

An amendment by Mr. OBEY, regarding availability of certain LIHEAP funds, which shall be debatable for 30 minutes; 30 minutes;

An amendment by Mr. SABO, regarding funding for Homeland Security, which shall be debatable for 20 minutes (and which shall be in order at any point in the reading);

An amendment by Ms. LEE, regarding Iraq, which shall be debatable for 30 minutes;

An amendment by Mr. JINDAL, regarding funding for VA offset from FEMA disaster relief;

An amendment by Mr. JINDAL, regarding defense programs offset from FEMA disaster relief;

An amendment by Mr. JINDAL, regarding funding for military construction offset by FEMA disaster relief;

An amendment by Mr. TAYLOR of Mississippi, regarding military construction.

Each such amendment may be offered only by the Member named in this request or a designee or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore (Mr. GARRETT of New Jersey). Is there objection to the request of the gentleman from California?

Mr. OBEY. Mr. Speaker, reserving the right to object, and I certainly will not, I simply want to point out that right now we are at page 35 in the bill. There are some 83 pages in the bill; and after we dispose of the amendments on those pages, we still have at least 24 amendments that come at the end of the bill, which means that unless we have considerable Member cooperation, we are going to be here deep into tonight and deep into tomorrow night. So I would invite Members to understand what the situation is with respect to the number of amendments still before us.

With that, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 725 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4939.

□ 2023

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, with Mr. GINGREY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from New Jersey (Mr. GARRETT) had been disposed of and the bill had been read through page 36, line 13.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or his designees for the purpose of debate;

An amendment by Ms. MILLENDER-MCDONALD, regarding funding for election activities under FEMA;

An amendment by Mr. HINCHEY, regarding limitations on foreign media;

An amendment by Mr. HINCHEY, regarding funding for contracts using other than competitive procedures;

An amendment by Mr. MELANCON, regarding funding for flood control programs;

An amendment by Mr. MELANCON, regarding agriculture disaster relief for Louisiana;

An amendment by Mr. JEFFERSON, regarding funding for HUD and FEMA disaster relief;

An amendment by Mr. JEFFERSON, regarding increased funding for HUD;

An amendment by Ms. JACKSON-LEE of Texas, regarding increased funding for rental housing under HUD;

An amendment by Ms. JACKSON-LEE of Texas to strike certain Secretarial authorities to waive low- and moderate-income requirements;

An amendment by Ms. JACKSON-LEE of Texas, regarding limiting certain funds on gulf coast elections;

An amendment by Ms. JACKSON-LEE of Texas, regarding approval of disaster loans;

An amendment by Mr. PAUL, regarding funding for the State of Texas;

An amendment by Mr. TIERNEY, regarding establishment of a House Select Committee;

An amendment by Mr. CONAWAY, to strike section 3010;

An amendment by Mr. CONAWAY, regarding LIHEAP funding and ANWR and OCS drilling;

An amendment by Mr. KENNEDY of Minnesota, regarding demonstrations within cemeteries;

An amendment by Mr. NADLER, regarding ocean shipping containers;

An amendment by Ms. VELÁZQUEZ, regarding deadlines for SBA loans;

An amendment by Ms. VELÁZQUEZ, regarding SBA loan rates;

An amendment by Mr. HALL, regarding child care subsidies;

An amendment by Ms. DELAURO, to repeal avian flu liability provisions;

An amendment by Mr. BERRY of Arkansas, regarding the enrollment period for Medicare benefits;

An amendment by Ms. KAPTUR, regarding establishment of a House Select Committee;

An amendment by Ms. LEE, regarding FEMA termination of housing activities;

An amendment by Mr. DEFAZIO, regarding limitations on funds with an exception for constitutional activities;

An amendment by Mr. REYES, regarding funding for pandemic flu;

An amendment by Mr. REYES, regarding the Veterans Administration;

An amendment by Mr. GINGREY, to strike funding for the Historic Preservation Fund;

An amendment by Mr. WESTMORELAND, to strike section 3006;

An amendment by Ms. FOXX, to strike funding for the Broadcasting Board of Governors;

An amendment by Mr. FLAKE, to strike section 3007;

An amendment by Mr. INSLEE, regarding FISA;

An amendment by Mr. BRADY of Texas, to strike certain language regarding HUD funding distribution;

An amendment by Mr. BRADY of Texas, regarding HUD funding distribution among the States;

An amendment by Mr. BRADY of Texas, regarding additional funding for Texas;

An amendment by Mr. BRADY of Texas, regarding additional funding for Texas offset by State Department and FEMA disaster relief funds;

An amendment by Mr. BRADY of Texas, regarding redirection of HUD funding for educational costs in Texas;

An amendment by Mr. GARRETT of New Jersey, regarding educational and cultural exchange programs;

An amendment by Mr. WAXMAN, regarding DOD contracts, which shall be debatable for 20 minutes;

An amendment by Mr. NEUGEBAUER, eliminating funding in title II, which shall be debatable for 30 minutes;

An amendment by Mr. OBEY, regarding availability of certain LIHEAP funds, which shall be debatable for 30 minutes;

An amendment by Mr. SABO, regarding funding for Homeland Security, which shall be debatable for 20 minutes (and which shall be in order at any point in the reading);

An amendment by Ms. LEE, regarding Iraq, which shall be debatable for 30 minutes;

An amendment by Mr. JINDAL, regarding funding for VA offset for FEMA disaster relief;

An amendment by Mr. JINDAL, regarding defense programs offset from FEMA disaster relief;

An amendment by Mr. JINDAL, regarding funding for military construction offset by FEMA disaster relief;

An amendment by Mr. TAYLOR of Mississippi, regarding military construction.

