

Mr. INHOFE. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

# RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 1:14 p.m., recessed until 2:18 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Ohio, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

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

AMENDMENTS NOS. 1650, AS MODIFIED, 1653, AND 1704

Mr. SHELBY. Mr. President, I ask unanimous consent that the managers' amendments that I now send to the desk be considered and agreed to, en bloc. These noncontroversial amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, en bloc, as follows:

### AMENDMENT NO. 1650, AS MODIFIED

(Purpose: To make funds available to implement the Harmful Algal Bloom and Hypoxia Amendments Act of 2004)

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

SEC. 304. Of the amounts made available under the heading "NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" and the subheading "OPERATIONS, RESEARCH, AND FACILITIES", sufficient funds may be provided to implement the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 (title I of Public Law 108-456; 16 U.S.C. 1451 note).

### AMENDMENT NO. 1653

(Purpose: To increase funding for child abuse training programs for judicial personnel and practitioners)

On page 133, line 11, strike "\$2,287,000" and insert "\$5,287,000".

### AMENDMENT NO. 1704

(Purpose: To extend the term of the National Prison Rape Elimination Commission)

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

SEC. \_\_\_\_\_. Section 7(d)(3)(A) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended by striking "2 years" and inserting "3 years".

The PRESIDING OFFICER. The Senator from Michigan is recognized.

### AMENDMENT NO. 1687, AS MODIFIED

Ms. STABENOW. Mr. President, I ask unanimous consent the pending amendments be set aside. I call up amendment No. 1687, and I send a modification to the desk for immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1687), as modified, is as follows:

(Purpose: To provide funding for interoperable communications equipment grants)

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.

Ms. STABENOW. Mr. President, I ask unanimous consent that Senators LEVIN, SCHUMER, OBAMA, CLINTON, and BOXER be added as cosponsors of this amendment.

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

Ms. STABENOW. Mr. President, all of America is hurting with the Katrina victims and their families. We are finding ways to help, to reach out, to make a difference in these critical weeks following the hurricane and the horrible disaster. Americans are donating record amounts of money, time, and supplies to help those displaced by the hurricane. The most important thing to do now is to save life, to provide shelter, food, and medical care for the people affected by this tragedy.

As is happening in many States, last week two jetliners arrived in Michigan with the first group of 289 hurricane evacuees. Troops and volunteers at our Battle Creek Air National Guard base are providing clean shelter, food, and clothing to all of these Americans. Last Friday, 46 more Americans were welcomed into Michigan, and we expect many more in the coming weeks.

We also have several Michigan State police teams, and more than 500 members of the Michigan National Guard in Louisiana and Mississippi assisting with relief efforts.

There are stories about people all across our great Nation who are answering the call to help the men and women who have been displaced and hurt by the hurricane. In Michigan, families and businesses are working together to help the victims. Michigan-based Whirlpool, for example, is donating \$1 million in cash and products for Hurricane Katrina relief efforts.

On Friday, the State of Michigan held a statewide on-air fundraiser where Michiganders generously donated time and dollars for Red Cross hurricane relief efforts.

There are so many individual stories of heroism and generosity rising from

the depth of this catastrophe, both in the States affected by the hurricane and in communities such as mine all across America. These are important stories right now—saving lives, finding shelter, food, and medical care, and raising money to help hurricane victims. But there is another story to tell here as well. It is about the Federal Government and our responsibility to all Americans to be prepared not only for this kind of disaster but for a coordinated response to help save lives and prevent chaos.

We all watched in horror the images of families trapped in New Orleans after the hurricane; mothers with babies and young children stranded on highway overpasses, making their desperate pleas for help; families clinging to the roof of their flooded home, waving the shirts off their backs for help; senior citizens trapped in flooded nursing homes without food, water, and medical care. An estimated 55,000 people were stranded in the New Orleans Superdome and convention center, left for days—left for days—without food, water, and working bathrooms, waiting to be rescued. Thousands of people sat outside the Superdome in the heat and the filth for days waiting for convoys of buses which were slow to arrive because of FEMA's lack of planning and poor communication.

How could this happen in the United States of America, the greatest country on Earth? How could this happen? How could we allow stranded people to die without getting them water and food and medical care?

In this time immediately following this disaster, we have an obligation to correct the mistakes on crisis response. We need to address how the Federal Government could have better handled the response to Hurricane Katrina and what should have been done to prevent the disorder and death that followed this tragedy. It is absolutely critical that local communities have the tools they need to communicate, coordinate, and respond effectively when disaster hits. They did not have that in New Orleans and the other places that were hit, where the police departments in three nearby parishes were on different radio systems. They did not have enough satellite phones. They had ground and cell phone lines that were taken out with this storm. The communications systems they did have, like most in local communities across the Nation, were not interoperable. They were not connected. They didn't work together. Police officers called Senator LANDRIEU's office, and I am sure Senator VITTER's office as well, because they could not reach commanders on the ground in New Orleans.

In the absence of communication with other emergency responders due to the lack of interoperability, power, or dying batteries, responders shared satellite phones that were in short supply.

According to Aaron Broussard, president of the Jefferson Parish, FEMA

came in, and, without warning, cut the emergency communication lines for local law enforcement and hooked up their own. Local law enforcement and first responders were left without any way to communicate with each other.

This collapse in communications was not just a local and State problem. FEMA, who is supposed to be coordinating the Federal response and helping rescue evacuees, was working in the dark. In several interviews, former FEMA Director Brown admitted that FEMA learned about 25,000 hungry, and in some cases dying, people trapped in the New Orleans convention center from listening to news reports. Even he conceded that emergency assistance and delivery problems were caused by "the total lack of communication"—the inability to hear and have good intelligence on the ground. We knew before Katrina hit that too many of our police and fire and emergency medical services and transportation officials cannot communicate with each other, and our local departments are not able to link their communications with State and Federal emergency response agencies.

The September 11 attack highlighted the interoperability crisis when New York police and firefighters, while on different radio systems, couldn't communicate when we had police officers and firefighters running in the buildings that they should have been running out of because they weren't able to communicate with the others on floors above them to know what was happening. Over 50 different public safety organizations from Maryland, Virginia, and the District of Columbia reported to the Pentagon, but they could not talk to each other. The result of this lack of connectedness in communications is nothing short of chaos.

This past Sunday, Thomas Kean, the former Republican Governor of New Jersey, an esteemed cochair of the 9/11 Commission, said that the Federal Government's response was similar to September 11, including first responders not being able to talk to each other and a lack of command and control. The Commission's cochair, Lee Hamilton, also told CNN that "he has had an uneasy feeling for a long time that the government simply was not acting with a sense of crisis, with a sense of urgency." Now I hope and pray we have that sense of urgency.

A June 2004 U.S. Conference of Mayors survey found that 94 percent of our cities do not have interoperable capability between police, fire, and emergency medical services, and 60 percent of our cities do not have that same capability with the State emergency operations centers. Majority Leader FRIST spoke in the Senate last week about seeing this problem firsthand in the gulf coast, how people were working without functioning radios and could not communicate from one end of the airport terminal to the other, much less to another building or another part of town.

Almost half of the cities surveyed said that a lack of interoperable communications had made response to an incident within the last year difficult. The most startling finding was that over 80 percent of cities do not have interoperable communications with the Department of Homeland Security or the Department of Justice. Heaven forbid, if there is another natural disaster or terrorist attack soon, our communities will not be able to communicate with FEMA or the Department of Homeland Security.

Michigan first responders have told me, as I have said before in the Senate, that they have to watch the cable news to get notifications of raised alert levels because they are not able to be contacted by the Department of Homeland Security. As I mentioned before, FEMA found out about the 25,000 people trapped in the New Orleans convention center from watching the news reports.

Last Sunday was the fourth anniversary, as we all know, of the horrendous attacks on September 11, and this is the State of our Federal communications and emergency response system? We can do better. It is time to have a sense of urgency and do better.

They are only beginning the process of recovering the bodies of the Katrina victims in the gulf coast. Some of these victims lost their lives because of the hurricane. How many lost their lives because of the poor disaster response and the total lack of communications? How many lost their lives because they were left without food or water for days, without any hope of aid, and no ability to communicate? How many lost their lives because they were trapped in their homes, in churches, and highway overpasses waiting to be rescued? How many lost their lives because they were elderly and sick or dying and stranded without medical care or medicine? How many of these lives would have been saved if FEMA had been able to communicate with local first responders and hospitals and get good information on where to send help first, what was most urgent? FEMA failed these victim and their families. There is a wide understanding of that. This is unconscionable in terms of the lack of infrastructure and communications. The lack of communications is a crisis, and we are putting our communities in danger. We need to address this now. We all need to address it, together.

Two months ago in the Senate, I offered an amendment to provide \$5 billion for interoperable communications equipment grants for first responders to the Homeland Security appropriations bill. The amendment, unfortunately, was defeated. Why? Many stated it was a local responsibility to pay for this equipment. But how is communication, connecting all across the country—local, State, and Federal—to respond to a national emergency or regional emergency, how is this a local responsibility when we have seen what happened?

I know none of my colleagues believe rebuilding from the devastation of Hurricane Katrina is a local responsibility alone or that somehow helping those who have lost their homes, lost so much, that somehow that is a local responsibility alone. We understand we have a responsibility, together, to help these Americans, and everyone is coming together to do that. No one in the Senate is saying it is a local responsibility to rebuild the gulf coast.

After September 11, we came together. The terrorists did not just attack New York and Washington, DC; they attacked the entire country. We responded by coming together and having a Federal response. Why is it, then, that communications equipment that would allow local, State, and Federal first responders to coordinate and work as a team has been considered a local responsibility? I hope that will no longer be the case. Coordinated communications would decrease the loss of life and the devastation of a natural disaster such as Hurricane Katrina and in the case of terrorism could very well prevent an attack.

That is why I am again offering my amendment. My amendment provides \$5 billion for interoperable communications grants for America's first responders to provide a strong Federal commitment to address this problem.

Estimates from the GAO and the Congressional Budget Office place the cost of equipping America's first responders with interoperable communication in excess of \$15 billion. In November 2003, the CBO testified before Congress that there is insufficient funding in place to solve the Nation's interoperability problem and that it would cost over \$15 billion to move us in the direction of solving the problem. This \$5 billion provides a strong Federal commitment toward the goal. I hope we will make that commitment to do that investment this year, next year, and the year after, and complete this issue and get it right, solve this problem. There is no time to wait. We need to act now. We should have acted before. I am hopeful we will come together now and act.

The Federal Government has not made a significant commitment to solve this problem up to this point. In previous years, tiny amounts of money have been allocated to interoperability projects on a very small scale. Obviously, it has been not enough to get the job done. According to the Department of Homeland Security, since September 11 the Department of Homeland Security has spent only \$280 million directly on interoperable communications. None of these funds have been provided to help State and local emergency responders purchase the equipment they need so they can talk with each other.

Nearly 4 years after September 11, 2001, the top request for support I receive each year from communities in Michigan is for communications equipment and connectedness, the ability to

talk with each other. In Michigan, we still have police departments that cannot talk to the fire department, the sheriff who cannot talk to the local community, and those who are not able to talk with Homeland Security or State authorities.

We in government failed the people of the gulf coast because we did not address this sooner. Now we need to provide the resources to make sure the communications equipment works, it is interoperable, and that they can get the job done in the future to save lives and respond—whether it is a terrorist attack or a natural disaster.

This shock and horror of the aftermath of Hurricane Katrina will live with us forever. We salute the heroes of this disaster, and our prayers are with the victims.

The American people, as they always do, rose to the challenge and are helping out all across this great country. I again am so proud of all we are doing in the great State of Michigan. We have to step up and show leadership and do our part, do what we can and should do but only we can do, and that is to make sure that across the country we have done the job to put together the communications infrastructure to make sure in case of emergency all of our citizens—State, local, Federal officials—can talk to each other, can respond with efficiency and effectiveness, and can do what needs to be done to save lives and save communities. We have the power to do that.

I ask support for my amendment and urge all of my colleagues to support this effort to get this done. We need a sense of urgency. If we do not feel it now, I don't know when we will. I hope we will get this done.

I 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 rise to lend my support to amending the Commerce-State-Justice appropriations bill for the purposes of providing additional grant money to fund interoperable communications for our first responders.

I compliment my colleague from Michigan, Senator STABENOW, for bringing this up and helping us to address, in an expeditious fashion, some very dire needs that exist out there among those on whom we depend the most.

In many instances, whether it is a natural disaster or any kind of an emergency circumstance, we find our first responders, without a doubt, are those who come to our aid first and foremost.

Without a doubt, in this age of technology and advanced communications, there is no excuse for us, as a nation,

to not be able to provide to our first responders and to all of our Government assistance agencies the kind of communication that keeps us connected.

This past week, I visited some evacuees from Katrina in my home State of Arkansas. Our people in Arkansas are our greatest asset. I have always said that. Watching the Governor, he moved quickly to put people into place and to put systems into place to find available beds at everything from church camps to gymnasiums and other places, to move quickly to put into place something the Red Cross could respond to and so that evacuees could get to a place where they could begin to find some comfort and to be able to relax a little bit from the unbelievable experiences they have been going through.

I found, in one of these evacuee camps, the Red Cross had gone in and had taken a lot of the registry information of individuals so they could help reconnect them with their families and make sure they could make available the information that they were safe and where they were located. They did this for a tremendous number of evacuees, only to find that when FEMA finally arrived in Arkansas, several days later, their communication systems were not compatible. So we had to get volunteers from the local school to come in and reenter all of the information about these evacuees so they could also get their presence, through the FEMA modes of communication, out to all the different outlets where, hopefully, they could reconnect with their families.

We are in a day and age where communication should be easier than we are making it. There is no doubt there is technology that is more advanced than what we are providing in cases of emergency and particularly to our first responders.

A little over 4 years ago, this Nation confronted an attack like no other. We remembered, on September 11 of this year, September 11 of 2001. It was a day none of us will ever forget. That day showed us our weaknesses as well as our strengths. We vowed, at that time, to learn from our mistakes, great and small. One of the issues we learned we needed to address was the ability of our first responders, whether they be Federal, State, or local, to communicate with one another in an emergency situation in order that they all may do the best job possible for those whom they are trying to serve.

Four years have passed since we, as a nation, became painfully aware of the need to address this deficiency in our communication systems.

With twin boys who are 9 years old, who are quickly getting into lots of different types of activities—whether it is baseball or soccer, whether it is the chess club or learning how to play a musical instrument—I continually tell them: Just do your best. Just do your best. All anyone can ask of you is to do your best. Then you can be confident you have given your all and that you

have done your best. And as you continue to try to do your best, you will always improve.

Think of how our first responders must feel when they know, with a little bit of today's technology, they could be doing better, they could be doing their best. They could be doing their best saving lives, reuniting families, bringing to people the kind of help and aid they have been trained to bring. There is no greater, more horrific feeling than to know you are capable of providing something such as that and yet are handicapped in being able to do your very best.

We recently had our first wide-scale test of what progress we have made with respect to this problem in communication. The results have been less than stellar. It is painfully clear we have not made the strides we must if we are to have the American people's confidence that their Government maintains a basic level of competence in times of emergency.

