONS IN H.R. 3673

Ms. SNOWE. Mr. President, as chair of the Senate Committee on Small Business and Entrepreneurship, I rise today to bring to the attention of the Senate a proposal which was included in the hurricane supplemental bill at the request of the Office of Management and Budget and the Department of Defense. I wholeheartedly supported the supplemental bill and the funding it would provide to the individuals, families, and small businesses that experienced so much suffering in this terrible tragedy. Their plight should not be prolonged by delays in delivery of much-needed assistance funding. However, I believe that this particular provision would seriously harm small businesses in the Gulf Coast region and all across America—by excluding them from Government contracts and subcontracts for the relief and rescue projects. While I appreciate the need to get supplies and services quickly in order to save lives, the provision at issue is not tailored to lifesaving, and we need to exercise caution in working around laws aimed at helping small business, in the rush to pass emergency appropriations.

The OMB's proposal extends to hurricane relief and rescue operations that the emergency procurement authority previously approved by Congress for military contingency operations in cases of attack by the weapons of mass destruction, war, or national emergency. Most importantly, the proposal raises the so-called "micro-purchase threshold" to \$250,000. These measures would abolish Small Business Act set-asides for U.S. small businesses and the Buy American Act preferences for U.S. manufacturers on all rescue and relief contracts for years to come, potentially undermine the Stafford Act preference for local business, individuals, and organizations in contracts for recovery from major disasters contained in the Stafford Act, and encourage waste, fraud, and abuse in Federal contracts and in the reconstruction efforts by drastically increasing the ability of low-level Government officials to make credit card charges.

The micro-purchase threshold was created in the 1990s to enable Government officials to quickly make limited purchases with Government credit cards and without regards to competition, small business, or other preference requirements. Congress strictly limited the current micro-purchase threshold amounts to \$2,500 for all acquisitions, except to \$2,000 for certain construction projects and to \$15,000 for U.S.-based military contingency operations and WMD response and recovery efforts.

This increase in the micro-purchase threshold was carefully adopted by Congress just 2 years ago, in November 2003, in response to the 9/11 and the global war on terror. The 2003 increase was implemented subject to strict limitations to ensure that contracting accountability and small business requirements are not supplanted—limitations which are absent from the language in this bill.

The OMB plan in this bill increases the micro-purchase threshold to \$250,000, a hundredfold increase. Without appropriate protections, such a massive increase distorts Congressional intent for the micro-purchases and opens doors to greater credit card contracting abuse. Government purchase card abuse has been the subject of investigative and legislative actions by the Senate Homeland Security and Governmental Affairs Committee and by the Senate Finance Committee. Indeed, the leadership of these Committees, including Chairmen GRASSLEY and COLLINS as well as ranking member LIEBERMAN, already made known their opposition to the OMB proposal. The Government Accountability Office estimates that the Federal Government could have saved \$300 million a year by imposing greater accountability on the use of Government purchase cards. These losses stand to balloon along with the huge increases in credit card spending called for in this proposal. A massive expansion of the micro-purchase threshold could overwhelm the fragile accountability mechanisms for this program.

Most importantly, in addition to the high potential for waste and abuse, raising the micro-purchase threshold from its current levels to \$250,000 obliterates small business contracting set-asides for contracts that by law and by tradition have been going to small firms. The statutory "small business reserve" in the Small Business Act sets aside for small business concerns all Federal contracts in the amounts below \$100,000 and above the micro-purchase threshold, typically, \$2,500. Contracts at \$100,000 or less are uniquely suitable for performance by small firms. Excluding them now makes no sense.