Each amendment may be offered only by the Member named in this request or a designee or by the Member who caused it to be printed in the RECORD or a designee, shall be considered read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

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The Acting CHAIRMAN (Mr. GINGREY). The Clerk will read.

The Clerk read as follows:

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", \$5,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 36, strike line 14 and all that follows through line 21.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I come once again to the floor to raise the issue that I have raised earlier this evening, and that is in this time of spiraling deficits and excess spending by the Federal Government, is now the time to be spending money on an emergency supplemental where the nature of the emergency comes into question? In this case, as I classified in my terminology before, I called it foreign aid, I don't know whether anyone can really say that this is not.

The funding here is \$5 million for academic, professional and cultural ex-

change focused on Iran. As I pointed out before, and it was agreed, Iran is not ally of the United States Government. As we agree, Iran is a part of the Axis of Evil. They are supporting Hamas. They do wish to eliminate and see Israel wiped off the map of the world. They do wish to see the United States wiped off the map of the world. They are continuing with their nuclear program. In this, we are all in agreement. Iran is a threat.

This is not something new. This is not something that just came about in the last few days, weeks, months or what have you. We have known that Iran is a threat to the world community for some time, at least this House did. We have had many debates and discussions on this in the past on this floor as to the threat that Iran poses to this Nation, to its area community and the world in general.

The question then becomes, is this new news to the State Department? Apparently it is, because were it not new news to the State Department, they would have gone through regular order and they would have sought this \$5 million or the \$10 or \$15 million for the other appropriations that we previously spoke about.

They would have gone through regular order, and they would have asked for and put this through the budget process in the current budget cycle year, or they would have included it in the budget proposal that we are currently considering as we go forward for the next fiscal year. They did not. Instead, they come to us now at the last minute and ask for an emergency supplemental appropriation.

I would ask that the State Department pay more attention to these matters. If they were not aware that Iran was such a threat and that these programs are needed, and I am not about to debate right here that they are not needed, but if they were needed, they should have gone through regular order, they should have come through the process earlier.

In addition, all other areas of spending in this House, when it goes through regular order, has to compete against other necessary expenditures. Some foreign threats that we have, Afghanistan, and Iraq and elsewhere, have to be weighed against other competing interests.

Likewise, they must be weighed against domestic interests as well. As in this bill, there is money here for Katrina. They have to assist those people down there. They have an interest as well. Other domestic programs also have to be weighed against other competing domestic interests.

I would simply suggest to this body that while Iran is a threat, it is not a new threat. It is a threat that we have known has been out there for some period of time.

The appropriate manner would have been for this to have gone, as with the other legislation amendments that I discussed previously, through regular

order, so that we would have had a complete and full debate on it.

Again, I agree with what the committee said on those other matters, that the committee, as I quote from their report, "is disappointed in the Department of State's failure to provide adequate and timely justification of the emergency nature of these funds." I concur with the committee. The State Department has not provided that justification.

I urge my colleagues to support this amendment to delete this additional \$5 million.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. CONAWAY). The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. Mr. Chairman, I said it before, but I will say it again: it is an emergency. My goodness, this country is putting together a nuclear weapon. The Bush administration, if you read the paper the last several days, has been meeting every day with experts around the world on the issue of Iran. To cut this money back pulls the rug out from the administration. Iran is a threat.

Iran is developing a nuclear bomb. Iran is the one that funded Hezbollah. Iran blew up the American embassy once. They blew up the American Embassy in Beirut a second time. Iran blew up the Marine Corps barracks killing 241 Marines. It is an emergency.

My God, the Iranians will be laughing at us if we were to reduce this amount of money. This is an emergency. So I just urge a "no" vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I rise to simply agree with every word the gentleman from Virginia just spoke. I cannot think of a more mindless, shortsighted or ridiculous amendment to be offered that affects a serious problem than this amendment. It is absolutely backwards. It is ludicrous. It is absolutely against the interest of the United States.

What we are in effect saying is we have such great relations with this country that we don't want to do whatever we can to improve them by going directly to people through exchange programs. I find that to be ridiculous.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL ORGANIZATIONS  
CONTRIBUTIONS TO INTERNATIONAL  
PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", \$129,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", \$7,600,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT OFFERED BY MS. FOXX

Ms. FOXX. Mr. Chairman, I offer two amendments, and ask unanimous consent that they be considered en bloc.

The Acting CHAIRMAN. The gentlewoman may only offer one amendment. Mr. LEWIS of California. Mr. Chairman, I reserve a point of order against the gentlewoman's amendment.

The Acting CHAIRMAN. The gentlewoman is only allowed one amendment. Does she intend to offer the amendment starting with page 37, striking line 6 through page 38, line 4?

Ms. FOXX. Mr. Chairman, the two amendments I had, one would strike line 6 through 14 and the other lines 15 through 21. We submitted one amendment, and then I was told they had to be separated, and two amendments were submitted.

The Acting CHAIRMAN. The Clerk will designate a single Foxx amendment.

The text of the amendment is as follows:

Amendment offered by Ms. Foxx:

Page 37, strike lines 6 through 21 (relating to Broadcasting Capital Improvements).

The Acting CHAIRMAN. Is there objection to consideration of the amendment in this format?

There was no objection.

The Acting CHAIRMAN. Pursuant to the order earlier today, the gentlewoman from North Carolina (Ms. Foxx) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Mr. Chairman, what I understand now is the two amendments were combined into one, for which I am very grateful.

Mr. Chairman, this amendment would strike the funding for the international broadcasting operations of Radio Free Europe section of this bill. I am sure there are many folks who can tell us the merits and great purpose of Radio Free Europe and our broadcasting overseas, but we can debate the merits of Radio Free Europe another time.