Emergency responders from my home State, the State of Arkansas, rushed to Louisiana after Hurricane Katrina hit. Being a neighbor to the north, we wanted to do all we possibly could do to help our neighbors in their time of need. When they arrived, they found they could not communicate properly with officials in the area. They lost precious time which could have been better spent getting help to victims, saving lives, rescuing individuals, doing their very best.

In considering whether to support this amendment, I asked myself a simple question: Are the communications tools that our brave first responders have at their disposal the best we have to offer? The answer is clearly no. We as a nation, we as a people, we, as a human race, with the good minds that God has given us, have produced technology that can assist them in doing their very best as responders in emergency situations. We can do better. With this amendment, we will give our first responders the ability to respond, using the skills, using the talents they have developed, using the very courage that is in their hearts and in their minds to help their fellow man.

I have seen what happens when we put our minds to correcting similar communications problems. We have an example in our own State of Arkansas called Justice Exchange. It is an innovative program that allows law enforcement officials to check the records of people they have arrested from around the country. It started with a small grant we were able to get for our Sheriffs' Association in the State of Arkansas. Working with computer operators and technology, we were able to design a system that was compatible, Web-based, so we could, in turn, share it with other States, other law enforcement agencies across the Nation.

A great example: A deputy in one of our counties southwest of Little Rock picked up a man on a traffic violation,

but he had a little bit of a suspicion. He held him, detained him for a while, and tried to look him up on the computer. The name did not produce anything. So he asked one of the other deputies to go back and see if he could get a real name from this gentleman. In building that trust, he got a real name. He put it in the computer and found out that individual was wanted for two counts of murder—two counts of murder—in New Jersey or one of the other east coast States.

The fact is, in communicating, in building a system where people can share information and work together, such as in our law enforcement, we can solve so many of these problems.

This is not technology that is brand new. Much of it has been here for the last decade, to be able to connect and to use compatible software and compatible technology so these groups can communicate.

I think this amendment represents a very important step toward helping our first responders save lives. I believe it is the best reason to support this amendment. I encourage my colleagues to recognize the opportunity we have to say, after the horrific natural disaster that occurred in the Gulf Coast, we have learned enough to know our first responders need our help. They need current-day technology to be able to do the very best they are trained to do.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1665

Mr. DORGAN. Mr. President, I have offered an amendment that is pending on this appropriations bill, and I wanted to speak to that amendment in the hope that we will be able to get a vote on that amendment at some point soon.

The amendment deals with trade, and because this appropriations bill deals with funding for the Department of Commerce and also the U.S. Trade Representative, this is the right place to propose that amendment.

Let me begin by talking for a moment about what is happening in trade. As you know, we have the largest trade deficit in the history of our country by far. It continues to grow and grow and grow and grow. This trade deficit is dangerous. It is irresponsible for us to continue to run these kinds of trade deficits. Yet nearly every day in this country, 7 days a week, all year long, we are importing about \$2 billion more than we are exporting. We are importing a substantial amount of product—yes, energy and food but shirts and shoes and trinkets and trousers—from every part of the world, and the fact is we are exporting American jobs.

Let me describe a couple of those jobs, and then I am going to describe what my amendment does.

A young woman named Natasha Humphries did what we are supposed to do in this country. She did everything American workers are supposed to do to compete in this global economy. She got a degree from Stanford University in 1996. She went to work for Apple Computer. She continued to acquire all kinds of new skills in high tech through classes and seminars. And she moved down to become a senior software testing engineer at palmOne, the company that makes the well-known hand held computing device called Palm Pilot. I want to show you the last message that this young woman left on her Palm Pilot. Natasha Humphries left this message on her Palm Pilot:

My job has gone to India.

She lost her job. Natasha Humphries got fired and the company moved all those jobs to India. Oh, there is one more thing. Natasha was required by her company to train the Indian workers who took her job. And so the company, searching for lower priced labor, fires American workers and moves their jobs to India. That was 2002 that palmOne's management decided to move all their product testing to India and China where they can pay \$2 an hour and less. They learned that some of those workers were not quite as productive as the American workers, but they decided to make a change, so that the workers in India were more productive, by sending American engineers to India. And so they sent American workers to India, trained the Indian engineers and then came back and fired the American workers. And so Natasha was laid off August 2003, along with 40 percent of her U.S. coworkers. She sued palmOne for wrongful termination. She also filed a reverse discrimination case.

Then she found herself on the unemployment line struggling to cover health care costs for her 6-year-old son who has sickle cell anemia. So this is a message from this Stanford graduate, this engineer:

My job has gone to India.

It could have been a message repeated 1.5 million times. Oh, not by anybody who wears a blue suit, though, who is in the Senate; nobody who wears suspenders and smokes cigars and wears blue suits and in big business or politics ever loses their jobs. It is the other folks who lose their jobs.

Let me describe a few. You recognize this. Fruit of the Loom. You know Fruit of the Loom; they had advertised with the folks who wear grape outfits, red grapes, apples, the fruit folks, catchy little commercials on television, except that Fruit of the Loom has now left America. If you are wearing Fruit of the Loom shorts today, you are wearing Chinese shorts or Mexican shorts. Or you are wearing Chinese T-shirts or Mexican T-shirts. Yes, it is clever and cute, except that 3,200 people who worked for Fruit of

the Loom in the United States of America don't work for them anymore because these shirts and shorts and the things that Fruit of the Loom makes are gone. They are gone in search of 30-cent-an-hour labor.

I will not speak at great length about Huffy bicycles because I have spoken at great length about Huffy bicycles so often, except to say this. This is a new decal between the handlebars and the fenders, and you will see it is a decal of the globe. That used to be an American flag when American workers produced them, but the American workers made 11 dollars an hour plus, so all those jobs went to China.

Now Huffy pays its workers 33 cents an hour, 7 days a week, 12 to 14 hours a day and, by the way, there is no more American flag on this bike. It is a globe. Oh, they still call Huffy an American brand. It is just not made in America, and all the American workers who used to make it lost their jobs.

You remember the television commercials about the Maytag repairman really struggling to stay awake because you don't repair a Maytag. Well, 1,600 Maytag U.S. jobs have gone to Mexico and Korea.

Big Blue, IBM. It is interesting, the paper trail from IBM; 13,000 IBM workers in Europe and the United States went to India where they hired more than 14,000 workers, and if you look at the internal documents, IBM said, Oh, by the way, we do not want to suggest to our employees this is offshoring or outsourcing; never use those words.

The last thing they wrote to their employees was: This has nothing to do with your performance. Oh, no, it is never personal, is it? It has nothing to do with your performance that you are losing your job.

Trade deal after trade deal, trade agreement after trade agreement, through Democratic and Republican administrations, have been incompetent, fundamentally incompetent in standing up for the economic interests of this country. Who on Earth is going to stand up for the interests of American workers?

People say: But you don't understand, Senator DORGAN, this is the way of the future; this is a global economy. It is global all right. We galloped along toward the global economy, but the rules have not kept pace. So we are now able to go to the big box stores and buy products that were made by sweat labor of people who all too often are earning 20, 30, 40 cents an hour, maybe \$1 an hour, and no benefits, working 6 days a week, 7 days a week. And we say to the American workers, that is what you should compete with?

We have been through a trade agreement called GATT, a trade agreement with the United States and Canada, one with the United States and Canada and Mexico called NAFTA, a trade agreement called CAFTA, the Central American Free Trade Agreement. We have been through all these free-trade agreements. Every trade agreement we

approved—I should say without my vote in support—has resulted in a larger trade deficit for this country.

Why is that the case? They are negotiated incompetently by American negotiators who do not stand up for the economic interests of this country. They feel they have nothing to protect.

Right now we have something called the Doha round. Have you been to Doha recently? I suspect not. There is a reason they do these trade rounds in far, out of the way places. In Doha, they are negotiating new trade agreements behind closed doors, in secret. Does anybody here know what those trade agreements are, what might be in them? We know this: There are 100 separate proposals in this round of trade negotiations, 100 separate proposals by other countries that would weaken the remedies in American trade law to protect our interests.

We also know our trade negotiators have said everything is on the table, meaning they are willing to negotiate away, if necessary, the protections in our trade laws. These are the laws that allow us to impose countervailing duties on other countries that wish to sell unfairly subsidized products into our marketplace and destroy a domestic industry. They are willing to negotiate away our antidumping laws that would allow another country to dump products into our country at below cost and destroy an American industry or business and jobs.

Why would American negotiators be willing to put that on the table? Are they not willing to stand up for this country's economic interests, for this country's jobs, good jobs?

The amendment I have offered is very simple, painfully simple. Interestingly enough, the White House has issued a veto warning should my amendment prevail in the Senate today.

My amendment is very simple. My amendment says no funds in this act funding the U.S. Trade Representative's office and the Commerce Department may be used to be involved in negotiations that will weaken America's protections in trade law, the protections that exist—countervailing duties, antidumping—nothing shall be done or can be done using these funds in this act to weaken America's trade laws to protect our economic interests.

For that, we get a letter from Secretary Gutierrez and Rob Portman, the U.S. Trade Representative, saying they strongly oppose this amendment. We heard all morning the administration will recommend a veto if this is adopted.

Let me give a bit of background. On May 14, 2002, 61 Senators voted for an amendment that Senators DAYTON, CRAIG, and I cosponsored. That amendment said that any trade agreement that weakened U.S. trade laws, especially remedies that protect our country against unfair trade, could not be considered by the Senate under fast-track rules. Sixty-one Senators voted for that amendment. It is essentially

the same as the amendment I am offering today.

The question is, Are you going to stand up for the economic interests of this country?

I don't even know where to start or stop when I talk about trade because the pain of bad trade agreements is not a pain inflicted on those who are privileged, and that includes all of us because we have not lost our jobs. But no country will long remain a world economic power if it does not have a strong, vibrant manufacturing base. The manufacturing jobs traditionally and historically in this country have been the jobs that pay well, the jobs that have good benefits.

It is interesting, when we take a look at the changes from 30, 35, 40 years ago, the largest corporation in our country was General Motors. They paid good wages, they paid very substantial benefits, and most people who went to work for General Motors worked there for a lifetime. Now the largest American corporation, I am told, is Wal-Mart. Their wages are not so hot, do not have many benefits for a lot of their workers, the average wage is \$17,000 a year, and their turnover is about 70 percent. If those figures are wrong, perhaps someone can correct me.

The point I am making simply is this: Times have changed. Those who control the economic levers in this country—bigger and bigger enterprises—have decided that it is in their interest to find the lowest cost labor in the world with the least nuisance attached to that labor. That is the nuisance of not being able to hire children, the nuisance of not being able to pollute the rivers or pollute the air. If they can find labor under those circumstances, employ it, and then produce the shirts, socks, shoes, trinkets, and toys, and ship them to the American marketplace, have them sit on the store shelf in Los Angeles, Fargo, Denver, Tampa, or New York and have the consumers buy those products, that somehow everyone will be better off. That is as flawed a set of economic assumptions as I have seen in my studies of economics. This is not working, and yet everyone insists it is.

Let me put up the chart that shows our trade deficits. I went to a small school, I told my colleagues before, a high school senior class of nine in a small farming community. I was in the top five, and that qualified me for the Senate from back home. But I was smart enough coming from that school to understand what this is. This is a barrel full of trouble—deep, deep, and deeper Federal trade deficits every single year. This is running in the wrong direction and hurting our country.

Does anybody seem to care much at all? Is the President paying any attention to this? Does Congress pay much attention to this? Nobody. No, we all have to pretend this is working well, like this is good for our country. We put on our pressed blue suits every morning and talk about how wonderful all of this is.

Maybe if the politicians' jobs were at stake, maybe if some CEOs' jobs were at stake they would have a different view.

Let me give a couple examples of what concerns me. I have talked at great length about unfair trade. I could give you a good many examples. One example: We are now negotiating with Korea. Let me talk about automobile trade with Korea.

Last year, we took from Korea about 680,000 automobiles into our marketplace for the American consumer to purchase; 680,000 Korean cars came here from Korea. Guess how many American cars we sold in Korea—3,800. That is right, 680,000 coming in this direction, and we sold 3,800 cars in Korea. Is that because they don't want American cars in Korea? No, it is because the Koreans don't want cars sold in Korea coming from the United States, and they have all kinds of policies and interesting devices to try to shut down the sale of U.S. automobiles to Korea; otherwise, what would explain that dramatic imbalance?

That is how out of whack our trade policy is. Let me describe to you another example of this incompetence. This country did a bilateral trade agreement with China just a few years ago. The agreement said that after a phase-in, any U.S. cars we would sell in China would bear a tariff of 25 percent. Any Chinese cars they would sell in America would bear a tariff of 2.5 percent. So our negotiators sat down with a country with whom we had a trade deficit of somewhere around \$100 billion a year and said: With respect to automobiles, you can charge a tariff that is 10 times higher than that which we will charge on bilateral automobile trade.

That is just incompetence, in my judgment, and a failure to stand up for this country's economic interests.

Oh, yes, this is a footnote: China is ramping up a very significant automobile industry. General Motors, as a matter of fact, has sued an enterprise in China called Chery, C-h-e-r-y, one letter away from "Chevy." By the way, General Motors sued them for stealing production line blueprints for a car called QQ. And China is moving very rapidly to develop an automobile industry, a robust industry, and one that will be an export industry.

Mark my words, Chinese cars will be sold in this country because our negotiators agreed to a proposition that they could impose a tariff 10 times higher on U.S. cars sold in China than we would impose on Chinese cars sold in the United States.

I would like to find the name of the negotiator who agreed to that because that person was not standing up for American workers, American business, or America's economic future.

I talked about cars from Korea, and a bilateral agreement on automobile trade from China. I could talk about dozens and dozens of similar circumstances. The list goes on and on.

The letter I received from the White House with respect to this amendment is a letter that says:

By taking off the negotiating table any agreements that would lead to changes in U.S. trade remedy law, the amendment would prevent us from negotiating agreements to improve protections against foreign unfair trade practices.

What a lot of rubbish. Does anybody really think that they are going to negotiate an improvement to protections for this country in trade? I don't think so. They don't intend to negotiate improvements. What is going to happen is, they will put the antidumping and countervailing duty laws on the table for negotiating. They have said they are willing to put them on the table, and they will get negotiated away.

These negotiations are not about any strengthening of our trade protections. I know "protection" is a dirty word among those who stand on the street corners in robes and chant free trade, but we do have to protect our interests when another company decides to dump into our country products that are produced at a much higher cost than they are willing to be sold in this country because they want to destroy a domestic industry. We have to protect ourselves in that circumstance.

The Commerce Secretary and Mr. Portman, the trade ambassador, are saying this amendment would prevent them from improving protections. Please. Our foreign trading partners don't come to the negotiating table looking to strengthen America's trade protections. They come to weaken them. And our negotiators are all too willing to trade away our trade laws.

No one wants to address this trade crisis. The President has been busy gassing up Air Force One trying to privatize Social Security the last 9 months or so.

What I think we ought to do is stare this problem straight in the eye, just stare this problem straight in the eye and say: This is a problem for our country. This is about America's future. It is about economic growth. It is about opportunity and jobs for our kids. But nobody wants to do much of that anymore.