Further, the DoD/OMB proposal for extension of the emergency procurement authority to Hurricane Katrina improperly expands the scope of this authority to future "relief" contracts and to contracts with only distant rel-

evance to Hurricane Katrina. As I already mentioned, the emergency procurement authority established a micro-purchase threshold increase to \$15,000, provided the purchases are "directly related" to military contingency operations or WMD recovery. Extension of this authority would take contracts ranging from \$15,000 to \$2,500 out of the statutory "small business reserve" under the Small Business Act. In addition, this authority would also allow large firms to exclude small businesses from subcontracts by treating all Katrina-related contracts as purchases of commercial items. Taking work away from small businesses as part of disaster relief is not the message we want to send.

Federal small business contracts are a vital source of business and jobs creation for small firms. Prior to Katrina, small business in disaster-affected States used to receive a significant boost from Federal contracts. Retaining, renewing, and enhancing these small business contracts will be critical for successful reconstruction of the Gulf Coast region. For example, in Fiscal Year 2003, Alabama small businesses received \$2.05 billion in Federal contracts, including \$191 million in construction contracts. Small businesses in the State of Mississippi received \$419 million in Federal contracts, with over a quarter of that amount, \$134 million, in construction contracts. Finally, Louisiana received \$712 million in small business contracts, including \$242 million in construction. Small business men and women in these States have the experience and the wherewithal to join hands in the relief and reconstruction of their communities. What they need is a chance to work and rebuild their businesses.

We have an obligation to help the small business sector of the Gulf Coast. I am very concerned about the import of the OMB contracting provision, and I will work to ensure that this provision is limited and modified in future legislation to ensure that it provides the right balance between speed and fairness in Government contracts.

HURRICANE KATRINA

Mr. PRYOR. Mr. President, I join my Senate colleagues in voicing my unwavering support to help Gulf Coast residents recover and rebuild their communities in the aftermath of Hurricane Katrina. The \$60.5 billion in funding we have passed is a start toward restoring basic infrastructure and the economy, but we have a long way to go. This recovery will require much more of our time, resources and a comprehensive plan; I stand ready to work with my colleagues to do just that.

In the last 2 weeks, I have witnessed many good and bad things involving Hurricane Katrina. The generosity and compassion shown by families all over the Nation have redefined the meaning of good neighbor. In Arkansas, I have

watched as countless charities, individuals from the private and public sector and the faith-based community joined together to welcome their neighbors with unmatched Southern hospitality.

I am very proud of the Arkansas National Guard. Many of these Guard members have spent months in Iraq away from their families this year, but they were eager to join the military operation to help rescue Hurricane victims, secure the streets of New Orleans, and maintain order in many of our shelters. I am also pleased that these Guard members have been mobilized under title 32 so that their time counts for purposes of retirement, health care and other benefits enjoyed by their Active-Duty counterparts.

After the initial devastation of Hurricane Katrina, I called my Gulf Coast colleagues to ask how I could help and support their constituents in their time of need. I am working to honor their requests by coordinating logistics for evacuees and helping evacuees in Arkansas resolve problems involving Social Security checks, postal services, and FEMA forms. My office is also working to find housing for evacuees, transport them, reunite families, and assist with translation. As 60,000 or more of their constituents have traveled to Arkansas, I am working to serve their constituents as well as Arkansans. Evacuees should know that as they get their lives back together, they have a home in Arkansas.

While the American people were stepping up to the plate, the Government struck out. Our emergency plans failed to meet expectations. I want to focus on helping distressed families now, but in the not too distant future, we need to take a hard look at the failures that occurred in responding to this disaster.

Under Senate rules, Senators COLLINS and LIEBERMAN are tasked with leading Government oversight as the ranking members of the Homeland Security and Governmental Affairs Committee. As a member of this committee, I can attest to their strong, bipartisan, and tested leadership. The intelligence restructuring bill drafted in this committee, passed by this body, and signed into law by President Bush last year is a fitting example. This same committee ought to pursue its oversight responsibilities on the Government's slow rescue and response efforts. I believe very adamantly that part of any investigation, and subsequent legislation, must begin with fixing the chain-of-command and bureaucratic breakdowns that occurred before and after the hurricane. If the Homeland Security and Governmental Affairs Committee is not tapped for this undertaking, then I believe the families of the Gulf Coast, and the rest of the Nation, deserve a thorough review of the mistakes that occurred by an independent body in a setting where politics will not play a role.

