

availability of judicial review to examine national security letters. However, national security letters are also available outside the Title 18 context. For instance, Title 15 allows the government to obtain consumer information maintained by consumer reporting agencies; Title 12 allows the government to obtain the financial records maintained by financial institutions; and Title 50 allows the government to obtain records about persons with access to classified information who may have disclosed classified information to a foreign power.

It is important to make sure that the right to judicial review is statutorily available in all national security letter contexts. The bill I am introducing today expressly authorizes a recipient to challenge any national security letter in court. It also: details the procedure the government must follow to substantiate its use of a national security letter; allows the government to present classified information to the court so that it can properly evaluate the challenge; and specifies that a recipient of a national security letter may consult with legal counsel about its obligations.

I hope that this legislation will be enacted in the same bipartisan spirit that put both the Electronic Communications Privacy Act and the USA PATRIOT Act on the books.

By Mr. OBAMA (for himself, Mr. BAYH, Mr. HARKIN, Mr. LEVIN, Mr. CORZINE, Mr. FEINGOLD, Mr. BINGAMAN, Mr. KENNEDY, Mrs. MURRAY, and Mr. SALAZAR):

S. 1685. A bill to ensure the evacuation of individuals with special needs in times of emergency; to the Committee on Homeland Security and Governmental Affairs.

Mr. OBAMA. Mr. President, one of the most striking things about the devastation caused by Hurricane Katrina is that the majority of stranded victims were our society's most vulnerable members—low-income families, the elderly, the homeless, the disabled. Many did not own cars. Many believed themselves unable to flee the city, unable to forego the income from missed work, unable to incur the expenses of travel, food and lodging. Some may have misunderstood the severity of the warnings, if they heard the warnings at all. Some may have needed help that was unavailable. Whatever the reason, they were not evacuated and we have seen the horrific results.

This failure to evacuate so many of the most desperate citizens of the Gulf Coast leads me to introduce today a bill to require states and the nation to consider the needs of our neediest citizens in times of emergency.

It appears that certain assumptions were made in planning and preparing for the worst case scenario in the Gulf Coast. After all, most of those who could afford to evacuate managed to do so. They drove out of town and checked into hotels or stayed with friends and

family. But what about the thousands of people left behind because they had special needs?

How many of us will forget the tragedy that occurred at St. Rita's Nursing Home in St. Bernard Parish, LA, where an estimated 32 of the 60 residents perished in the rising floodwaters in the aftermath of Hurricane Katrina?

Our charge as public servants is to worry about all of the people. I am troubled that our emergency response and disaster plans were inadequate for large segments of the Gulf Coast population. I wonder whether the plans in other regions are adequate. Perfect evacuation planning is obviously impractical, but greater advance preparation can ensure that the most vulnerable are not simply forgotten or ignored.

That's why the bill I am introducing today, along with co-sponsors Senators BAYH, MURRAY, HARKIN, LEVIN, CORZINE, FEINGOLD, BINGAMAN and KENNEDY, requires the Secretary of the Department of Homeland Security to mandate each State to include plans for the evacuation of individuals with special needs during times of emergency. Such plans should not only include an explanation of how these people—low income individuals and families, the elderly, the disabled, those who cannot speak English—will be evacuated out of the emergency area and how the states will provide shelter, food, and water, to these people once evacuated.

Communities with special needs may be more challenging to accommodate, but they are every bit as important to protect and serve in the event of an emergency.

What we saw in the Gulf Coast cannot be repeated. We may not be able to control the wrath of Mother Nature, but we can control how we prepare for natural disasters.

I hope my colleagues will join me in supporting this legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1687. Ms. STABENOW (for herself and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1688. Ms. STABENOW (for herself, Mr. VITTER, Mr. MCCAIN, Mr. DORGAN, Mr. DURBIN, Mr. LEVIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1689. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1690. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1691. Mr. NELSON of Florida submitted an amendment intended to be proposed by

him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1692. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1693. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1694. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1687. Ms. STABENOW (for herself and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, between lines 14 and 15, insert the following:

Sec. 522. (a) There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2006, \$5,000,000,000 for interoperable communications equipment grants under State and local programs administered by the Office of State and Local Government Coordination and Preparedness of the Department of Homeland Security.