Oh, we can compete, they say. Go to school, get a little better educational resume, and we can compete. I just described the circumstance of a young woman who competed, and her last message on her Palm Pilot, as that young engineer from Stanford lost her job was: My job is going to China.

This is not a tough choice, it seems to me. This amendment I have offered is very straightforward. It will, I am sure, not be the subject of substantial debate. I would love to have a debate on the floor of the Senate about this issue. I do not expect to have much of a debate because those who support all of this trade strategy that has begun to weaken this country, the trade strategy that has produced choking trade deficits, they don't talk much about it publicly; they just vote for all of this nonsense.

My hope is we will have a vote on this.

My guess is that at some point in the future, we are going to look back and we are going to say, What on Earth happened in this country? It is not as if we didn't have notice. There has been a lot of discussion these days: Did we have notice? Were we prepared? Did we take action?

Let me talk about this crisis, about the loss of American jobs, a lot of them. Ask yourself, Did we have notice about this? In the last 10 years, did we have notice that company after company after company did not say the Pledge of Allegiance in the boardroom anymore because they are not American companies, they are international enterprises responsible to their stockholders, believing if they can find 30-cent-an-hour labor in Indonesia or India or Sri Lanka or China or Bangladesh, that is where they ought to produce and they ought to do that at the expense of American jobs? My guess is somebody is going to look back at some point soon and say, What on Earth were we thinking, sleeping through this problem, deciding that once we had lifted ourselves up as a country, once we had lifted America up as a country, with minimum wage, safe workplaces, the right to organize, the right to understand you should not pollute the air and the water as you produce, all of those things we did that made this a better place in which to live and all those things we did that grew a middle class in America—that once we decided that, that we ought not to protect it? We are going to say, Why didn't we decide to protect that? Instead of pushing us down, that our goal would have been to pull the others up? Yet that has not been the case. That has not been the strategy. Our strategy is, if companies can find cheaper labor, then you just get rid of American workers.

I wish to make this point. We have a century of history about these issues that many people, especially those who debate this trade issue, want to forget. I mentioned this morning, and I probably should not have, a man named James Fyler. I said James Fyler died of lead poisoning—he was shot 55 times. I should not make light of that at all. James Fyler was a hero. He died being shot 55 times because on April 20, 1914, he was out demonstrating with other workers in coal mines, demanding fairness for workers, demanding the right for workers to organize, demanding to lift themselves up for that. He gave his life for that. Think of what people have given of themselves in a century to build what we built in this country: an understanding that workers have rights, an understanding that we have obligations to each other.

James Fyler is dead. But what he and others built is an understanding about the freedom to organize—something very important. I could give you names of people who are sitting in prison right now in China who decided to or-

ganize their workforce. They were prosecuted, and they are sitting in prison in China because you can't organize a workforce there. It doesn't matter what they do to you as a workforce, they have a right to do that to you, and if you try to organize, you go to prison. First you get fired, and if you are lucky that is all that happens. Otherwise you go to prison. All of this somehow seems forgotten when you pole-vault over all these issues.

Because no one else is here to speak, I wish to make this point a little differently. I know it is somewhat off of this specific topic, but it relates to it. I was asked some while ago by a young high school kid: What is the best speech you have ever heard?

You know, I heard a lot of great speeches at various venues, but one of the memorable speeches I told him about was a speech in the House of Representatives to a joint session of the Congress, a speech at which the House and Senate are seated and they normally receive a message from the President, in most cases the State of the Union. On this date, perhaps 15 years ago now, I was seated in the House Chamber when the Speaker was announced by the doorkeeper to the joint session of Congress. He walked to the front of the room. He was kind of a chubby fellow, about 5 foot 8, handlebar mustache, and the applause waved over him for a long period of time. And then he began to speak. His speech was so unbelievably powerful.

He described something we knew from our history books at that moment. He described a Saturday morning in a shipyard in Gdansk, Poland. He said he had been an unemployed electrician and had been fired from the job because he was leading a strike against the Communist government for the right of laborers to be free to organize. On that Saturday morning, he was beaten severely with clubs and fists and, bleeding, he was taken to the edge of the shipyard, hoisted to the top of the barbed-wire fence, and thrown over the shipyard fence into the dirt. He told us he lay in the dirt facedown, bleeding, wondering what to do next.

Our history books tell us what he did next. He pulled himself back up, and he climbed right back over the fence into that shipyard. Ten years later, this unemployed electrician was introduced to a joint session of Congress as the President of his country. His name was Lech Walesa.

He said to us this. He said: The Communists in Poland had all the guns. We had none. The Communists had all the bullets. We had none. We were armed only with an idea—that people ought to be in control of their own destiny. Workers ought to have the right to organize. He said: Ideas are more powerful than guns.

This common man with uncommon courage—no diplomat, no scholar, no military general, no politician, an unemployed electrician—became President of his country on the power of an



idea, an idea that this country has embraced for well over a century, an idea that seems somehow to be diminished these days by those who believe it doesn't matter what workers are used. Workers are like wrenches—use them, discard them when you are done. Find a wrench on the other side of the globe that is this much less expensive and somehow it will benefit a consumer on this side of the globe, that somehow none of this matters because it is not interconnected. They are dead wrong in a manner that is hurting this country and will hurt this country's future. I want things to be better in other countries, but I want our country to take care of things here at home first and then aspire to help others to lift themselves up. But it is important that our first obligation is to take care of things here in this country. These trade negotiators and these trade agreements are trade agreements that I believe have undermined the economic strength of our country.

Once again, I would love to spend 2 hours someday on the floor debating trade issues with my colleagues, but that likely will not happen. That is because while there are plenty of votes for fast track and plenty of votes for trade agreements, and it doesn't matter what they contain, there are not many people who want to debate specifics of bilateral trade with China or Korea or Europe or Japan. I would love to talk about beef and Japan. I would love to talk about trade sanctions we have taken against the Europeans. Oh man, are we tough. I talk about our trade negotiators having no backbone or spine or willingness to stand up. We took action against the Europeans when we got upset. We decided to slap duties on truffles, Roquefort cheese, and goose liver. That is going to make our trade partners quake in their boots. My God, you are going to put tariffs on truffles and goose liver.

When will this country's trade negotiators and its politicians have the backbone to stand up for the economic interests of that which we have built—a country that produces good jobs that pay well and have benefits, a country that produces that without having to apologize for it but that decides it is good for our country to have good jobs that pay well with good benefits?

Mr. President, I spoke far longer than I intended. This amendment is an amendment that I have offered. It is germane. It will require a vote. My hope is that enough of my colleagues, sufficient numbers of my colleagues will vote to support this and we will send another very strong message to our trade negotiators.

I have said earlier that this has happened through Democrat and Republican administrations. Nothing has changed. I would like to see it changed, and I would like to see it changed now. Perhaps with this amendment we can take a first step in making that change.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to speak briefly. Later on, we are going to have a vote on the amendment offered by Senator BIDEN for a billion-dollar expansion of the COPS Program. That proposal is put in the context of Katrina and the effects of Katrina on the Gulf States.

I have come to the Chamber a number of times in the last days, talking about how we put forward an orderly process in addressing the issue of trying to restore and rehabilitate and help the people who have been impacted by Katrina. The leader, much to his credit, has begun and initiated that process, using the strength of the authorizing committees that have jurisdiction.

What I do not think we want to do is end up with a haphazard, rifleshot "I have a good idea; let's come to the floor and offer an amendment" approach to this because we are talking literally of tens, potentially hundreds of billions of dollars. We have already spent \$60 billion and aggressively stepped forward as a Congress to do that. It was appropriate, and the leader again needs to be congratulated for his initiative when he moved \$10 billion when we were essentially on break as a Senate and then got up the additional \$50 billion last week.

But as we move down the road, we need to put coherence and thoughtfulness into the money we are spending so the American people know those dollars are going to the people who need them and that they are going to help a region that has been dramatically impacted in a way that is effective so the American people can feel their tax dollars are being used aggressively to support these folks who have been so overwhelmed by this catastrophe and that their tax dollars are not being wasted or misdirected or put into another program or some program that just happens to be a project of interest to a Member of the Congress but is not necessarily an immediate issue relative to Katrina.

Regrettably, the proposal by Senator BIDEN falls into that second category. It is an idea which the Senator has come to the floor with many times. In fact, every time this appropriations bill comes to the floor, the Senator from Delaware proposes an expansion of the COPS Program.

I had the good fortune to chair the subcommittee for many years. I dealt with the Senator on this issue for many years. For many years, he made the same proposal, and there was no Katrina, there was no disaster, but the proposal was brought forward. Once again, the proposal is being brought forward to continue a program, the COPS Program. When President Clinton set it up, he said: We are going to have a COPS Program. We are going to put 100,000 cops on the street, and then the program is going to end. That is exactly what he said when he set it up. I was here then, too.

We set it up and we funded it, myself and Senator Hollings at the time—Senator Hollings was chairman; I was chairman. He was chairman and I was chairman. We funded it until we got to 100,000—in fact, until we got to 110,000 police officers on the street. Then we said: All right, we have met the goals of this program. Let's, in a unique act, at least a unique act for the Federal Government, agree we have done what we said we would do and stop the program, phase it out. We have come close to doing that. Now we have a program focusing on putting police officers in school systems that need assistance. That is what is left of the COPS Program to the extent it is initiated.

But to restart this program and say we need to put another \$1 billion into it in the name of Katrina is simply not the best way to legislate. It is arbitrary, probably haphazard. Who knows whether that will be a decision that is tied into what the final needs are of the region. Yes, there will be needs, obviously, for assistance to law enforcement in that region, but the original \$60 billion put in there—plus, a lot of that is clearly going to flow to first responders—police, fire, medical—because that is what FEMA does. So to suddenly throw this out—this is an idea we have to throw into the Katrina mix—is not a good way to legislate. It is especially not a good way to legislate in the context of what we know is going to be a huge effort by us as a Congress to address Katrina and where we know under the leadership of Senator FRIST we are developing a process where the authorizing committees take a look at what should be done and could be done and they put forward those ideas in an orderly way and prompt way, that should be enforced, and then we can get relief out to these people who have been impacted so dramatically. But it isn't just some idea of some Senator who happens to have a project which he has always supported and which he feels is a good project.

At some point, as chairman of the Budget Committee or maybe some other Senator as a member of the Appropriations Committee, a point of order will lie against this amendment because it is outside the budget and it is outside the appropriations bill. It should not be brought forward in this manner.

What we need to do in addressing the issue of what police needs are in that region and law enforcement needs are in that region is do it in the context of an overall solution, which is moving through this Senate rather rapidly—already \$60 billion in the pipeline—but which is done in concert with the authorizing committee, in concert with the leadership, and in concert, obviously, with the administration.

At the correct time, I think we will have some more discussion on this bill.

I wanted to lay down at least a few guidelines here because if we continue on this course, we are going to be waking up 2 or 3 months from now and we

will have probably 10, 15, 20, 30, or 40 new programs or programs which have been expanded with no orderly, constructive, thoughtful process behind them other than the fact that somebody had a good idea and came to the floor and said: Let's spend money on that. That isn't going to help people in that region. That will not make sense to them. What will make sense to them will be to get money to them through an orderly manner, with effective leadership. That is being done—granted, not as quickly as it should have been, but it is being done now.

We should continue the process of making sure we set priorities and do this in a manner which allows for the money to go where it can be most effectively used, where the American taxpayers know their dollars are being used to help the people who have been impacted by this hurricane and not simply assist in setting up a program which some Senator feels is a nice idea or a good idea or wants to continue.

I yield the floor. 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. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. GREGG. Mr. President, I ask unanimous consent that a vote occur at 4:30 today on the motion to waive with respect to the Biden amendment, No. 161, with no amendments in order to the amendment prior to the vote; provided further that there be 15 minutes equally divided for debate prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. 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.

Mr. FRIST. Mr. President, in a few minutes we will begin voting. As most people know, we are on a very important piece of legislation, the Commerce-Science-Justice appropriations bill. We have been on it for several days.

As I look through the amendments coming forward, indeed, the amendments we are considering over the course of the afternoon and evening, it is clear we have a challenge. The challenge is to be able to comprehensively address the bill with debate and amendments but at the same time not open up the bill to lots of legislation which in many ways are rifleshots that are related to Katrina or that people are attempting to relate to Katrina.

I say that in part because it is important we address the underlying legislation which does have some Katrina-related aspects to it. Looking at our response to Katrina, I believe there is a right and wrong way to address that natural disaster. We have tried to act and I believe we have acted in this Senate in a very responsive way in terms of having an emergency session with the initial \$10 billion, having another supplemental for \$51.8 billion from two nights ago, authorizing the affected courts to meet appropriately outside their jurisdiction, announcing a joint committee we are still working on in terms of the composition to look at what went right and what went wrong, passing legislation last night on the national flood insurance program. We are working very aggressively to respond in an appropriate way.

What I fear and what simply cannot happen is to have individuals focus on the underlying bill and bring in Katrina-related responses when we are doing our very best and in a bipartisan way using the committee structure, using the authorizing committees to address comprehensively, rapidly, the emergency that is playing out before us. Once we complete the Commerce-Justice-Science bill, we will move it immediately to conference with the House and get the bill to the President for his signature prior to the beginning of the new fiscal year, which is 17 days away. That is why I want to stay on the appropriations process and do the appropriations related to the underlying bills and not use Katrina to try to pull in other amendments.

Pending to this bill are a whole bunch of amendments. There is a whole long list of amendments the manager and ranking member are working with, offered by my colleagues, many from both sides of the aisle, but from the other side of the aisle predominantly, that ostensibly are for Katrina but which increase funding and authorize new major governmental programs. This is not the place for that.

I pledge to work with both sides of the aisle, with the leadership on the other side, to have that appropriate authorizing language addressed but through the appropriate committees and not on these appropriations bills. I observe that while Katrina is the reason that is given for a lot of these amendments, as we look through them, in many instances they simply increase funding for an existing program, regardless of whether it provides assistance or help directly or even indirectly to the victims of Katrina. I argue that the Biden amendment falls under that category by increasing the COPS Program another \$1 billion with no specific targeting to those who are directly affected.

I say this after having over the last 10 days directed this Senate, directed and signed by law over \$60 billion in immediate assistance to those who are affected by Katrina. In conjunction with the administration and those di-

rectly involved in the recovery and rebuilding effort in the United States, we have a lot more we are going to have to do in the coming days, weeks, and months. But this is not the appropriate bill to be adding spending that has not been vetted through the various committees of jurisdiction.

In our leadership office we have set up an assessment team and look forward to working with the Democratic leadership in doing the same thing so we can give focus to consider the emergency responses we need to consider and also the longer rebuilding and reconstruction responses that have arisen and which we will respond to in a comprehensive, expeditious way with regard to Katrina. That sort of mechanism will facilitate and will better coordinate, rather than having individual amendments come to the Senate that are in many cases authorizing or increasing spending for preexisting programs, without looking at it in a more comprehensive way.

We owe that to the people affected by the tragedy as well as allowing a reasonable, efficient operation in the Senate. I will oppose amendments on the bill that have not gone through a vetting of the issues. I promise we will be moving forward on a whole range of these issues that are targeted and an appropriate response to Katrina.