It was my understanding that this war supplemental was supposed to be

purely for emergency spending for the war. Providing essential equipment for our troops is one thing. Additional funding for additional international broadcasting is another.

Mr. Chairman, many conservatives were disappointed that additional Katrina funding was added to this bill since the moneys approved last fall have not been spent totally. In fact, Mr. Chairman, of the \$67.5 billion directly appropriated to Katrina and Rita relief, only \$22.5 billion have been spent. Why are we allocating additional hard-earned tax dollars, when over half of the additional funding is yet to be spent?

Furthermore, the Katrina spending approved did not have proper safeguards. I read article after article reporting stories of fraud and abuse of relief funds. The reason we read and hear these stories on the nightly news is because we did not move carefully enough the first time. Let's not make that mistake again with additional Katrina funding or other extraneous funding added that is not emergency funding for the war in Iraq.

I urge Members to support my amendment and remove this funding, so we can debate the merits of the program in its proper setting.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment. It strikes all the radio and television broadcasting. I think I made the point on the last amendment, the Garrett amendment, that this is important to the administration. If the President didn't do this, frankly, he would be subject to criticism by this Congress. This Congress would get up and say, why are you not doing more to change the government?

It is just not a good amendment. I urge overwhelming defeat of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. Foxx).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. FOXX. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from North Carolina (Ms. Foxx) will be postponed.

The Clerk will read.

The Clerk read as follows:

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for "Broadcasting Capital Improvements", \$28,500,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—THIS CHAPTER

SEC. 1601. Funds appropriated by this Act for the Broadcasting Board of Governors and

the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$1,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

The Acting CHAIRMAN. Pursuant to House Resolution 725, title II is considered read.

The Clerk will designate title II.

The text of title II is as follows:

TITLE II—FURTHER HURRICANE  
DISASTER RELIEF AND RECOVERY  
CHAPTER 1

DEPARTMENT OF AGRICULTURE

EXECUTIVE OPERATIONS

WORKING CAPITAL FUND

For an additional amount for "Working Capital Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$25,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Agricultural Research Service, Buildings and Facilities" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$20,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for "Emergency Watershed Protection Program" \$10,000,000, to remain available until September 30, 2008, for the purchase of easements on floodplain lands in disaster areas affected by Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 2

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$2,125,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the

concurrent resolution on the budget for fiscal year 2006.

#### MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$22,002,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$3,992,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$21,610,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$4,071,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$10,200,000 for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$2,176,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$94,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$1,304,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of

the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$1,408,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$29,913,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$37,359,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$12,755,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$1,277,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$42,307,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### PROCUREMENT

##### PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$700,000, to re-

main available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$9,136,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$579,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$899,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### SHIPBUILDING AND CONVERSION, NAVY

###### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Shipbuilding and Conversion, Navy", \$775,236,000 to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, which shall be available for transfer within this account to replace destroyed or damaged equipment; prepare and recover naval vessels under contract; and provide for cost adjustments for naval vessels for which funds have been previously appropriated: *Provided*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers within this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$85,040,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$13,000,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$2,797,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$12,000,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$6,250,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$730,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS  
DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$1,222,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", \$10,000,000, to remain available until expended, for necessary ex-

penses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## TRUST FUNDS

## GENERAL FUND PAYMENT, SURCHARGE COLLECTIONS, SALES OF COMMISSARY STORES, DEFENSE

For an additional amount for "General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense", \$10,530,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OTHER DEPARTMENT OF DEFENSE PROGRAMS

## DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$33,881,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## GENERAL PROVISION—THIS CHAPTER

SEC. 2201. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

## CHAPTER 3

## DEPARTMENT OF DEFENSE—CIVIL

## DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL  
CONSTRUCTION

For additional amounts for "Construction" to reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands, \$100,000,000, to remain available until expended: *Provided*, That such sums shall be subject to authorization: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## FLOOD CONTROL AND COASTAL EMERGENCIES

For additional amounts for "Flood Control and Coastal Emergencies", as authorized by section of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$1,360,000,000, to remain available until expended: *Provided*, That such sums shall be subject to authorization: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of

the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: *Provided further*, That none of the funds provided herein shall be available until the non-federal interests have entered into binding agreements with the Secretary of the Army to pay 100 percent of the operation, maintenance, repair, replacement and rehabilitation costs of the projects: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## CHAPTER 4

## DEPARTMENT OF HOMELAND SECURITY

## OFFICE OF INSPECTOR GENERAL

## (INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$13,500,000, to remain available until September 30, 2007: *Provided*, That these amounts shall be transferred to the Offices of Inspector General of the Departments of Agriculture, Defense, Education, Health and Human Services, Housing and Urban Development, Justice, Labor and Transportation, and the Environmental Protection Agency, the General Services Administration, and the Social Security Administration to carry out necessary audits and investigations of funding and programs undertaken by the respective agencies for response and recovery from the 2005 Gulf Coast hurricanes: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## CUSTOMS AND BORDER PROTECTION

## SALARIES AND EXPENSES

For an additional amount for 'Salaries and Expenses' to provide for the relocation of personnel and equipment related to the New Orleans laboratory facility and for the repair and replacement of critical equipment and property damaged or caused by Hurricane Katrina and other hurricanes of the 2005 season, \$12,900,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## CONSTRUCTION

For an additional amount for "Construction" to rebuild and repair structures damaged by Hurricane Katrina and other hurricanes of the 2005 season, \$4,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## UNITED STATES COAST GUARD