A primary reason for the creation of the Department of Homeland Security, following 9/11, was to allow for a

smooth and immediate rescue and recovery operation when disaster strikes—whether naturally occurring or manmade. But instead of a smooth operation, States and Federal agencies again ran into redtape and confusion. A terrorist attack and a hurricane are, of course, two completely different disasters, but the response efforts are just as critical and necessary, and they translate into saving lives.

We have put enormous resources into a national emergency preparedness and response system nearly 4 years after 9/11, and I am concerned and dismayed that our response to a significant disaster has not been improved exponentially. The Government's failure to respond effectively shows weaknesses in our emergency preparedness not just to Americans but also to terrorists who seek havoc in our country.

We must find and fix the discrepancies in the system, look for accountability, and make sure these mistakes are never repeated in the United States again. We owe this to the victims of Hurricane Katrina and, quite frankly, we owe it to the victims of 9/11.

I believe the problems that occurred before, during and after the hurricane have unveiled something else about America. They have opened up eyes in Washington, DC, and across the country about the abject poverty some families live in. Those left stranded on their rooftops or in the Superdome painted a very vivid picture about the inequities that exist in our country today, and they speak volumes about the transportation, housing and health care available in this country.

If anything at all comes from this tragedy, I hope it will be a new focus on our priorities in this body. Before the hurricane hit, the Senate was expected to return from its August recess to vote on repealing the estate tax for wealthiest 2 percent of Americans, and cutting health care services for our poorest Americans. Hurricane Katrina showed that we, as a Nation, are failing to take care of our poor, our sick, and our elderly. Government must do better, and that leadership must start with the President, the Senate, and the House of Representatives.

We can start with a number of proposals that have been put forth by both Republicans and Democrats to help the South recover from Hurricane Katrina. These initiatives range from financial assistance to host States for evacuee care; tax incentives for employers to hire evacuees; and health care, housing, and nutritional assistance for evacuees. I stand ready to help and lead in these efforts.

Senator LANDRIEU delivered an impassioned speech on the floor yesterday, and I end with her words, "We must learn from this experience. If we do not, we will fail again."

REMOVAL OF COSPONSOR TO S. 1014

Ms. SNOWE. Mr. President, I rise to make a statement explaining the re-

moval of the Senator from Tennessee, Majority Leader BILL FRIST, as a co-sponsor of S. 1014, Supporting Our Patriotic Business Act of 2005. It was an inadvertent error my staff made when adding additional cosponsors to this bill. I apologize to Senator FRIST for any confusion and inconvenience this may have caused and want the record to reflect that it was an error on my part.

VOTE EXPLANATION

Mr. VITTER. Mr. President, due to the circumstances surrounding the Katrina disaster, I was in my home State of Louisiana yesterday and unable to vote for final passage of H.R. 3673, the emergency supplemental appropriations bill. Had I been present, I would have voted in favor of H.R. 3673.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On August 31, 2005, Jenifer Royer was punched by a man outside a Fayetteville, AR restaurant. The apparent motivation for the attack was over Royer's sexual orientation. Royer suffered both a black eye and a broken nose during the incident, according to police.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that are born out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO JERRY WALDOR

● Mr. LAUTENBERG. Mr. President, today I wish to offer a tribute to a valued friend, Jerry Waldor of South Orange, NJ. He passed away last week at the age of 77.

Jerry ran his own successful insurance agency New Jersey for more than 45 years. Jerry was justifiably proud of his success in business, but that was only one aspect of his life. He was devoted to his family, his community, and his country.

Jerry and his wife Rita were blessed with three sons and eight grandchildren. He would talk glowingly about his family given the slightest opportunity to do so.