The manager has spoken directly to this, as well, and I believe the chairman of the Committee on the Budget has.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Parliamentary inquiry: Do we have a vote set?

The PRESIDING OFFICER. We have a vote at 4:40.

Mr. REID. I ask unanimous consent I be able to speak—I hope to finish in 5 minutes, but if I don't, I ask consent I be allowed to complete my statement before the vote.

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

Mr. REID. Mr. President, I understand the consternation of the distinguished majority leader. I spend a lot of time with him. It is hard to manage this unwieldy body. I understand that. I try to help as I can. Sometimes I am not as much help as he would like.

Take, for example, this bill. We have been working on this bill and I am convinced the end is in sight for this bill. I don't know the exact number. There are probably five or six Katrina-related amendments on this bill. They are good amendments if they relate to spending on Katrina for the victims, education, housing, medical. We should vote on those. If there is a problem with them, work with our managers.

For example, we tried to accept the amendment related to medical that came over from the House. We cannot do that. Even on Public Radio this morning—not actually a bastion of democratic liberality—Public Radio had an example of what the bill passed



in the House would do or not do. They give an example of a woman who is from Louisiana who was sent to the Astrodome, 55 years old, heart condition, diabetes. Under the House provision we have now, she could not get help. Under our provision, she could. We are trying to help the people who got hurt, and there are a lot of people who got hurt.

I agree we need to do more on these appropriations bills. We should not have a big omnibus bill. I was happy to see the distinguished Senator from Mississippi, the senior Senator from Mississippi, the chairman of the Committee on Appropriations, say he did not want an omnibus bill. I congratulate him.

However, I say to my friend, and I have said this privately and I will say it publicly to the distinguished majority leader, we have to get conferences done on the appropriations bills. I, along with Senator DOMENICI, have done the Energy and Water Appropriations Subcommittee for many years. We have never had figures like this. We cannot go to conference. The House refuses to sit down and talk to us. We have to work this out. Among other things in the Energy and Water appropriations bill, we fund the Corps of Engineers. We are going to go this year on some kind of a continuing resolution and not take care of the Corps of Engineers and the other matters within the confines of that subcommittee? We should not do that.

We have not done anything with Homeland Security. If there was ever a time in the history of this country where we could have a civilized conference between the House and the Senate and take care of the Homeland Security appropriations bills, this should be the time. Let's get that done. That should not be an omnibus.

Foreign operations bill, my Energy and Water Subcommittee, July, August—it has been there for 60 days and we have not done anything. I spoke to the distinguished majority leader a few minutes ago and he suggested three of his top staff people and my top staff people see what we can do to focus on some of the things on Katrina. We can never get to the victims of Katrina unless we have floor time to do it—whether they come from committees or amendments offered by Members from the floor.

So I would hope we could finish the bill before us, the Commerce bill. We should do that. There is an amendment dealing with COPS. We would have to waive the budget on that one. We know it takes 60 votes to do that. I understand there is one on small business they are about ready to work out. There is a possibility that can be worked out. So I would hope there wouldn't be a cloture motion filed on this bill. I think we are about to finish it. But I cannot control that.

I want the RECORD to be spread with this: We are willing to work late, early—it does not matter—toward

what we think needs to be done to help the gulf victims.

I would also say we have lived up to our bargain on Judge Roberts. We made a commitment to those involved that we would do our utmost to finish this by the beginning of the October term in the Court. I think we are along the road to doing that. We have not in any way thrown up any roadblocks. We have tried to cooperate.

We realize we are in the minority, but we realize we are also in the Senate that is a body governed by rules that give the minority the power to do a lot of things. We are going to continue to do a lot of things to see if we can move this along.

But I say to the distinguished majority leader, we will be as helpful as we can. Hopefully, we can work more together than apart. I think that would be good for the country. I think the country is looking for some good bipartisanship.

Ms. MIKULSKI. Mr. President, will the distinguished Democratic leader yield for a question?

Mr. REID. Mr. President, I yield to the distinguished floor manager of the bill.

Ms. MIKULSKI. Mr. President, is the distinguished Democratic leader aware we have amendments that require votes—and that would help us—but we have seven that are not Katrina related? So while the negotiations are going on, on Katrina, is the distinguished Democratic leader aware that we do have seven votes, but we do not have a time for those votes? Also, we have about five votes on Katrina. So if we could dispose of the non-Katrina amendments, is the Democratic leader aware of the number of amendments?

Mr. REID. I am aware of the non-Katrina amendments. As I indicated, some of those I think, with the two managers, can be worked out. The others will not be able to be worked out. They will go the way of amendments that are not able to be brought before the Senate.

I think the point of the distinguished Senator is we can finish this bill fairly quickly.

Ms. MIKULSKI. If we have votes.

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I appreciate the importance of ensuring that the gulf region has all of the resources necessary to fully recover. My home State of Alabama was directly affected by Hurricane Katrina, perhaps not to the extent of a lot of areas in Mississippi and Louisiana, but still affected. So I can safely say I have more than a passing interest in ensuring that all response and recovery missions are fully funded here in the Senate.

In the last few weeks, I have spent considerable time viewing the damage in the region, in Alabama and Mississippi. I plan to go to Louisiana this weekend. While I believe it is critical the Congress act swiftly to ensure

emergency funding is available for hurricane-related recovery efforts, I do not believe the Commerce-Justice-Science bill, which is before the Senate now, is the appropriate place to do that.

I believe it will be some time before we have a true understanding of the actual damages and recovery needs in the region. We have already acted, and we will continue to act in the Senate on both sides of the aisle to make sure the victims have everything they need to be made whole, to be back on their feet, make no mistake about it.

But I believe it is important we maintain our current track and allow the recovery effort to continue, step by step, which it is doing. The funding we approved last week will allow the effort to move forward. I believe we must monitor that effort closely to ensure we have the necessary resources we keep talking about. At the same time, I believe we must allow the damage assessments to move forward to truly address the needs of those in the gulf region, including my people in Alabama, the people in Mississippi, and the people in Louisiana.

Adding emergency funding to a regular spending bill, such as this CJS bill, frankly, is not the way I believe we should do business. We need to approach the hurricane funding needs in a coordinated manner—I believe we have been doing a lot of this—not in an ad hoc way, throwing add-ons on a bill that is not even the main disaster recovery bill.

I am going to be standing on the floor making sure, the best I can, we pass the necessary funding for these victims, including, as I said, the people of Louisiana, Mississippi, and Alabama, you can be sure of that, but not on this bill today.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, I say to my dear friend, the senior Senator from Alabama, I agree that we need to make sure that money goes to the people who need it. That is what we are trying to do. We have not had the ability to bring Katrina amendments to the floor and act on them. That is what we need to do.

It is not as if we were working in a vacuum. We have a model we know works. After 9/11, we worked in a bipartisan fashion and created legislation that was unique. But most important to the families of the 3,000-plus people who got killed, plus the fact there were billions of dollars in damages, we did \$20 billion worth within a matter of days to get relief to the people of New York, the people of Virginia.

So we know how to effectively address issues of concern. We have done that in the past. We relied then on committees to produce legislation through the regular process. I believe that is what I heard the majority leader say. We are willing to do that. But in following through on that, we have to be able to have some time on the floor to debate and vote on those issues. That is what we need to do.

Although there are a few exceptions to this, for the most part, the majority has not followed this process, and we have not been permitted an opportunity to address these issues on the Senate floor. We have been trying for 2 weeks to do that.

So let's empower every one of our chairmen and ranking members to sit down together and see what the committees can produce to address the needs of the survivors in the communities hit by this catastrophe. And then let's commit to give them the floor time to deal with their legislation. We badly need to do that.

Yes, we have had two emergency supplemental appropriations bills for more than \$60 billion, but a lot of that money cannot go to the people who need it because it is illegal. We want to refine the law so we can get people the money they need.

I apologize to everyone. I know there is a vote pending. I have said enough. I hope I made my point.

AMENDMENT NO. 1661

The PRESIDING OFFICER. The time for debate has expired.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from Delaware has not had a chance to speak on his amendment. I think we agreed he would get some wrap-up time. I ask unanimous consent the Senator from Delaware be granted 2 minutes and I be granted 2 minutes in response and to make a point of order on his amendment.

Is that agreeable?

Mr. BIDEN. I thank the Senator.

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

The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, let me begin by asking unanimous consent that Senator LANDRIEU be added as a cosponsor of this amendment.

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

Mr. BIDEN. Mr. President, we are decimating the COPS program. Chairman SENSENBRENNER, in the House, is no fan of the program. He asked for a study to be done by GAO. It concluded: Use of the COPS grants resulted in less crime, use of COPS grants resulted in more community policing, use of COPS grants resulted in more officers on the streets. This is a time when we need more officers on the streets, not fewer officers on the streets.

The idea we are going to deal with natural disasters as well as terrorist attacks by using special forces soldiers and not cops on the street seems to me to be a little silly. We need more cops on the streets.

There are 8,000 applications pending. The bill would allow for 25 of those applications to be filled. This is a mistake.

One of my colleagues—it may be the chairman of the committee; I am not sure—said we have to prove we can end a program. Why do we end a program that is working, and working so well, in the interests of the country?

My time is probably up. I thank my friend from New Hampshire for the courtesy of allowing me to take a few minutes to speak to my amendment.

I urge my colleagues to support the amendment.

Mr. GRASSLEY. Mr. President, I rise to speak on Senator BIDEN's amendment to add over \$1 billion to the COPS Program. I am troubled by this amendment because it would declare these funds an emergency, siphoning away much needed funds that should go directly to the hurricane effort. The definition of an emergency includes situations that are necessary, or vital, sudden, urgent, and unforeseen. This amendment does not fit those characteristics.

I must also oppose this amendment because it lacks an offset. As a senior member of the Budget Committee and the chairman of the Finance Committee, I believe that we owe it to the taxpayers to be fiscally responsible with their tax dollars. Congress passed a budget, and we should stick by it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment has been offered in the past, and it is a reflection of the support of the Senator from Delaware for this program. But we have to remember this program was created in 1994 by President Clinton, with a clear statement it would end after 100,000 police officers were put on the streets.

Under this program, we have already spent over \$12 billion. We put have put 118,000 police officers on the streets. This amendment would simply continue the program. Quite honestly, this is a program that should be phased out or just focused on police officers in schools. It is not a program that should be continued, and it certainly should not be continued in the context of the hurricane and the disaster in the Gulf States because it would have a marginal impact on that region.

So, Mr. President, pursuant to section 402(b)(5) of House Concurrent Resolution 95, the fiscal year 2006 budget resolution, I raise a point of order against the emergency designation provisions contained in the pending amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, pursuant to section 402 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2006, I move to waive section 402 of that concurrent resolution for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 56, as follows:

[Rollcall Vote No. 226 Leg.]

#### YEAS—41

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Inouye	Obama
Bingaman	Jeffords	Pryor
Boxer	Kennedy	Reed
Byrd	Kerry	Reid
Cantwell	Kohl	Salazar
Carper	Landrieu	Sarbanes
Clinton	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Talent
Dorgan	Lieberman	Wyden
Durbin	Lincoln	

#### NAYS—56

Alexander	DeMint	Martinez
Allard	DeWine	McCain
Allen	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Nelson (NE)
Brownback	Enzi	Roberts
Bunning	Frist	Santorum
Burns	Graham	Sessions
Burr	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Snowe
Coburn	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Isakson	Thomas
Conrad	Johnson	Thune
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	

#### NOT VOTING—3

Corzine	Rockefeller	Vitter
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The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained. The emergency designation is removed.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, the spending in this amendment would cause the underlying bill to exceed the subcommittee's section 302(b) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Budget Act.

The PRESIDING OFFICER. The point of order is well taken and sustained. The amendment falls.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. TALENT. Mr. President, I rise for a few moments to speak in favor of an amendment offered by Senator DAYTON, which I am pleased to cosponsor along with many others, that would increase funding for Justice assistance grants by \$275,000.

Justice assistance grants, as the Senate knows, incorporate what used to be called the Byrne grants and the Local Law Enforcement Program grants and are used to fund a number of important law enforcement initiatives, among which include multijurisdictional task forces.

I wish to speak briefly about that side of this important amendment because as the Senate may know, I have done a lot of work on the subject of fighting methamphetamine. Earlier in the debate on this bill, the Senate adopted an amendment which consisted of legislation that Senator FEINSTEIN and I have introduced, the Combat Meth Act, which was a comprehensive antimethamphetamine program designed to put the Federal Government squarely and aggressively on the side of local law enforcement which is fighting this terrible drug. And it is a terrible drug. It is the worst single drug threat that I have confronted in my 20 years in public life.

Methamphetamine is seriously addictive, maybe more so than any other drug of which I am aware. It is almost instantly addictive for a lot of people. It changes the physical nature of the brain. Even if you get off methamphetamine, which is difficult, and I will speak more on that in a moment, that will not necessarily fix the damage because it can change the structure of the brain. It tends to make the people using it more aggressive rather than less aggressive. Some drugs tend to make people more passive, and as bad as they are, at least it doesn't cause them to go out and attack other people, but methamphetamine does.

In addition, there is no known treatment for methamphetamine. There is no methadone for methamphetamine. So we sponsored, and the Senate adopted, a measure which had been cosponsored by more than 40 other Senators to help the Federal Government get aggressively into the business of fighting methamphetamine. It was a series of grant programs along with legislation that would put pseudoephedrine, the precursor drug for methamphetamine, behind pharmacy counters. I think that was very important, and I said at the time I was grateful to the bill managers for working with us on that issue.

One of the worst things about methamphetamine is that the drug is not just used in our neighborhoods and sold in our neighborhoods, it is made in our neighborhoods. It is made in local labs that can operate out of a cabin, out of a house, in a kitchen, in a van while it is being driven around, on the side of a road, or in the woods in a country area.

The process by which methamphetamine is made is literally toxic. The

chemicals in it are chemicals that should not go anywhere near the human body, but they do.

These labs have cropped up all over States such as Missouri. It is like a cancer that spread throughout our States in the Midwest and now in other States as well. It is a terrible problem in the South and in the West and the Southwest. I do not think there is a State in the country which is not experiencing growing problems with it.

The National Association of Counties surveyed its members. The No. 1 problem reported more often than any others was methamphetamine. Not the No. 1 law enforcement problem, the No. 1 problem because the drug causes terrible social service problems and health care problems, and it is also overwhelming local budgets, in particular law enforcement budgets.

Think of the situation when you have a sheriff's department in a county with maybe 6 or 10 deputies, or a bigger county with 20 or 25 deputies: With all the jobs that local law enforcement has to do—security for the county fair, domestic violence issues, all the typical work they have to perform—and then you superimpose on that 10 or 15 or 20 methamphetamine labs in the county, it is very difficult to track down those labs. It is difficult to break them down. These deputies have to get trained in environmental chemistry to break these labs down.

It is an enormous burden on local budgets. One of the ways we can help our sheriffs, our local law enforcement officers in dealing with these meth labs is multijurisdictional task forces where they are able to get grants from the Federal Government, band together in regional task forces, and use that manpower efficiently to help go after labs. That is what the Dayton amendment is designed to support, and that is the big reason I am so strongly supportive of it.