## OPERATING EXPENSES

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operating Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$14,300,000, to remain available until September 30, 2007, of which up to \$267,000 may be transferred to "Environmental Compliance and Restoration" to be used for environmental cleanup and restoration of Coast Guard facilities; and of which up to \$500,000 may be transferred to "Research, Development, Test, and Evaluation" to be used for

salvage and repair of research and development equipment and facilities: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$80,755,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL EMERGENCY MANAGEMENT AGENCY ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for "Administrative and Regional Operations" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$70,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PREPAREDNESS, MITIGATION, RESPONSE AND RECOVERY

For an additional amount for "Preparedness, Mitigation, Response and Recovery" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$10,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$9,550,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Assistance Direct Loan Program Account" for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), \$151,000,000, to be used to assist local governments that were affected by Hurricane Katrina and other hurricanes of the 2005 season in providing essential services, of which \$1,000,000 is for administrative expenses to carry out the direct loan program: *Provided*, That such funds may be used to subsidize gross obligations for the principal amount of direct loans not to exceed \$200,000,000: *Provided further*, That notwithstanding section 417(b) of such Act, the amount of any such loan issued pursuant to this section may exceed \$5,000,000: *Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That of the amount provided in this chapter under

the heading "Disaster Relief", up to \$150,000,000 may be transferred to and merged with the funds provided under this heading, to be used to subsidize gross obligations for the principal amount of direct loans not to exceed \$200,000,000: *Provided further*, That the amounts provided or transferred under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. The Federal Emergency Management Agency may provide funds to a State or local government or, as necessary, assume an existing agreement from such unit of government, to pay for utility costs resulting from the provision of temporary housing units to evacuees from Hurricanes Katrina and Rita if the State or local government has previously arranged to pay for such utilities on behalf of the evacuees for the term of any leases, not to exceed 12 months, contracted by or prior to February 7, 2006, notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174): *Provided*, That the Federal share of the costs eligible to be paid shall be 100 percent.

SEC. 2402. (a) Title III of Public Law 109-90 is amended under the heading "National Flood Insurance Fund" by striking "\$30,000,000 for interest on Treasury borrowings" and inserting "such sums as necessary for interest on Treasury borrowings".

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$132,400,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$3,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$55,400,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for necessary

expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$10,200,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MINERALS MANAGEMENT SERVICE ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For an additional amount for "Royalty and Offshore Minerals Management" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$15,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ENVIRONMENTAL PROTECTION AGENCY ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for "Environmental Programs and Management" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$6,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For an additional amount for the "Leaking Underground Storage Tank Program" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$7,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for the "National Forest System" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$20,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$28,880,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and

design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$57,300,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard", for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$67,800,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading in the chapter 7 of title I of division B of Public Law 109-148 (119 Stat. 2770) shall remain available until September 30, 2010: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for "Military Construction, Air National Guard", for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$5,800,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### MILITARY CONSTRUCTION, NAVY RESERVE

##### (INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Navy Reserve", for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$24,270,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under the heading "Military Construction, Naval Reserve" in chapter 7 of title I of division B of Public Law 109-148 (119 Stat. 2771) shall remain available until September 30, 2010, except that, of such amount \$49,530,000 are rescinded: *Provided further*, That the amounts provided under this heading are designated as an emergency require-

ment pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### DEPARTMENT OF VETERANS AFFAIRS

##### DEPARTMENTAL ADMINISTRATION CONSTRUCTION, MAJOR PROJECTS (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Construction, Major Projects", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$550,000,000, to remain available until expended: *Provided*, That the foregoing amount shall only be available upon enactment, by June 30, 2006, of authority under section 8104 of title 38, United States Code: *Provided further*, That up to \$275,000,000 of the amount provided under this heading may (at any time after the enactment of this Act and without regard to the preceding proviso) be transferred by the Secretary of Veterans Affairs to the "Medical Services" account, to be available only for unanticipated costs related to the Global War on Terror: *Provided further*, That the Secretary of Veterans Affairs shall, not fewer than 15 days prior to making a transfer under the authority in the preceding proviso, notify the Committees on Appropriations of the Senate and House of Representatives in writing of the transfer: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### CHAPTER 7

#### DEPARTMENT OF JUSTICE

##### LEGAL ACTIVITIES

##### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", \$2,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", \$5,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### DEPARTMENT OF COMMERCE

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$11,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### SCIENCE

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

##### EXPLORATION CAPABILITIES

For an additional amount for "Exploration Capabilities", for necessary expenses related to the consequences of Hurricane Katrina

and other hurricanes of the 2005 season, \$30,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### RELATED AGENCIES

##### SMALL BUSINESS ADMINISTRATION

##### DISASTER LOANS PROGRAM ACCOUNT

##### (INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, \$1,254,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, of the amount provided under this heading, up to \$190,000,000 may be transferred to and merged with appropriations for "Small Business Administration, Salaries and Expenses" for administrative expenses to carry out the disaster loan program: *Provided further*, That none of the funds provided under this heading may be used for indirect administrative expenses: *Provided further*, That, of the amount provided under this heading, \$712,000,000 is hereby transferred to "Federal Emergency Management Agency, Disaster Relief" to reimburse that account for funds transferred to this account by Public Law 109-174: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### CHAPTER 8

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### COMMUNITY PLANNING AND DEVELOPMENT