(b) The amount under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 1688. Ms. STABENOW (for herself, Mr. VITTER, Mr. MCCAIN, Mr. DORGAN, Mr. DURBIN, Mr. LEVIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available in this Act may be used to include in any bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SA 1689. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 10, after "Service," insert "\$1,000,000 shall be for the costs of the pre-design, schematic, and design development phases of a shared-use facility for the University of Miami and the National Oceanic and Atmospheric Administration to be located in Virginia Key, and";

SA 1690. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, line 10, after "Service," insert "\$2,000,000 shall be for National Oceanic and Atmospheric Administration for advanced remote sensing programs at the Center for Southeastern Tropical Advanced Remote Sensing, and":

SA 1691. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 9 and 10, insert the following:

SEC. 304. None of the funds made available by this Act may be used to undermine or otherwise limit the ability of the National Oceanic and Atmospheric Administration to continue—

(1) to make available forecasts and warnings of the National Weather Service, in a timely, open, and unrestricted manner using widely accepted information standards, including the Internet; or

(2) to cooperate closely with public safety agencies and other entities, including private sector entities and the media, to achieve the widest possible understanding of information critical to the protection of life and property and the enhancement of the economy of the United States.

SA 1692. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, line 17, strike "\$4,889,649,000" and insert "\$4,870,349,000".

On page 165, line 24, strike "\$4,345,213,000" and insert "\$4,364,513,000".

On page 166, strike lines 2 and 3 and insert "\$67,300,000 shall be transferred from the National Science Foundation to the U.S. Coast Guard for operation and maintenance of the three polar icebreakers of the U.S. Coast Guard or in".

SA 1693. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 9 and 10, insert the following:

SEC. 304. (a) The Administrator of the National Aeronautics and Space Administration and the Director of the National Science Foundation shall each establish a database system to assess the effectiveness of the measures taken by the National Aeronautics

and Space Administration or the National Science Foundation, respectively, to monitor and effectuate the compliance of educational institutions receiving Federal financial assistance from the National Aeronautics and Space Administration or the National Science Foundation, respectively, with title IX of the Education Amendments of 1972.

(b) The information collected and stored by a database system described in subsection (a) shall include—

(1) the key characteristics of each investigator and co-investigator for an application or proposal for Federal financial assistance, including sex, race and ethnicity, institution of higher education attended, degree earned, including the area or discipline and year of the degree, and, for an investigator or co-investigator in postsecondary education, type of academic appointment; and

(2) the amount requested in and the amount awarded for each application or proposal.

(c) In this section:

(1) The term "investigator" means the individual associated with an educational institution who submits an application or proposal, on behalf of the institution, for Federal financial assistance from the National Aeronautics and Space Administration or the National Science Foundation.

(2) The term "co-investigator" means an individual who is listed on an application or proposal for Federal financial assistance from the National Aeronautics and Space Administration or the National Science Foundation as an individual who will collaborate on the program or activity described in the application or proposal but who is not the investigator for such application or proposal.

SA 1694. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, after line 3, insert the following:

SEC. _____. The Attorney General shall waive the matching requirement for the purchase of bulletproof vests through the Bulletproof Vest Partnership Grant Act of 1998 for any law enforcement agency that purchased defective Zylon-based body armor with Federal funds pursuant to such Act between October 1, 1998, and September 30, 2005, and seeks to replace that Zylon-based body armor, provided that the law enforcement agency can present documentation to prove the purchase of Zylon-based body armor with funds awarded to it under such Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. COBURN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of John G. Roberts to be Chief Justice of the United States on Monday, September 12, 2005 at 12 p.m. in the Russell Senate Office Building, Room 325.

Witness List

Panel I: The Honorable Richard G. Lugar, U.S. Senator [R-IN]; the Honorable

John Warner, U.S. Senator [R-VA]; the Honorable Evan Bayh, United States Senator [D-IN].

Panel II: The Honorable John G. Roberts.

The PRESIDING OFFICER. Without objection it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Sally Hamlin, a legislative fellow in my office, be granted the privilege of the floor for the remainder of debate on S.J. Res. 20.

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

MEASURES READ THE FIRST TIME EN BLOC—S. 1681, S. 1682, S. 1683, 1684, AND S. 1688

Mr. FRIST. Mr. President, I understand there are five bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1681) to provide for reimbursement of communities for purchases of supplies distributed to Katrina Survivors.

A bill (S. 1682) to provide for reimbursement for business revenue lost as a result of the facility being used as emergency shelter for Katrina Survivors.

A bill (S. 1683) to provide relief for students affected by Hurricane Katrina.

A bill (S. 1684) to clarify which expenses relating to emergency shelters for Katrina Survivors are eligible for Federal reimbursement.

A bill (S. 1688) to provide for 100 percent Federal financial assistance under the Medicaid and State children's health insurance programs for States providing medical or child health assistance to survivors of Hurricane Katrina, to provide for an accommodation of the special needs of such survivors under the Medicare program, and for other purposes.

Mr. FRIST. Mr. President, I now ask for a second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own requests en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will have their second reading on the next legislative day.

NATIONAL FLOOD INSURANCE ENHANCED BORROWING AUTHORITY ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3669, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislation clerk read as follows:

A bill (H.R. 3669) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

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