The amendment would move funding for these programs back to where they were in fiscal year 2003. It is a substantial increase, but I can assure you, Mr. President, based on my experience with this issue, it certainly is no more than is needed. If we don't get ahead of this methamphetamine problem, if we don't start winning it—I would not say we are winning it now. We have heroic efforts by local law enforcement, but they are telling us we are not gaining yet—if we don't start winning, we will have increasing costs in terms of effect on kids, neighborhoods, jobs, costs that would dwarf what this amendment would add to the bill.

This amendment is offset. This drug is destroying lives all over States such as Missouri, all over the country. We can do something about it—not by the Federal Government taking this over but by the Government assisting local law enforcement in efforts that they are telling us are going to work. That is why this amendment is so important.

I appreciate the managers working with Senator DAYTON and the other co-

sponsors, and I hope the Senate will adopt it.

I yield the floor.

Mr. ALEXANDER. Mr. President, I rise today to express my support for a provision in the Commerce, Justice, Science appropriations act that will make significant headway in the fight against methamphetamine or meth manufacture and use.

The Talent-Feinstein amendment incorporating the provisions of the Combat Meth Act into this bill is the culmination of several months of bipartisan collaboration. The provision takes aim at the biggest problem faced by law enforcement in dealing with meth choking off the supply of essential materials needed to manufacture the drug.

Meth is of particular concern to me and to the entire Tennessee delegation because Tennessee has been plagued by a growing number of meth labs—ad hoc laboratories in backwoods shacks, out-of-the-way hotel rooms, and just about anywhere else you can cram in a supply of hot plates, glassware, and noxious chemicals necessary to make meth. In 2004, Tennessee ranked second in the Nation in the number of meth lab seizures, according to data from the Office of National Drug Control Policy. The Drug Enforcement Agency calculates that Tennessee accounts for 75 percent of the meth lab seizures in the Southeast. My colleagues in Missouri, Kentucky, Oklahoma, and many other States can cite related alarming statistics.

What is of particular concern about these meth labs is that they are appearing in places where drug production and abuse has not been a significant problem. In Tennessee, the largest numbers of seizures of meth labs have occurred in rural counties such as Monroe, Marion, Warren, and Coffee. These areas are often not fully prepared to cope with the demands of seizing such labs and cleaning up the aftermath.

The Talent-Feinstein amendment is a critical step in dealing with the meth problem. Others will have already praised various aspects of this bill, but I would like to particularly congratulate the Judiciary Committee for producing a bill that does not undermine State and local efforts to combat this problem. Law enforcement begins at home, and by crafting legislation that directs a Federal response that supports State and local law enforcement rather than preempt it, the Senate has upheld the principles of federalism that are at the core of our system of government.

This legislative step is only one part of a comprehensive strategy to combat this addictive drug. The problems presented by meth are myriad and many are unique. Meth production and use targets a different demographic of users than other drugs. Production of meth creates a toxic stew of chemical byproducts that can contaminate a lab site for years to come. Precursor chemicals used in meth production can

come from a wide variety of sources. Hospitals and child welfare agencies are overwhelmed by burn victims and abuse cases from homes where meth is made. The court system is inundated with cases involving drug crime, and the inability to provide more individual attention prevents people from getting treatment that might discourage recidivism.

We also need to remember that while combating meth has risen to the top of the agenda thanks to media and government attention, this country is still threatened by the illegal use of a variety of drugs. According to the National Household Survey on Drug Abuse, 15.9 million Americans ages 12 and older reported using an illicit drug the month before the survey was conducted. Of those, 12.1 million reported using marijuana in the past month; 1.7 million reported using cocaine; and 1.3 million reported using hallucinogens such as LSD, PCP, and Ecstasy. Meth use has not yet risen to these levels, but if left unchecked the meth problem could soon rise to similar levels.

So as we focus on meth, we must also recognize that even if we are successful in our efforts to curb meth use and production, millions of Americans are threatened by addiction to other, just as dangerous drugs, and the next big drug is probably simmering in a beaker or growing in a field right now.

The Bush administration is confronting the drug problem head on in this country. In 2005, the Office of National Drug Control Policy reported that there has been a 17-percent reduction in youth drug use in the last 3 years thanks in part to Federal and State efforts to bolster enforcement and increase awareness of the dangers of drugs. Attorney General Gonzales recently visited Nashville with HHS Secretary Mike Leavitt and Office of National Drug Control Policy Director John Walters to announce new measures to support State and local governments in combating the meth problem.

I commend my colleagues for their work on the Combat Meth Act, and I look forward to more such efforts in our mission to eliminate the scourge of illegal drugs from our communities.

The PRESIDING OFFICER. The Senator from Arizona.

#### INTEROPERABLE COMMUNICATIONS FOR PUBLIC SAFETY OFFICIALS

Mr. McCAIN. Mr. President, I have watched the news coverage, along with so many Americans, during these past 2 weeks and have been shocked and saddened by the devastation in the gulf coast region. It continues to amaze me that an act of nature can bring about such destruction and ruin the lives of so many.

My deepest sympathies and prayers go out to the residents of Alabama, Louisiana, and Mississippi, and I know that as a country we will come together, as we are, to assist these residents and help them rebuild their lives. In my home State of Arizona, I am proud to report that valley residents

have welcomed over 1,000 residents of New Orleans.

This was a tragedy of great proportions that caught local, State, and Federal officials unprepared. Like many Americans, I, too, have been concerned about the local, State, and Federal initial response to this disaster. It was unacceptable and inadequate. I know there will be an appropriate time for a comprehensive review of the local, State, and Federal response efforts to determine what went wrong and what went right. The oversight investigations being held by Senators COLLINS and LIEBERMAN are a very important undertaking. I believe Congress and the Nation have a lot to learn from Hurricane Katrina.

One thing already evident is that the country's local, State, and Federal first responders remain unable to communicate with each other during an emergency response. We saw the horrors brought on by the lack of communication on 9/11 when New York's fire, police, and port authority officers were unable to talk with one another when responding to the collapse of the Twin Towers. I have now been told that the first responders in Louisiana experienced similar problems because New Orleans and the three nearby parishes all use different radio equipment and frequencies. In addition, Federal officials use entirely different communications systems than localities, which hindered relief efforts.

I read that New Orleans officials had purchased equipment that would allow some patching between local and Federal radio systems, but that the equipment was rendered useless by flooding. Nonetheless, short-term solutions to link incompatible systems are not the right approach to this critical problem. The better approach is for this Nation to get serious about public safety communications by developing and funding an interoperable communications system for all local, State, and Federal first responders.

The Federal Government needs to, one, develop a comprehensive interoperable communications plan and set equipment standards; two, fund the purchase of interoperable communications equipment; and three, provide public safety with additional spectrum so first responders can communicate using the same radio frequencies and equipment in the event of an emergency.

Congress has taken some steps toward achieving an interoperable communications system for local, State, and Federal first responders. Last year, I offered an amendment that was enacted as part of the intelligence reform bill that authorized the Department of Homeland Security's Office for Interoperability and Compatibility, otherwise known as SAFECOM. SAFECOM assists local, regional, State, and Federal agencies in developing interoperable communications plans and accelerating interoperable communications equipment standards. They are in the

process of doing so, and I urge them to move forward expeditiously.

Congress has also begun to fund the purchase of interoperable communications equipment for localities. Some 50,000 local, State, and Federal agencies make independent decisions about communications systems and use various frequencies. This is unacceptable and a waste of Government resources. The Department of Homeland Security has already spent over \$280 million for the purchase of interoperable communications equipment. The Senate-passed Department of Homeland Security fiscal year 2006 appropriations bill would provide over \$2.6 billion for localities to purchase interoperable communications equipment. This bill is currently in conference with the House.

Obviously, interoperability will come with a cost. Some estimate as much as \$15 billion. But even this may be a small price to pay in order to save thousands of lives in the event of another disaster.

Let's remember that Congress also provided additional spectrum for first responders in the Telecommunications Act of 1996. So after spending millions of dollars in funding in additional spectrum for our Nation's first responders, why are we not better off than we were on 9/11 when it comes to interoperable communications? Because the spectrum Congress provided to first responders in 1996 is being held hostage by television broadcasters, even though broadcasters have now been given new spectrum.

It was almost 20 years ago that broadcasters began their journey toward becoming spectrum squatters. In 1987, broadcasters first asked the FCC to look into the potential of digital television technology and whether additional spectrum would be necessary. Upon the broadcasters' request, Congress provided new spectrum in 1996 to the broadcasters for free. I have often referred to this as the great \$70 billion taxpayer giveaway. In return, broadcasters promised to give back their current spectrum by December 31, 2006, and make it available to first responders for interoperable communications.

But before the ink was dry on the Telecommunications Act of 1996, broadcasters persuaded certain Members of Congress to include an exception to the December 31, 2006, date in the 1997 Balanced Budget Act. Last year, during a Commerce Committee hearing, then-FCC Chairman Michael Powell testified that this exception could result in the first responders not receiving this spectrum for "decades or multiple decades." As evidenced by the tragedies from Hurricane Katrina, we cannot wait decades. Broadcasters are blocking access to spectrum for first responders who serve over 50 percent of the country.

Providing first responders access to this spectrum is one of the key recommendations of the 9/11 Commission

and remains a top priority for Chairman Kean and Vice Chairman Hamilton. I introduced legislation last year to implement this recommendation, and it was voted out of the Commerce Committee. I then added the provisions, an amendment to the intelligence reform bill last fall, to provide this spectrum to first responders. Unfortunately, this language was removed in conference and replaced with a "sense of Congress" that such legislation be voted on during the first session of the 109th Congress.

Senator LIEBERMAN and I reintroduced our legislation to provide spectrum to first responders. Yet Congress has yet to act this year as envisioned by the sense of Congress. S. 1268, the Spectrum Availability for Emergency Response and Law Enforcement to Improve Vital Emergency Services Act, otherwise known as the SAVE LIVES Act, would provide first responders with the spectrum by January 1, 2009. Upon introduction, I suggested this date is a compromise between public safety organizations, equipment manufacturers, localities, and broadcasters. However, after watching citizens suffer during recovery efforts in New Orleans, I believe this date should be moved up to January 1, 2007, as originally contemplated by Congress in the Telecommunications Act of 1996.

Yet here we are 9 months into the first session with another horrible disaster having taken place, and Congress has yet to take up the SAVE LIVES Act or any other legislation providing first responders their promised spectrum.

To what level of crisis must this country endure before we act? Is the devastation from Hurricane Katrina still not enough to bring action? Chairman STEVENS has stated his intention to include such legislation in the Commerce Committee's response to budget reconciliation. I will be watching to see if the broadcasters find a way to once again delay the hand off of this spectrum to first responders. I will do all I can to move our legislation.

In 1997, the President of the National Association of Broadcasters stated on "The News Hour with Jim Lehrer" that broadcasters' use of spectrum allocated to first responders was merely a "loan to facilitate an orderly transition." Mr. Fritts, this "loan" has gone on long enough. Congress must now call in your "loan." You got your spectrum, now give the first responders their spectrum.

I will conclude by sharing 9/11 Commission Chairman Kean's comments as stated on CNN's Late Edition this past Sunday:

[w]hat's frustrating is it's the same thing over again. I mean, how many people have to lose their lives? It's lack of communication, our first responders not being able to talk to each other. . . . Basically it's many of the things that, frankly, if some of our recommendations had been passed by the United States Congress . . . could have been avoided. But on the ground, the people that get there first can't talk to each other be-

cause the radio communications don't work. They haven't got enough what's called spectrum. So there is a bill in Congress to provide first responders spectrum. The bill has been sitting in Congress, nothing has been happening, and again, people on the ground—police, fire, medical personnel—couldn't talk to each other. That's outrageous and it's a scandal and I think it cost lives.

I couldn't agree more.

I want to end by thanking all of the first responders who are assisting in rescue efforts in Alabama, Louisiana and Mississippi. They are heroes and make me proud to be an American. For over 2 weeks now, they have slept very little and eaten very little, but done so much for a region in need. In appreciation, we owe them better communications systems so that when they are called upon to assist in the next disaster, they have the tools necessary to protect themselves and those they are working to protect.

Mr. GREGG, Mr. President, the pending Commerce, Justice, Science and Related Agencies Appropriations Bill for FY 2006, H.R. 2862, as reported by the Senate Committee on Appropriations provides \$48.875 billion in budget authority and \$49.495 billion in outlays in fiscal year 2006 for the Departments of Commerce, Justice and related agencies. Of these totals, \$229 million in budget authority and \$241 million in outlays are for mandatory programs in fiscal year 2006.

The bill provides total discretionary budget authority in fiscal year 2006 of \$48.646 billion. This amount is \$2 billion less than the President's request, equal to the 302(b) allocations adopted by the Senate, and \$36 million more than fiscal year 2005 enacted levels.

Mr. President, I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 2862, 2006 COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2006, \$ millions]

	General Purpose	Mandatory	Total
Senate-reported bill:			
Budget authority .....	48,646	229	48,875
Outlays .....	49,254	241	49,495
Senate 302(b) allocation:			
Budget authority .....	48,646	229	48,875
Outlays .....	49,254	241	49,495
2005 Enacted:			
Budget authority .....	48,610	242	48,852
Outlays .....	48,376	228	48,604
President's request:			
Budget authority .....	50,655	229	50,884
Outlays .....	49,185	241	49,426
House-passed bill.*			
Budget authority .....	57,452	361	57,813
Outlays .....	58,563	373	58,936
Senate-Reported Bill Compared To:			
Senate 302(b) allocation:			
Budget authority ....	0	0	0
Outlays .....	0	0	0
2005 Enacted:			
Budget authority ....	36	-13	23
Outlays .....	878	13	891
President's request:			
Budget authority ....	-2,009	0	-2,009

H.R. 2862, 2006 COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS—SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[Fiscal year 2006, \$ millions]

	General Purpose	Mandatory	Total
Outlays .....	69	0	69
House-passed bill.*			
Budget authority ....	-8,806	-132	-8,938
Outlays .....	-9,309	-132	-9,441

\* House and Senate subcommittees have differing jurisdictions.  
NOTE: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

NOTICE OF INTENT

Mr. REID, Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, the Science, State, Justice, Commerce appropriations bill, the following amendment:

AMENDMENT NO. 1652

At the appropriate place, insert the following:

**TITLE —TEMPORARY MEDICAID DISASTER RELIEF**

**SEC. 01. SHORT TITLE OF TITLE; PURPOSE.**

(a) SHORT TITLE OF TITLE.—This title may be cited as the "Temporary Medicaid Disaster Relief Act of 2005".

(b) PURPOSE.—The purpose of this title is to ensure all those affected by Hurricane Katrina have access to health coverage and medical care through the medicaid program and to authorize temporary changes in such program to guarantee and expedite that coverage and access to care.

**SEC. 02. DISASTER RELIEF PERIOD.**

(a) IN GENERAL.—For purposes of this title, the term "disaster relief period" means the period beginning on August 29, 2005, and, subject to subsection (b), ending on February 28, 2006.

(b) PRESIDENTIAL AUTHORITY TO EXTEND DISASTER RELIEF PERIOD.—

(1) IN GENERAL.—The President shall extend the application of section 03 and paragraphs (1) and (2) of section 04(a) until September 30, 2006, unless the President determines that all Katrina Survivors would have sufficient access to health care without such an extension. In the case of such an extension, the reference to "February 28, 2006" in subsection (a) shall be considered to be a reference to "September 30, 2006".