##### COMMUNITY DEVELOPMENT FUND

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Community development fund", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of hurricanes in the Gulf of Mexico in 2005 in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in conjunction with Hurricane Katrina, Rita, or Wilma, \$4,200,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): *Provided*, That funds made available under this heading shall be distributed to address the most critical recovery requirements notwithstanding funding limitations under this heading in title I of division B of Public Law 109-148: *Provided further*, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under this heading: *Provided further*, That each State may use up to five percent of its allocation for administrative costs: *Provided further*, That not less than \$1,000,000,000 from funds made available under this heading shall be used for repair, rehabilitation, and reconstruction (including

demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute, as modified: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That every waiver made by the Secretary must be reconsidered according to the three previous provisions on the two-year anniversary of the day the Secretary published the waiver in the Federal Register: *Provided further*, That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That prior to the obligation of funds to each State, the Secretary shall ensure that such plan gives priority to infrastructure development and rehabilitation and the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing: *Provided further*, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the award on a sole-source basis: *Provided further*, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: *Provided further*, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits: *Provided further*, That of the amounts made available under this heading, the Secretary may transfer a total of up to \$15,000,000 to the Office of Inspector General and "Management and Administration, Salaries and Expenses" for costs associated with administration and oversight: *Provided further*, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INDEPENDENT AGENCY  
GENERAL SERVICES ADMINISTRATION  
FEDERAL BUILDINGS FUND

For an additional amount for "Federal Buildings Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$37,000,000, from the General Fund and to remain available until expended: *Provided*, That notwithstanding 40 U.S.C. 3307, the Administrator of General Services is authorized to proceed with repairs and alterations for affected buildings: *Provided further*, That he amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

The Acting CHAIRMAN. Are there any amendments to title II?

□ 2045

AMENDMENT OFFERED BY MR. MELANCON

Mr. MELANCON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. CONAWAY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MELANCON:  
Page 54, line 15, after the dollar amount, insert the following: "(increased by \$465,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. MELANCON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. MELANCON. Mr. Chairman, the amendment that I bring forward today will provide for \$465 million for levees in South Louisiana. Currently, there is \$1.363 billion, \$1 million added to the \$1,363,000,000 in the bill for flood control and hurricane protection.

Part of the problems during the storms is the over-topping of levees, inadequate levees. We have a situation in south Louisiana that was understood by the White House, and the President made his announcement to send more money down to the Congress.

That total amount did not end up getting into the bill. My amendment would increase the amount of funding to \$465 billion, and this amendment would provide \$35 million for additional hurricane protection for coastal restoration in an area in south central Louisiana that went under during Rita that was not included in the original monies.

We have areas that are in St. Charles Parish, Plaquemines Parish, Jefferson Parish, St. Bernard Parish, Terrebonne Parish, and Lafourche Parish. These areas need to be taken care of, particularly since these areas are the first areas that will take the brunt of a storm in the Gulf of Mexico and southern Louisiana.

This is a working coast. This is the Louisiana coast. Oil and gas from Louisiana accounts for 30 percent of the energy consumed in this country. Thirty percent of the fish that come from

the oceans that this country consumes come from Louisiana's coastal areas and the Gulf of Mexico. Forty-two percent of the commodities exported from this country come through New Orleans and the river bounded by Plaquemines and St. Bernard Parish.

Mr. Chairman, I bring this amendment today because the people of south Louisiana need these important levees to protect them.

In particular, the Morganza to the Gulf project, the people in this area where the Morganza to the Gulf project will be built have taxed themselves and started the projects. They are waiting on a WRDA. If we can get a WRDA bill out of the Senate and conferenced and passed, then these folks have started, and this bill would allow them to have that money to move this project forward to protect their areas of south Louisiana.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, reluctantly, I rise in opposition to the amendment offered by the gentleman from Louisiana.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. LEWIS of California. The amendment seeks to add \$430 million for armoring levees in addition to the \$170 million already contained in the bill. The supplemental bill before us provides the request of \$170 million to armor the most critical portions of the hurricane protection system that are judged by the Corps of Engineers to be the most critical to providing near-term protection to the citizens of New Orleans.

The funding, as provided, is not geographically specific and can be used across the entire hurricane protection system to armor the areas identified by the Corps as the most vital. This funding is sufficient to address the most essential armoring requirements as identified by the Corps of Engineers.

According to the Corps, only 16 percent of the requested \$170 million can be expended in 2006. Given that the Corps will only be able to expend a very limited amount of the \$170 million this fiscal year, the provision of additional funding will not result in more near-term protection for the region.

Activities that occur predominately in fiscal year 2007 and beyond do not qualify for emergency funding in this supplemental. They should be addressed in the regular order of our fiscal year 2007 energy and water bill.

The amendment also seeks to add an additional \$35 million to accelerate the study phase of the Morganza to the Gulf project. I would like to point out that the study was funded at \$11 million in 2006 through both the regular bill and the supplemental funding. The study is ongoing, and it is funded for activities through this fiscal year.

The construction activities require additional authorization. This study does not rise to the level of an emergency. I urge my colleagues to work



with me to pursue this in regular order.

I must mention to my colleague that I have these kind of problems in northern California, that I can similarly put in this emergency supplemental. But, frankly, they are more logical for regular order.

So, with that, I would ask my colleague to consider withdrawing his amendment. Failing that, I am afraid I must oppose the amendment and ask my colleagues to vote "no" on its adoption.

Mr. MELANCON. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Louisiana.

Mr. MELANCON. Mr. Chairman, I understand what you are saying. We have been 5 to 6 years without a WRDA bill. The Morganza to the Gulf project has been in that stalled WRDA bill. There are now 80 Members of the Senate that have signed on to letters saying in this session their intention is to pass a WRDA bill.

If authorization is included with the passage of a WRDA bill, in essence, this funding will be ready to go. These people have authorization on portions, as you have explained, and now they can move forward and continue the process of building these levees that they have so much wanted to build for the last 5 to 10 years.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time. I must say to the gentleman that I do have similar questions that are very much like this in northern California, critical circumstances; and it just is not appropriate in the portion of this emergency bill. Because of that, I would have to oppose the gentleman's request.

Mr. MELANCON. Mr. Chairman, I understand. This is something that I must put to a vote. We are in an emergency situation. We have been. This Congress' actions, where we are at the seventh month, makes it even more critical and more of the need.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. MELANCON).

The question was taken; and the Acting Chairman announced that the yeas appeared to have it.

Mr. MELANCON. Mr. Chairman, on that I demand the yeas and nays.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. MELANCON) will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. JEFFERSON

Mr. JEFFERSON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. JEFFERSON:

In chapter 4 of title II, in the item relating to "FEDERAL EMERGENCY MANAGEMENT AGENCY—DISASTER RELIEF", after the aggregate

dollar amount, insert the following: "(reduced by \$2,000,000,000)".

In chapter 8 of title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT FUND—(INCLUDING TRANSFER OF FUNDS)", after the aggregate dollar amount, insert the following: "(increased by \$2,000,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House today, the gentleman from Louisiana (Mr. JEFFERSON) and a Member opposed each will control 5 minutes.

Mr. LEWIS of California. On the amendment that we are considering, Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Louisiana.

Mr. JEFFERSON. Mr. Chairman, today, I rise to offer the first of two amendments to H.R. 4939, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and the Hurricane Recovery Act of 2006, that will add more funds to the Community Development Block Grant, CDBG funds, to meet the housing and rebuilding needs of Louisiana, Texas and other places.

The first amendment, number 6, printed in the CONGRESSIONAL RECORD, will take \$2 billion from the Federal Emergency Management Agency, FEMA, and add it to the Community Development Block Grant funds, making that total request \$6.2 billion.

This amendment keeps the total hurricane supplemental request at \$19.1 billion. The proposed \$2 billion decrease in FEMA funding brings that total to \$7.755 billion.

Mr. Chairman, information recently given to us by the Appropriations Committee indicates that FEMA will not run out of its current funds until the second week of July. Moreover, with FEMA's weekly spend rate of \$500 million, the first proposed appropriation of \$9.55 billion, less my amendment, would fund FEMA through the end of October.

Mr. Chairman, I am certain that between now and October we will be able to amply try and figure out what FEMA really needs and provide the resources it needs at that time.

Mr. Chairman, the administration has asked Louisiana repeatedly to submit a housing plan, and we did that. This chart shows what Louisiana's housing needs are. We had severe destruction of our housing infrastructure in our State, and we have more than 100,000 housing units destroyed. This will cost over \$100,000 billion to get this whole matter straightened out, along with other project losses back home.

What we are saying here is that we have a plan which we submitted to the White House, and we have had this plan looked at very closely. The agreement is that Louisiana has submitted a very solid plan for \$4.2 billion for unmet needs in its housing reconstruction. Without housing, our city cannot rebuild. Without housing, there is no

chance to bring our city back. And so we are saying today, Mr. Chairman, that without full funding we cannot meet the crucial needs to help our citizens rebuild their lives.

There is a move being made now to take the money out of the \$4.2 billion to apply to Texas and perhaps some other places, and we say we need all of the \$4.2 billion. We also have the \$2 billion for Texas. We do not argue they do not need more help, but we do not need to have our money raided to take care of Texas or any other place.

By increasing the CDBG funding, we will allow the needs of Louisiana, Texas and other States to be met without short-changing the administration's commitment to Louisiana.

Mr. Chairman, you know firsthand the monumental housing crisis in Louisiana. Today, thousands of people are being evicted from hotels around the gulf region by FEMA with nowhere to turn. Thus, I implore my colleagues to support this amendment so that we can help these hard-working, earnest taxpayers in the gulf coast rebuild their lives and realign their futures.

Louisiana needs the full \$4.2 billion to do that. Support my amendment to make Louisiana, Texas and the rest of the gulf coast region whole. I urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

□ 2100

Mr. ROGERS of Kentucky. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, there is no doubt that the Community Development Block Grant Program needs more funding, however, this amendment would take \$2 billion out of the Disaster Relief Fund, which is severely underfunded as it is, of the more than \$35 billion in supplemental funds that we have provided to the Disaster Relief Fund for the recovery from Katrina, Rita and Wilma. As of March 8, only \$3.7 million of that remains unallocated; and long term recovery, of course, is just getting underway.

The disaster fund is very volatile. Over the last month, weekly obligations have varied from \$250 million to \$1.1 billion. That is per week. The administration estimates the current balance of \$3.7 billion in the disaster fund will only last us through the end of May as it is. If you take \$2 billion out of that, there is not much left to last us in the disaster fund.

Now, if you take those monies out of the disaster fund, many of the authorized activities for which the States are expecting funding cannot be funded. And I am talking about the Stafford Act Recovery Programs in the gulf coast States' ability to respond to new disasters if they should occur. During the months ahead, funds are needed

primarily for the public assistance and mitigation programs in the gulf coast area.

Also, funding for the disaster fund, if it is less than \$9.5 billion, would mean deferring or postponing, at least stopping momentarily, at least, public assistance projects like repairing roads, repairing water control facilities, public buildings and equipment, public utilities, park, recreational facilities and the like, all of that would have to stop.

So, Mr. Chairman, I urge that Members vote against this amendment. Not to say that the Community Development Block Grant Program does not need funds but this ain't the place to get it. So I urge a "no" vote.

Mr. Chairman, I yield back the balance of my time.