(2) NOTICE TO CONGRESS.—The President shall notify the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the Committee on Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives at least 30 days prior to—

(A) extending the application of such sections; or

(B) if the President determines not to extend the application of such sections, February 28, 2006.

**SEC. 03. TEMPORARY MEDICAID COVERAGE FOR KATRINA SURVIVORS.**

(a) DEFINITIONS.—In this title:

(1) KATRINA SURVIVOR.—

(A) IN GENERAL.—The term "Katrina Survivor" means an individual who is described in subparagraph (B) or (C).

(B) RESIDENTS OF DISASTER LOCALITIES.—

(i) IN GENERAL.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in—

(I) a parish in the State of Louisiana that is among the parishes that the Federal Emergency Management Agency of the Emergency Preparedness and Response Directorate of the Department of Homeland Security declared on September 4, 2005, to be Federal Disaster Parishes; or

(II) a county in the State of Alabama or Mississippi that is among the counties such Agency declared Federal Disaster Counties on September 4, 2005.

(ii) **AUTHORITY TO RELY ON WEBSITE POSTED DESIGNATIONS.**—The Secretary of Health and Human Services shall post on the Internet website for the Centers for Medicare & Medicaid Services a list of parishes and counties identified as Federal Disaster Parishes or Counties. Any State which provides medical assistance to Katrina Survivors on the basis of such posting and in accordance with this title shall be held harmless if it is subsequently determined that the provision of such assistance was in error.

(C) **INDIVIDUALS WHO LOST EMPLOYMENT.**—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in a direct impact State and lost their employment since Hurricane Katrina.

(D) **CONSTRUCTION.**—A Katrina Survivor shall be treated as being “from” the State of residence described in subparagraph (B)(i) or (C), as the case may be.

(E) **TREATMENT OF CURRENT MEDICAID BENEFICIARIES.**—Nothing in this title shall be construed as preventing an individual who is otherwise entitled to medical assistance under title XIX of the Social Security Act from being treated as a Katrina Survivor under this title.

(F) **TREATMENT OF HOMELESS PERSONS.**—For purposes of this title, in the case of an individual who was homeless on any day during the week described in subparagraph (B)(i), the individual’s “residence” shall be deemed to be the place of residence as otherwise determined for such an individual under title XIX of the Social Security Act.

(2) **DIRECT IMPACT STATE.**—The term “direct impact State” means the State of Louisiana, Alabama, and Mississippi.

(b) **RULES FOR PROVIDING TEMPORARY MEDICAL ASSISTANCE TO KATRINA SURVIVORS.**—During the disaster relief period, any State may provide medical assistance to Katrina Survivors under a State medicaid plan established under title XIX of the Social Security Act in accordance with the following:

(1) **UNIFORM ELIGIBILITY RULES.**—

(A) **NO INCOME, RESOURCES, RESIDENCY, OR CATEGORICAL ELIGIBILITY REQUIREMENTS.**—Such assistance shall be provided without application of any income or resources test, State residency, or categorical eligibility requirements.

(B) **STREAMLINED ELIGIBILITY PROCEDURES.**—The State shall use the following streamlined procedures in processing applications and determining eligibility for medical assistance for Katrina Survivors:

(i) A common 1-page application form developed by the Secretary of Health and Human Services in consultation with the National Association of State Medicaid Directors. Such form shall include notice regarding the penalties for making a fraudulent application under paragraph (4) and shall require the applicant to assign to the State any rights of the applicant (or any other person who is a Katrina Survivor and on whose behalf the applicant has the legal authority to execute an assignment of such rights) under any group health plan or other third-party coverage for health care.

(ii) Self-attestation by the applicant that the applicant is a Katrina Survivor.

(iii) No requirement for documentation evidencing the basis on which the applicant qualifies to be a Katrina Survivor.

(iv) Issuance of a Medicaid eligibility card to an applicant who completes such application, including the self-attestation required under clause (ii). Such card shall be valid during the disaster relief period.

(v) If an applicant completes the application and presents it to a provider or facility participating in the State medicaid plan that is qualified to make presumptive eligibility determinations under such plan (which at a minimum shall consist of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) and it appears to the provider that the applicant is a Katrina Survivor based on the information in the application, the applicant will be deemed to be a Katrina Survivor eligible for medical assistance in accordance with this section, subject to paragraph (3).

(vi) Continuous eligibility, without the need for any redetermination of eligibility, for the duration of the disaster relief period.

(C) **DETERMINATION OF ELIGIBILITY FOR COVERAGE AFTER THE TERMINATION OF THE DISASTER RELIEF PERIOD.**—In the case of a Katrina Survivor who is receiving medical assistance from a State, prior to the termination of the disaster relief period, the State providing such assistance shall determine whether the Katrina Survivor is eligible for continued medical assistance under the State’s eligibility rules otherwise applicable under the State medicaid plan. If a State determines that the individual is so eligible, the State shall provide the individual with written notice of the determination and provide the individual with continued coverage for such medical assistance for so long as the individual remains eligible under such otherwise applicable eligibility rules. If a State determines that the individual is not so eligible, the State shall provide the individual with written notice of the determination, including the reasons for such determination.

(2) **SCOPE OF COVERAGE SAME AS CATEGORICALLY NEEDY.**—The State shall treat Katrina Survivors as individuals eligible for medical assistance under the State plan under title XIX of the Social Security Act on the basis of section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), with coverage for such assistance retroactive to August 29, 2005.

(3) **VERIFICATION OF STATUS AS A KATRINA SURVIVOR.**—

(A) **IN GENERAL.**—The State shall make a good faith effort to verify the status of a Katrina Survivor enrolled in the State Medicaid plan under the provisions of this section after the determination of the eligibility of the Survivor for medical assistance under such plan.

(B) **EVIDENCE OF VERIFICATION.**—A State may satisfy the verification requirement under subparagraph (A) with respect to a Katrina Survivor by showing that the State providing medical assistance obtained information from the Social Security Administration, the Internal Revenue Service, or the State Medicaid Agency for the direct impact State.

(C) **DISALLOWANCE OF PAYMENTS FOR FAILURE TO MAKE GOOD FAITH EFFORT.**—If, with respect to the status of a Katrina Survivor enrolled in a State Medicaid plan, the State fails to make the good faith effort required under subparagraph (A), and the Secretary determines that the individual so enrolled is not a Katrina Survivor, the Secretary shall disallow all Federal payments made to the State that are directly attributable to medical assistance provided or administrative costs incurred with respect to the individual during the disaster relief period.

(4) **PENALTY FOR FRAUDULENT APPLICATIONS.**—

(A) **INDIVIDUAL LIABLE FOR COSTS.**—If a State, as the result of verification activities conducted under paragraph (3), determines after a fair hearing that an individual has knowingly made a false self-attestation described in paragraph (1)(B)(ii), the State may, subject to subparagraph (B), seek recovery from the individual for the full amount of the cost of medical assistance provided to the individual under this section.

(B) **EXCEPTION.**—The Secretary shall exempt a State from seeking recovery under subparagraph (A) if the Secretary determines that it would not be cost-effective for the State to do so.

(C) **REIMBURSEMENT TO THE FEDERAL GOVERNMENT.**—Any amounts recovered by a State in accordance with this paragraph shall be returned to the Federal government, except that a State’s administrative costs attributable to obtaining such recovery shall be reimbursed by the Federal government in accordance with section 404(a)(2).

(5) **EXEMPTION FROM ERROR RATE PENALTIES.**—All payments attributable to providing medical assistance to Katrina Survivors in accordance with this section shall be disregarded for purposes of section 1903(u) of the Social Security Act.

#### **SEC. 404. TEMPORARY DISASTER RELIEF FOR STATES UNDER MEDICAID.**

(a) **INCREASE IN FEDERAL MATCHING RATE.**—

(1) **100 PERCENT FMAP FOR MEDICAL ASSISTANCE.**—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), the Federal medical assistance percentage for providing medical assistance under a State medicaid plan under title XIX of such Act to Katrina Survivors or, in the case of a direct impact State, to any individual who is provided medical assistance under the State medicaid plan during the disaster relief period, shall be 100 percent.

(2) **100 PERCENT FEDERAL MATCH FOR CERTAIN ADMINISTRATIVE COSTS.**—Notwithstanding paragraph (7) of section 1903(a) of such Act (42 U.S.C. 1396b(a)), or any other paragraph of such section, the Federal matching rate for costs directly attributable to all administrative activities that relate to the enrollment of Katrina Survivors under section 403 in a State medicaid plan, verification of the status of such Survivors, processing of claims for payment for medical assistance provided to such Survivors under such section, and recovery costs under section 403(b)(4)(C), shall be 100 percent. The Secretary shall issue guidance not later 30 days after the date of enactment of this Act on the implementation of this paragraph.

(b) **LIMITATION ON REDUCTION OF FMAP FOR FISCAL YEAR 2006 FOR ANY STATE.**—If the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) determined for a State for fiscal year 2006 is less than the Federal medical assistance percentage determined for the State for fiscal year 2005, the Federal medical assistance percentage for the State for fiscal year 2006 shall apply to the State for fiscal year 2006 only for purposes of title XIX of the Social Security Act.

(c) **TEMPORARY SUSPENSION OF MEDICARE “CLAWBACK” AND POSTPONEMENT OF CUT-OFF OF MEDICAID PRESCRIPTION DRUG FUNDING IN AFFECTED STATES.**—

(1) **SUSPENSION IN APPLICATION OF “CLAWBACK.”**—Section 1935(c) of the Social Security Act (42 U.S.C. 1396u-5(c)) shall not apply, subject to paragraph (3), before January 2007 to a direct impact State or to a State that experiences a significant influx of Katrina Survivors.

(2) **CONTINUATION OF MEDICAID DRUG COVERAGE FOR DUAL ELIGIBLES.**—Section 1935(d)(1) of such Act shall also not apply,



subject to paragraph (3), before January 2007 to a part D eligible individual who is a Katrina Survivor.

(3) **TERMINATION OF APPLICATION OF SUBSECTION.**—Paragraphs (1) and (2) shall no longer apply to a State or a Katrina Survivor, respectively, if the Secretary determines, after consultation with the State, that enrollment of all part D eligible individuals in the State under part D of title XVIII of the Social Security Act who are described in section 1935(c)(6)(A)(ii) of such Act can be achieved without a discontinuation in prescription drug coverage for any such individual.

(4) **DEFINITION.**—For purposes of this subsection, the term “State that experiences a significant influx of Katrina Survivors” means those States, including Arkansas, Florida, Oklahoma, and Texas, that the Secretary of Health and Human Services identifies as having a significant in-migration of Katrina Survivors.

**SEC. 105. ACCOMMODATION OF SPECIAL NEEDS OF KATRINA SURVIVORS UNDER MEDICARE PROGRAM.**

(a) **EXCLUSION OF DISASTER RELIEF PERIOD IN COMPUTING PART B LATE ENROLLMENT PENALTY.**—In applying the first sentence of section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) in the case of a Katrina Survivor, there shall not be taken into account any month any part of which is within the disaster relief period or within the 2-month period following the end of such disaster relief period.

(b) **PART D.**—

(1) **EXTENSION OF INITIAL ENROLLMENT PERIOD.**—In the case of a Katrina Survivor, the initial enrollment period under section 1860D-1(b)(2) of the Social Security Act (42 U.S.C. 1395w-101(b)(2)) shall in no case end before May 15, 2007.

(2) **FLEXIBILITY IN DOCUMENTATION FOR LOW-INCOME SUBSIDIES.**—For purposes of carrying out section 1860D-14 of the Social Security Act (42 U.S.C. 1395w-114), with respect to Katrina Survivors, the Secretary of Health and Human Services shall establish documentation rules for Katrina Survivors which take into account the loss and unavailability of documents due to Hurricane Katrina.

**NOTICE OF INTENT**

Mr. REID. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, the Science, State, Justice, Commerce appropriations bill, the following amendment:

**AMENDMENT NO. 1662**

On page 190, after line 14, insert the following:

**SECTION 522. HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.**

(a) **SHORT TITLE.**—This section may be cited as the “Helping to House the Victims of Hurricane Katrina Act of 2005”.

(b) **HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.**—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

“(20) **HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.**—

“(A) **IN GENERAL.**—During the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall provide temporary rental assistance to any individual or family, if—

“(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of

a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

“(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

“(B) **REGULATIONS.**—Not later than 30 days after the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall issue final rules to establish the procedures applicable to the issuance of assistance under subparagraph (A).

“(C) **NOTICE.**—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and such other agencies as the Secretary determines appropriate, shall establish procedures for providing notice of the availability of assistance under this paragraph to individuals or families that may be eligible for such assistance.

“(D) **AUTHORITY TO CONTRACT WITH PHA'S AND OTHERS.**—The Secretary may contract with any State or local government agency or public housing agency, or in consultation with any State or local government agency, with any other entity, to ensure that assistance payments under this paragraph are provided in an efficient and expeditious manner.

“(E) **WAIVER OF ELIGIBILITY REQUIREMENTS.**—In providing assistance under this paragraph, the Secretary shall waive the requirements under—

“(i) paragraph (2), relating to tenant contributions towards rent, except that any such waiver shall expire on an individual's return to work;

“(ii) paragraph (4), relating to the eligibility of individuals to receive assistance;

“(iii) subsection (k) and paragraph (5) of this subsection, relating to verification of income;

“(iv) paragraph (7)(A), relating to the requirement that leases shall be for a term of 1 year;

“(v) paragraph (8), relating to initial inspection of housing units by a public housing agency; and

“(vi) subsection (r)(1)(B), relating to restrictions on portability.

“(F) **USE OF FUNDS.**—Notwithstanding any other provision of law, funds available for assistance under this paragraph—

“(i) shall be made available by the Secretary to individuals to cover the cost of—

“(I) rent;

“(II) security and utility deposits;

“(III) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

“(IV) such additional expenses as the Secretary determines necessary; and

“(ii) shall be used by the Secretary—

“(I) for payments to public housing agencies, State or local government agencies, or other voucher administrators for vouchers used to assist individuals or families affected by the major disaster or emergency described in this paragraph up to their authorized level of vouchers, if any such vouchers are not otherwise funded; and

“(II) to provide operating subsidies to public housing agencies for public housing units provided to individuals or families affected by the major disaster or emergency described in this paragraph, if such a subsidy was not previously provided for those units.

“(G) **PAYMENT STANDARD.**—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

“(H) **NONDISCRIMINATION.**—In selecting individuals or families for tenancy, a landlord or owner may not exclude or penalize an individual or family solely because any portion of the rental payment of that individual or family is provided under this paragraph.