Mr. JEFFERSON. Mr. Chairman, I appreciate what the gentleman has said, but he recognizes in his comments that there is \$3.7 billion left unobligated of the money we have already authorized for FEMA. Everyone knows here that FEMA has not been a very good steward so far of the money we have provided to it. This is a way for FEMA to tighten its belt and to provide the folks the housing support they need back home; take care of Louisiana and Texas at the same time; and not hurt the FEMA programs, because everyone knows, as we have documented throughout our hearings and the rest, that FEMA has done a horrible job of managing the money. And even if it needs more, as the gentleman has said, there is \$3.7 billion of the money we have already authorized, which is unobligated, which FEMA can have access to if they can prove a need for it. So I would move adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. CONAWAY). All time has expired.

The Chair understands the point of order that has been reserved has been withdrawn.

Mr. LEWIS of California. It has been withdrawn.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. JEFFERSON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. JEFFERSON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. JEFFERSON) will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. JEFFERSON

Mr. JEFFERSON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. JEFFERSON of Louisiana:

Page 72, line 18, after the dollar amount insert the following: "(increased by \$1,900,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. JEFFERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. JEFFERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer another amendment to meet the same objective for preserving the \$4.2 billion for Louisiana, at the same time meeting the housing needs that have been expressed by the State of Texas of another \$2 billion.

We get out there different under this amendment, as opposed to taking the money under the FEMA allocation which we have heard objection to, this adds money to the current asked for, requested appropriations of \$1.9 billion to the \$19.1 billion that is being asked for here, to add to that amount \$1.9 billion.

The \$1.9 billion, therefore, does not come out of the FEMA funds as the gentleman has objected to. If his argument are well taken, the FEMA fund stays intact. We do not touch it whatsoever. But out of the \$3.7 billion, that is unobligated of the money that has already been appropriated for this purpose by this House, we take another \$1.9 billion and provide that to Texas. The hope is that the HUD will provide that to Texas, take care of Texas' needs.

So we don't invade the FEMA money under this amendment. We simply add to the amount that came out of committee of \$19.1 billion another \$1.9 billion to provide the money that Texas needs to get this job done.

We have demonstrated a need for this project back home. We have taken great pains to provide a good plan. Our State has submitted it. It has been vetted by the White House folks. Here the plan is in my hand. It is a wonderful plan that is thoroughly vetted. It is technically perfect, I believe. It states the case well. We have made the case for our needs. We have not exaggerated them.

We have horrible needs back home. 220-something housing units destroyed back home that we need to have fixed up. And we cannot get our city back unless we have our housing infrastructure built back up. So we are urging this House, if it does not want to take the money from existing FEMA programs, take it from the \$3.7 billion that is unauthorized, and appropriate, of the \$3.7 billion, \$1.9 billion to take care of this urgent need in our area.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN (Mrs. DRAKE). Who seeks time in opposition?

Mr. ROGERS of Kentucky. Madam Chairman, I rise in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Could I propose a question to the offeror of the amendment? Are you proposing with this amendment to just simply add \$1.9 billion to the Disaster Relief Fund?

Mr. JEFFERSON. Madam Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Louisiana.

Mr. JEFFERSON. I am saying that \$3.7 billion unobligated of the money the House has already appropriated for disaster relief. I am saying out of the \$3.7 billion, we should take \$1.9 billion and add to the Community Development Block Grant appropriation. Yes, sir, that is what I am saying. So it is not coming up with the money that the House hasn't already approved. It is simply carving out of what is left, the \$3.7 billion that is already left unallocated and unobligated, and obligating it to this purpose.

In this way, we hope to take care of both Texas and Louisiana's needs. And without shortchanging Louisiana, what we have demonstrated through some painstaking processes that money is needed to bring back housing in our State.

Mr. ROGERS of Kentucky. Reclaiming my time, as I understand it then, you propose to take \$1.7 billion.

Mr. JEFFERSON. \$1.9 billion.

Mr. ROGERS of Kentucky. \$1.9 of the 3.7 that has not yet been allocated out of the disaster fund?

Mr. JEFFERSON. Yes, sir.

Mr. ROGERS of Kentucky. For the Community Development Block Grant Program?

Mr. JEFFERSON. Yes, sir.

Mr. ROGERS of Kentucky. So it is essentially like the last amendment but in different form?

Mr. JEFFERSON. It is not like the last amendment, except it is not take it from FEMA, which you objected to saying FEMA needed the money. We are now saying we aren't taking it from FEMA, we still have to take it from unobligated funds, to meet the needs of both Texas and Louisiana.

Mr. ROGERS of Kentucky. Madam Chairman, I yield to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. I oppose the amendment as well, Mr. JEFFERSON. The State of Louisiana has already received \$6.2 billion in CDBG for reconstruction efforts. And yet, the State of Louisiana has yet to submit a plan for the funds, which is required by law.

HUD has been working with the State to craft a reasonable and rationale plan, and we hope to have a better idea of their needs and a recovery plan very soon.

In addition, we are providing an additional \$4.2 billion in CDBG to further assist the gulf coast States affected by the hurricanes in 2005, and this includes Louisiana. I am confident that Louisiana will receive funds from this bill. And so, again, I repeat, I oppose the amendment on that basis.

Mr. ROGERS of Kentucky. Reclaiming my time, I also oppose the gentleman's amendment for the same reason that I said on the earlier amendment.

If you take these monies out of the Disaster Relief Fund, then you are saying to the gulf coast States that we will not have money to continue the Stafford Act Recovery Programs, which are vital to that region. You are saying there are not monies there for the public assistance and mitigation programs in the gulf coast area. You are saying that we will have to postpone the projects like repairing roads and water control facilities and public buildings and equipment, public utilities, parks, recreational facilities and the like.

So as much as I understand the gentleman's concern to get more money in the Community Development Block Grant Program, this would be, to coin a phrase, disastrous for the gulf coast region to take it away from the Disaster Relief Fund.