“(I) **TERMINATION OF ASSISTANCE.**—Assistance provided under this paragraph shall—

“(i) terminate 6 months after the date on which such assistance was received; and

“(ii) extend for an additional 6 months unless at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

“(21) **ASSISTANCE FOR CURRENT VOUCHER RECIPIENTS AFFECTED BY HURRICANE KATRINA.**—

“(A) **IN GENERAL.**—The Secretary shall waive any of the requirements described in clauses (i) through (vi) of paragraph (20)(E) for any individual or family receiving assistance under this section on August 29, 2005, if—

“(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

“(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

“(B) **ADDITIONAL USES OF FUNDS.**—Notwithstanding any other provision of law, the Secretary shall provide, as the Secretary determines appropriate, supplemental assistance to an individual or family receiving assistance under this section on August 29, 2005, and meeting the requirements described in subparagraph (A), to assist the individual or family with the additional costs of relocating to new housing, including to cover—

“(i) the additional cost of rent and utilities;

“(ii) security and utility deposits;

“(iii) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

“(iv) such additional expenses as the Secretary determines necessary.

“(C) **PAYMENT STANDARD.**—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

“(D) **NONDISCRIMINATION.**—A landlord or owner may not exclude or penalize an individual or family solely because that individual or family is eligible for any waivers or benefits provided under this paragraph.

“(E) **TERMINATION OF AUTHORITY.**—The authority of the Secretary to provide assistance under this paragraph shall—

“(i) apply during the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005; and

“(ii) extend for an additional 6 months after that period, unless if at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

“(22) **AUTHORITY OF THE SECRETARY TO DIRECTLY ADMINISTER VOUCHERS WHEN PHA'S ARE UNABLE TO DO SO.**—If the Secretary determines that a public housing agency is unable to implement the provisions of this subsection due to the effects of Hurricane Katrina, the Secretary may—

“(A) directly administer any voucher program described in paragraphs (1) through (20); and

“(B) perform the functions assigned to a public housing agency by this subsection.”.

(c) **REPORT ON INVENTORY OF AVAILABILITY OF TEMPORARY HOUSING.**—Not later than 10 days after the date of enactment of this Act, the Secretary of Defense, the Administrator of the General Services Administration, the Secretary of Agriculture, and such other agency heads as the Secretary determines appropriate, shall compile and report to the Secretary an inventory of Federal civilian and defense facilities that can be used—

- (1) to provide emergency housing; or
- (2) as locations for the construction or deployment of temporary housing units.

(d) **APPROPRIATION OF FUNDING.**—

(1) **IN GENERAL.**—There are authorized to be appropriated and are appropriated \$3,500,000,000 to provide assistance under this Act.

(2) **EMERGENCY DESIGNATION.**—The amount appropriated under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

#### NOTICE OF INTENT

Mr. REID. Mr. President, In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2862, the Science, State, Justice, Commerce appropriations bill, the following statement:

#### AMENDMENT NO. 1678

On page 191, between lines 9 and 10, insert the following:

#### TITLE VII—FINANCIAL RELIEF

##### Subtitle A—Limitation on Payments

#### SEC. 701. SHORT TITLE.

This subtitle may be cited as the “Hurricane Emergency Limitation on Payments (HELP) Act of 2005”.

#### SEC. 702. DEFINITIONS.

In this subtitle:

(1) **DISASTER.**—The term “Disaster” means the major disasters declared by the President on August 29, 2005, relating to damage caused by Hurricane Katrina.

(2) **INJURED PERSON.**—The term “injured person” means any individual or entity that suffers harm resulting from the Disaster that makes the individual or entity eligible to receive, and the individual or entity submits an application in good faith to receive—

(A) housing assistance under section 408(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(b));

(B) financial assistance to address other needs under section 408(e) of that Act (42 U.S.C. 5174(e));

(C) unemployment assistance under section 410 of that Act (42 U.S.C. 5177) (as amended by subtitle C);

(D) a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); or

(E) an emergency loan made under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.).

#### SEC. 703. MORATORIUM ON PAYMENTS.

(a) **IN GENERAL.**—Except as otherwise provided in this subtitle, no injured person shall be subject to a penalty or a requirement to pay interest for a failure of the injured person, as a result of the Disaster, to make timely payment of a financial obligation for any loan made, subsidized, or guaranteed by the United States.

(b) **APPLICABILITY TO LOANS.**—The moratorium under subsection (a) shall not apply to any loan made to or assumed by an injured person on or after August 29, 2005.

(c) **PERIOD OF EFFECTIVENESS.**—The moratorium under subsection (a) shall apply in

accordance with section 761 to the failure of an injured person to make timely payments.

(d) **ELIGIBILITY.**—If a Federal agency responsible for administering a benefit program referred to in section 702(2) determines that an individual or entity that has applied to receive a benefit under the program is not eligible to receive the benefit, the individual or entity, for purposes of the moratorium under subsection (a), shall cease to be considered an injured person as of the date on which the individual or entity receives notice of the determination of the Federal agency.

(e) **FEDERAL RESPONSIBILITY.**—In the case of a moratorium on payments on a loan subsidized or guaranteed by the United States, nothing in this section excuses the United States from any liability of the United States to the lender under the terms of the agreement between the United States and the lender.

(f) **EFFECT OF OTHER LAW.**—The moratorium under subsection (a) shall apply to an injured person only if, and to the extent that, the injured person is not excused from, or eligible to be excused from, the obligation under other applicable law.

#### Subtitle B—Individual and Household Assistance

#### SEC. 711. INDIVIDUAL AND HOUSEHOLD ASSISTANCE.

(a) **MAXIMUM AMOUNTS.**—Notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174), in providing assistance to individuals and households affected by Hurricane Katrina, the President may waive the limitation on total assistance under subsection (h) of that section.

(b) **MORTGAGE AND RENTAL ASSISTANCE.**—

(1) **IN GENERAL.**—During the 18-month period beginning on the date of enactment of this Act, the President may provide assistance in the form of mortgage or rental payments for persons described in paragraph (2).

(2) **ELIGIBLE PERSONS.**—Assistance under paragraph (1) may be provided to any individual or household that—

(A) resided on August 29, 2005, in an area that is subject to a declaration by the President of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

(B) as a result of financial hardship caused by a major disaster described in subparagraph (A), is subject to dispossession or eviction from a residence due to foreclosure of a mortgage or lien or termination of a lease entered into before the date on which the major disaster is declared.

(c) **TYPES OF HOUSING ASSISTANCE.**—No limitation relating to the maximum amount of assistance under paragraph (2) or (3) of section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)) shall apply with respect to major disaster FEMA-1603-DR-Louisiana, FEMA-1604-DR-Mississippi, or FEMA-1605-DR-Alabama.

(d) **FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.**—Notwithstanding section 408(g)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(g)(2)), in the case of financial assistance provided under subsection (e) of that section to any individual or household in response to a major disaster referred to in subsection (c), the Federal share shall be 100 percent.

#### Subtitle C—Unemployment Assistance

#### SEC. 721. UNEMPLOYMENT ASSISTANCE.

Section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177) is amended by striking the section heading and all that follows through

the end of subsection (a) and inserting the following:

#### “SEC. 410. UNEMPLOYMENT ASSISTANCE.

“(a) **PROVISION OF UNEMPLOYMENT ASSISTANCE.**—

“(1) **ASSISTANCE.**—

“(A) **IN GENERAL.**—The President shall provide to any individual unemployed as a result of a major disaster such benefit assistance as the President determines to be appropriate.

“(B) **LOCATION OF EMPLOYMENT.**—An individual that is unemployed as a result of a major disaster as determined under subparagraph (A) may receive assistance under this subsection regardless of whether the individual was employed at a location within the declared disaster area.

“(C) **REASON FOR UNEMPLOYMENT.**—For purposes of this subsection, an individual who is unemployed because a loss of business resulting from a major disaster contributed importantly to the employer's decision to reduce or terminate employment shall be considered to be an individual unemployed as a result of a major disaster.

“(D) **ELIGIBILITY.**—An individual shall be eligible to receive assistance under this subsection regardless of whether the individual is eligible to receive, or has exhausted eligibility for, State unemployment compensation.

“(2) **AVAILABILITY.**—Assistance provided to an unemployed individual under paragraph (1) shall be available as long as the unemployment of the individual caused by the major disaster continues, or until the individual is reemployed in at least a comparable position, but not longer than 52 weeks after the date on which the unemployed individual first receives assistance.

“(3) **MAXIMUM AND MINIMUM WEEKLY AMOUNTS.**—The amount of assistance provided to an unemployed individual under this subsection for each week of unemployment shall be—

“(A) unless the amount is less than the amount described in subparagraph (B), not more than the maximum weekly amount authorized under the unemployment compensation law of the State in which the disaster occurred; and

“(B) not less than the national average weekly unemployment benefit provided to an individual as of the date of the major disaster for which unemployment assistance is provided.

“(4) **PERIOD FOR APPLICATION.**—The President shall accept applications for assistance under this subsection for—

“(A) the 90-day period beginning on the date on which the applicable major disaster is declared; or

“(B) such longer period as may be established by the President.

“(5) **COOPERATION WITH STATES.**—The President shall provide assistance under this subsection through agreements with States that, in the judgment of the President, have an adequate system for administering the assistance through existing State agencies.”.

#### Subtitle D—Tax Relief

#### SEC. 731. REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A FOR TAX RELIEF FOR VICTIMS OF HURRICANE KATRINA.

In the case of any taxpayer determined by the Secretary of the Treasury to be affected by the Presidentially declared disaster relating to Hurricane Katrina, the Secretary of the Treasury shall specify a period under section 7508A of the Internal Revenue Code of 1986 of not less than 6 months beginning on August 29, 2005, that may be disregarded with respect to all of the acts described in section 7508(a)(1) of such Code and amounts described in paragraph (2) of section 7508A(a)

of such Code relating to any employment tax liability of the taxpayer.

**SEC. 732. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.**

(a) **EXCLUSION FROM INCOME OF CERTAIN DISTRIBUTIONS WHICH ARE REPAYED.**—Section 72 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by redesignating subsection (x) as subsection (y) and by inserting after subsection (w) the following new subsection:

“(x) **REPAYABLE DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS FOR VICTIMS OF HURRICANE KATRINA.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of this section, gross income shall not include any qualified distribution.

“(2) **REPAYMENT REQUIREMENT.**—

“(A) **ADDITION TO TAX.**—If the required recontributions made by the taxpayer during the repayment period are less than the qualified distribution, the tax imposed by this chapter for the last taxable year in the repayment period shall be increased by the amount determined under subparagraph (B).

“(B) **DETERMINATION OF AMOUNT.**—The amount determined under this subparagraph shall be an amount which bears the same ratio to the tax benefit amount as—

“(i) the excess (if any) of the qualified distribution over required recontributions made during the repayment period, bears to

“(ii) the qualified distribution.

“(C) **REPAYMENT PERIOD.**—For purposes of this subsection, the term ‘repayment period’ means, with respect to any qualified distribution, the 5-taxable year period beginning after the taxable year in which such distribution is received.

“(D) **TAX BENEFIT AMOUNT.**—For purposes of this subsection, the term ‘tax benefit amount’ means, with respect to any qualified distribution, the aggregate reduction in the tax imposed by this chapter for the taxable year in which such distribution is received by reason of the exclusion under paragraph (1).

“(3) **QUALIFIED DISTRIBUTION.**—For purposes of this subsection, the term ‘qualified distribution’ means any distribution to an individual who has a principal place of abode within the area designated as a disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with Hurricane Katrina—

“(A) if such distribution is made during the 6-month period beginning on the date such declaration is made, and

“(B) to the extent such distribution does not exceed the excess of—

“(i) the amount of expenses incurred as a result of such disaster, over

“(ii) the amount of such expenses which are compensated for by insurance or otherwise.

“(4) **RECONTRIBUTION OF QUALIFIED DISTRIBUTIONS.**—

“(A) **IN GENERAL.**—If an individual received a qualified distribution, such individual shall make required recontributions in the manner provided in this paragraph to an individual retirement plan maintained for the benefit of such individual.

“(B) **METHOD OF MAKING RECONTRIBUTION.**—Any required recontribution—

“(i) shall be made during the repayment period for the qualified distribution,

“(ii) shall not exceed the qualified distribution reduced by any prior recontribution under this paragraph with respect to such distribution, and

“(iii) shall be made by making a payment in cash to the qualified retirement plan from which the qualified distribution was made. An individual making a required recontribution under this paragraph shall designate (in

the manner prescribed by the Secretary) such contribution as a required recontribution under this paragraph and shall specify the qualified distribution with respect to which such recontribution is being made.

“(C) **TREATMENT OF CONTRIBUTION.**—For purposes of this title, any required recontribution under this paragraph shall not be taken into account for purposes of any limitation on contributions to a qualified retirement plan (as so defined).

“(5) **OTHER SPECIAL RULES.**—

“(A) **BASIS RULES NOT AFFECTED.**—The tax treatment under this chapter of any distribution (other than a qualified distribution) shall be determined as if this subsection had not been enacted.

“(B) **AGGREGATION RULE.**—For purposes of this subsection, all qualified distributions received by an individual during a taxable year shall be treated as a single distribution.”

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions received after the date of the enactment of this Act, in taxable years ending after such date.

**Subtitle D—Hurricane Katrina Food Assistance Relief**

**SEC. 741. SHORT TITLE.**

This subtitle may be cited as the “Hurricane Katrina Food Assistance Relief Act of 2005”.

**SEC. 742. DEFINITION OF SECRETARY.**

In this subtitle, the term “Secretary” means the Secretary of Agriculture.

**SEC. 743. FOOD STAMP PROGRAM DISASTER AUTHORITY.**

(a) **IN GENERAL.**—Section 5(h) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)) is amended by adding at the end the following:

“(4) **RESPONSE TO HURRICANE KATRINA.**—

“(A) **DEFINITIONS.**—In this paragraph:

“(i) **AFFECTED AREA.**—

“(I) **IN GENERAL.**—The term ‘affected area’ means an area of a State that the Secretary determines was affected by Hurricane Katrina or a related condition.

“(II) **INCLUSION.**—The term ‘affected area’ includes any area that, as a result of Hurricane Katrina or a related condition, was covered by—

“(aa) a natural disaster declaration under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

“(bb) a major disaster or emergency designation under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(ii) **AFFECTED HOUSEHOLD.**—

“(I) **IN GENERAL.**—The term ‘affected household’ means a household—

“(aa) in an affected area;

“(bb) in which a member worked immediately prior to August 29, 2005, in an affected area; or

“(cc) that was displaced as a result of Hurricane Katrina or a related condition to other areas of the same or another State.

“(II) **INCLUSION.**—The term ‘affected household’ includes a household containing 1 or more individuals that were displaced as a result of Hurricane Katrina or a related condition, as determined by the Secretary.

“(iii) **DISASTER RECOVERY PERIOD.**—

“(I) **IN GENERAL.**—The term ‘disaster recovery period’ means the period of 180 days beginning on the date of enactment of this paragraph.

“(II) **EXTENSION.**—The disaster recovery period shall be extended for another 180 days unless the President determines that the extension is not necessary to fully meet the needs of affected households.

“(B) **DISASTER RECOVERY PERIOD.**—During the disaster recovery period—

“(i) clauses (iv) and (v) of subsection (g)(2)(B), subsections (d) and (o) of section 6,

and section 8(c)(1) shall not apply to affected households;

“(ii) the application of an affected household shall be processed under the procedures established under section 11(e)(9);

“(iii) at the option of the State agency, the State agency may increase the value to the affected household of the thrifty food plan determined under section 3(o) by 6 percent when calculating the value of the allotment for an affected household under section 8(a), in lieu of making the adjustment otherwise required by clause (iv);

“(iv) except in the case of a household to which clause (iii) applies, the State agency shall calculate the income of an affected household using a standard deduction of \$323 in lieu of the deduction provided under subsection (e)(1);

“(v) the Secretary shall pay each State agency an amount equal to 100 percent of administrative costs allowable under section 16(a) related to serving affected households in lieu of the payments section 16(a) would otherwise require for those costs;

“(vi) an affected household shall be considered to meet the requirements of subsection (c)(2) if the income of the affected household, as calculated under subsection (c)(2), does not exceed the level permitted under subsection (c)(1) by more than 50 percent;

“(vii) any funds designated for rebuilding or relocation (including payments from Federal, State, or local governments, charitable organizations, employers, or insurance companies) shall be excluded from consideration under subsection (g) in determining the eligibility of an affected household; and

“(viii) an affected household may not be considered to customarily purchase food and prepare meals together with other individuals if the affected household did not customarily purchase food and prepare meals for home consumption with those individuals immediately prior to August 29, 2005.

“(C) **DUPLICATE PARTICIPATION.**—

“(i) **IN GENERAL.**—The Secretary shall take such actions as are prudent and reasonable under the circumstances to identify affected households that are participating in more than 1 State and to terminate the duplicate participation of those households.

“(ii) **NO ACTION TAKEN.**—Except in the case of deliberate falsehoods, no action may be taken against any affected household relating to any duplicate participation during the disaster recovery period that takes place prior to termination under clause (i).

“(D) **CLAIMS RELATING TO BENEFITS.**—Except in the case of intentional program violations as determined under section 6(b), no claim may be established under section 13(b) relating to benefits issued under this subsection.

“(E) **PAYMENT ERROR RATE.**—For purposes of determining the payment error rate of a State agency under section 16(c), the Secretary shall disregard any errors resulting from the application of this paragraph to an affected household during the disaster recovery period.

“(F) **SAVINGS CLAUSE.**—This paragraph shall not apply in any area of a State to the extent that there is in effect in the area an emergency food stamp plan approved by the Secretary that is more generous than the assistance provided under this paragraph.”

(b) **PROGRAM INFORMATION ACTIVITIES.**—

(1) **IN GENERAL.**—From funds otherwise appropriated for the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use not more than \$5,000,000 for the period of fiscal year 2005 through 2006 to enter into contracts with nonprofit organizations to provide affected households (as defined in section 5(h)(4)(A)(i) of the Food Stamp Act of

1977 (as added by subsection (a)) with information about and assistance in completing the application process for any food assistance programs for which the Secretary provides funds or commodities.

(2) **EXPEDITING PROVISIONS.**—Notwithstanding any other provision of law, the Secretary shall not be required—

(A) to provide public notice of the availability of funds described in paragraph (1); or

(B) to accept competitive bids for contracts under this subsection.

**SEC. 744. EMERGENCY FOOD ASSISTANCE PROGRAM AND SECTION 32 ASSISTANCE.**

(a) **DEFINITION OF ELIGIBLE RECIPIENT.**—In this section, the term “eligible recipient” means an individual or household that, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) is a victim of Hurricane Katrina or a related condition;

(2) has been displaced by Hurricane Katrina or a related condition; or

(3) is temporarily housing 1 or more individuals displaced by Hurricane Katrina or a related condition.

(b) **ASSISTANCE.**—

(1) **IN GENERAL.**—In addition to funds already obligated to carry out the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.), the Secretary, in consultation with the Secretary of Homeland Security, shall use not more than \$200,000,000 of funds made available under that Act to provide a variety of food to eligible recipient agencies for providing food assistance to eligible recipients, including—

(A) special supplemental foods for pregnant women and infants or for other individuals with special needs;

(B) infant formula;

(C) bottled water; and

(D) fruit juices.

(2) **USE OF FUNDS.**—Funds made available under paragraph (1) may be used to provide commodities in accordance with—

(A) section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036);

(B) section 203A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7504); and

(C) section 204 of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508).

(c) **SECTION 32 FUNDING.**—In addition to funds obligated for fiscal years 2005 and 2006 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the Secretary shall use not more than \$200,000,000 of funds made available under that section to provide food assistance to eligible recipients, including food described in subparagraphs (A) through (D) of subsection (b)(1).

**SEC. 745. WIC FUNDING.**

(a) **IN GENERAL.**—In addition to other funds made available to the Secretary for fiscal year 2005 or 2006 to carry out the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), there is authorized to be appropriated \$200,000,000, to remain available until September 30, 2007.

(b) **EMERGENCY DESIGNATION.**—The amounts made available by the transfer of funds in or pursuant to subsection (a) are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(c) **ALLOCATION OF FUNDS.**—Notwithstanding section 17(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)), the Secretary may allocate funds made available under subsection (a) as the Secretary determines to be necessary to provide assistance to women, infants, and children who, as determined by the Secretary in consultation with the Secretary of Homeland Security—

(1) are victims of Hurricane Katrina or a related condition; or

(2) have been displaced by Hurricane Katrina or a related condition.

**SEC. 746. REPORT.**

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes whether additional funding or authority is needed to continue to address the food needs of eligible recipients; and

(2) includes any determination by the President under section 5(h)(4)(A)(iii)(II) of the Food Stamp Act of 1977 (as added by section 743(a)) that an extension of the disaster recovery period is not necessary to fully meet the needs of affected households.

**SEC. 747. REGULATIONS.**

(a) **IN GENERAL.**—The Secretary may promulgate such regulations as are necessary to implement this subtitle.

(b) **PROCEDURE.**—The promulgation of the regulations and administration of this subtitle shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

**Subtitle E—Bankruptcy Relief**

**SEC. 751. BANKRUPTCY RELIEF FOR VICTIMS OF HURRICANE KATRINA.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the provisions of title 11, United States Code, as in effect on August 29, 2005, shall apply to any case described in subsection (b).

(b) **ELIGIBILITY.**—A case described in this subsection is a case commenced during the 12-month period beginning on the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, under title 11, United States Code (other than under chapter 12 of that title 11), by or on behalf of a debtor—

(1) who resides, or who resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster, as defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) in connection with Hurricane Katrina; and

(2) whose financial condition is materially adversely affected by the major disaster.

**Subtitle F—Administrative Matters**

**SEC. 761. PERIOD OF AVAILABILITY OF BENEFITS.**

(a) **IN GENERAL.**—Except as otherwise provided by this title or an amendment made by this title, a benefit or assistance provided by any provision of this title or an amendment made by this title shall be available through the date that is 180 days after the date of enactment of this Act.

(b) **AUTOMATIC EXTENSION.**—The period during which a benefit or assistance described in subsection (a) is available shall be automatically extended for an additional 180 days, beginning on the date that is 181 days after the date of enactment of this Act (or any earlier date on which such period expires under a provision of this title or an amendment

made by this title), unless the President determines that the extension of the availability of the benefit or assistance is not necessary to fully meet the needs of individuals and households affected by Hurricane Katrina or a related condition.

(c) **REPORT.**—If the President determines that an extension is not necessary under subsection (b), the President shall submit to Congress a report describing the determination.

**SEC. 762. NONDISCRIMINATION.**

Each recipient of Federal funds made available pursuant to this title or an amendment made by this title, in carrying out programs and activities with those funds, shall comply with all Federal laws (including regulations) prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, or disability, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). Each recipient of Federal funds made available pursuant to this Act or an amendment made by this Act, in carrying out programs and activities with those funds, shall comply with all Federal laws (including regulations) prohibiting discrimination on the basis of race, color, religion, sex, national origin, age, or disability, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

**WAIVING MATCHING REQUIREMENTS FOR CERTAIN FEMA PROGRAMS**

Mr. REID. Mr. President, I want to bring to the administration's attention an issue of vital importance to the victims of Hurricane Katrina.

As you know, FEMA provides crucial financial assistance to eligible individuals, households and to local and State governments following a disaster. Many of FEMA's programs require local governments or States to provide a 25-percent match.

I commend President Bush's decision to waive the matching requirements for certain FEMA programs for 60 days. Given the unprecedented destruction resulting from Hurricane Katrina, however, I call on President Bush to immediately direct FEMA to reimburse all eligible recipients the full 100 percent of costs eligible under FEMA's various relief programs for as long as necessary. This waiver should apply to all entities that are providing assistance in the entire gulf coast area impacted by Hurricane Katrina.

As seems obvious to all, 60 days will simply not provide enough time for local and State governments to get back on their feet. Leaders from the municipalities and States devastated by Katrina should not be concerned with finding revenue to match Federal funding during this time of crisis. Federal aid should flow unimpeded.

Does the majority leader agree with me?

Mr. FRIST. I, too, commend the President for his quick action on a waiver for FEMA. I as well believe the President should consider waiving this cost-sharing requirement for as long as necessary for entities and areas in Louisiana where it is necessary. I am aware that the Louisiana delegation has sent a letter to the President to this effect, and I am supportive of what we can do to ease the burden for those impacted by Katrina.

Mr. REID. I thank the majority leader.

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

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

### IRAQ

Mr. LEVIN. Mr. President, I will spend a few minutes talking about Iraq this afternoon. I start with my conclusion and then go into the body of my remarks after I state what that conclusion is.

The administration's position that we will stay as long as the Iraqis need us is too open-ended and sends the wrong message to Iraqis that their failure to make the necessary political compromises will not affect how long we stay, and it makes it less likely that those compromises will be reached.

Our military commanders have repeatedly stated there is no purely military solution in Iraq and that a political settlement is a necessary element for success. In view of that, I believe, unless the Iraqis achieve a political settlement by the end of this year, we must consider a timetable for the withdrawal of U.S. forces from Iraq, and we must make that point clearly to the Iraqis now while they are in the process of deciding whether to come together through consensus.

The Iraqi National Assembly approved a draft Constitution on August 28, despite objections from the Sunni Arabs over provisions relating to federalism that most Sunnis believe will disadvantage the areas of Sunni concentration. Those provisions essentially would enable the Kurds in the North and the Shiites in the South to establish autonomous regions in which most of the country's oil reserves are located. Sunni Arab voters who chose to boycott the last election, and thus were underrepresented in the National Assembly and on the constitutional drafting committee, registered in large numbers for the referendum on the Constitution scheduled for October 15, with the apparent objective of rejecting the existing draft. If two-thirds of the voters in 3 or more of Iraq's 18 provinces vote no, the Constitution will be rejected, and the elections scheduled for December will elect a new National Assembly, which will start the constitutional drafting process anew.

Additionally, there are reports that firebrand Shiite cleric Muqtada al-Sadr will exhort his followers to reject the Constitution because he favors a unified Iraq, and he sees the existing draft leading to the dissolution of Iraq as a single State. Muqtada al-Sadr has a huge following in Baghdad, which lacks

oil resources, and thus is disadvantaged in a manner similar to the predominantly Sunni Arab provinces.

Meanwhile, the administration is urging the American people to "stay the course." That is a bumper sticker slogan not a strategy.

Secretary Rice, among others, has stated we will be in Iraq as long as we are needed, adding no incentive, therefore, to Iraqis to reach a political settlement. An open-ended commitment to keep our troops in Iraq, even in the absence of a political settlement by the Iraqis, flies in the face of our military commander's assessment that there can be no military success in the absence of an Iraqi political coming together.

U.S. forces, particularly the U.S. Army, are stretched thin, despite the unprecedented use of a large segment of our National Guard in Iraq. Their lengthy and repeated deployments mean that much of a unit's time is devoted to recovery from a previous deployment and preparation for the next one, thus leaving little time for training to develop war-fighting capabilities or sustaining readiness for other contingencies. These actions, in turn, mean less time at home for soldiers with their families and lower morale, which threatens recruiting and retention.

The level of participation of the Armed Forces of other countries has been disappointing, leaving the United States to bear most of the burden. The absence of forces from Muslim countries is deeply disappointing, since the outcome in Iraq has effects throughout the world and also impacts the future direction of Islam. While it would likely be unwise for Iraq's neighbors to supply any forces, the failure of the Arab states to express their condolences over the recent stampede, in which almost 1,000 Iraqis were killed, was noted angrily by Iraq's President and Prime Minister, as was the lack of Arab diplomatic representation in Baghdad.

The administration should take advantage of the presence of so many national leaders at the United Nations later this week to press nations with substantial Muslim populations, other than those neighboring Iraq, to send forces to Iraq. The President should also make clear to the Iraqi leaders that we expect them to extend invitations to such nations.

Speaking as a Senator, I delivered that message to President Talabani this afternoon in Senator FRIST's office. It is a message that I delivered on a number of occasions and directly in the past to Iraqi's leaders in Iraq.

U.S. Ambassador Zalmay Khalilzad wrote in the Washington Post that one of the two standards to evaluate the Iraqi Constitution is "its potential to be a national compact that brings Iraqis together and undermines the insurgency."

He went on to say:

If Iraqi voters ratify the draft overwhelmingly, it becomes a national compact. If they

reject the draft, the next Assembly will negotiate anew.

He continues:

Under all scenarios, the United States will continue to encourage Iraqi leaders and communities to come together.

But Ambassador Khalilzad failed to mention that there is another scenario; namely, that the Sunni Arabs vote overwhelmingly against the Constitution but fall short of achieving a two-thirds negative vote in three provinces. In such a case, the violence and insurrection is more likely to continue and even civil war could result. Moreover, the Ambassador's words fail to display urgency that Iraqis reach a political settlement and unwisely suggest the U.S. forces may stay in Iraq indefinitely until legal consensus is achieved.

Despite the National Assembly's approval of the draft Constitution, the Iraqis continue to negotiate and make changes to the draft. For example, the Washington Post reported on September 6 that President Talabani said in his statement that he had agreed to changes that would ease concerns among Sunni Arabs that the wording of the draft loosened Iraqi ties to the Arab world. And Reuters reported on Sunday that the United Nations is unable to start printing Iraq's draft Constitution because the National Assembly had not yet certified the text and now has set Sunday, September 18, as the date by which any changes to the draft Constitution can still be met.

This week provides a critically important opportunity for the administration to make clear to the Iraqis that U.S. forces cannot be in Iraq indefinitely. We must make it clear to the Iraqis that they have a limited time to achieve a political settlement and that if they do not do so, one way or another, by the end of this year, we will consider a timetable for withdrawal of our forces.

Speaking as one Senator, again, I delivered that viewpoint to President Talabani in Senator FRIST's office earlier this afternoon.

We cannot write a constitution for Iraq, and we should not dictate the compromises they need to make to achieve a political settlement. But we do control whether our troops stay in Iraq and how long they stay.

The framework for agreement appears to be at hand. Some Shiite leaders reportedly have come to realize the existing draft of the constitution, which grants a high degree of control over natural resources to autonomous regions, would apply to water resources as well as to oil resources. That could negatively impact on the amount and quality of water available to predominantly Shiite areas. The Shiites are mainly located in the south, downstream of both the Kurds in the north and the Sunni Arabs in the center, who are able to dominate the flow of Iraq's two great rivers, the Tigris and Euphrates.

If the Shiites give up their ability to form an autonomous region or regions,