I oppose the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. JEFFERSON. Madam Chairman, I yield myself such time as I may consume. I take issue with the remarks that have been made with respect to the devastating effect that this amendment would have on the recovery in the gulf coast region.

I understood somewhat the argument made earlier that to take money from FEMA would invade the public assistance projects. This money is, however, unobligated to any project in the gulf region. It is money that the Congress has simply appropriated which is unobligated. Consequently, we do not know what, if anything, FEMA is going to use the money for. So we argue here that Texas has already demonstrated a need for \$2 billion, according to their calculations. We are saying that ought to be recognized and taken care of, but we have also demonstrated, we think, in our State, a need for \$4.2 billion.

Here is the difference. It is true that Louisiana received \$6.2 billion recently, and Mississippi received some number, 5.2 or whatever billion dollars as well. We, however, suffered 85 percent of the damage in this area. Mississippi suffered 15 percent of the damage. And nonetheless, we got a 54 percent share of the CDBG funds. Mississippi got 46 percent of the CDBG funds.

So we are saying we were well short-changed of where we should have been. This is to make up for that, to fix the problems, to try to correct it. So we argue that of the \$3.7 billion unobligated, it does not hurt one smidgeon of work that anyone has in mind for FEMA. This is not FEMA's money right now. It is not allocated for any purpose at all. It is available to be used for whatever good purpose we can find. I can tell you, this is a tremendously good purpose for our area. We need the money very substantially.

The President and his people have determined that we need \$4.2 billion. Our plan which we do have here, which we have submitted to the White House, which they have vetted carefully,

shows we need \$4.2 billion. We simply are fearful that our money would not be vetted for this purpose, which the President wanted designated solely for Louisiana, which, under this bill, it is not.

And we recognize the needs of Texas. We want to help Texas. But at the same time, we do not want to hurt our own purposes. I urge adoption of the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. ROGERS of Kentucky. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. JEFFERSON).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. JEFFERSON. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. JEFFERSON) will be postponed.

AMENDMENT OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BRADY of Texas:

Page 72, line 25, after the colon insert the following:

*Provided further*, That the factors used by the Secretary in distributing funds made available under this heading shall apply the most timely and accurate data available relating to all damages from such hurricanes and total numbers of relocated evacuees based on their current addresses rather than their addresses of record at the time of the storms, and, to the extent possible, the Secretary shall obtain information from the departments of insurance and tax appraisal records of States and consult and coordinate with the Bureau of the Census of the Department of Commerce to reestimate population, income, and other statistics when determining estimates for use in connection with amounts made available under this heading:

Mr. LEWIS of California. Madam Chairman, reluctantly I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House today, the gentleman from Texas (Mr. BRADY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

□ 2115

Mr. BRADY of Texas. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I appreciate Chairman LEWIS and the hard-working members of the Appropriations Committee who are doing a difficult job trying to balance the needs of our war

on terror as well as disaster recovery in the gulf coast.

This amendment seeks to do a simple thing, to require that the Secretary of Housing and Urban Development use the most accurate and timely data for making decisions on where the unmet needs are in the gulf coast for housing. What this says in effect is that the director shall apply the most timely and accurate data available relating to all damages from such hurricanes and the total number of relocated evacuees. In other words, rather than use the FEMA numbers, which are slow, often inaccurate and, in fact, do not track the evacuees from Katrina to other States, nor because Hurricane Rita occurred after Hurricane Katrina, many of the needs in Texas are still being applied for and have not yet registered. So, without this amendment, the HUD Secretary would be making important decisions on housing and repair and renovation without having a true, accurate picture of where the needs truly are.

I know that in Texas we have more than 75,000 homes that have been destroyed or damaged in Hurricane Rita, much of which are not yet in the system. The last decision that the HUD Secretary made, 98 percent of the money went to Louisiana and Mississippi, 1 percent to Texas. Yet Hurricane Rita actually landed a higher wind speed than Hurricane Katrina, wiped out much of East Texas, did billions of dollars of damage, and yet our people are still waiting for help in housing, repair and renovation. So this is simply an amendment to require accurate and timely data and should this not be allowed today.

I hope perhaps we can work with you, because I think we all want the Secretary to use the best picture of these very complicated hurricane issues.

Madam Chairman, I yield back my time.

POINT OF ORDER

Mr. LEWIS of California. Madam Chairman, let me express my appreciation to the gentleman for his cooperation.

In the meantime, I must make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The Acting CHAIRMAN (Mrs. DRAKE). Does anyone wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this amendment includes language imparting direction. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BRADY of Texas:

Page 73, line 15, after the colon insert the following:

*Provided further*, That not less than \$2,000,000,000 from funds made available under this heading shall be used as provided under this heading only for the long-term recovery of areas that are housing victims of Hurricane Katrina who, at the time of the onset of such hurricane, were residents of States other than the State in which such area is located:

Mr. LEWIS of California. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. BRADY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BRADY of Texas. Madam Chairman, I yield myself such time as I may consume.

Again, I thank Chairman LEWIS for your work on disaster relief.

The point of this amendment is to recognize that the money for disaster assistance ought to go with the victims. The fact of the matter is Hurricane Katrina caused tremendous devastation. I know that Texas is now hosting over 400,000 evacuees and educating nearly 40,000 students. We know other States are also opening their hearts and communities to these Katrina evacuees.

This amendment says that \$2 billion from our Community Development Block Grant funds shall be made available for the victims of Hurricane Katrina who are living outside their home State. What we want to do is make sure that they have the housing, the social services, the workforce employment services, all those needs that go with them.

This amendment simply says that, as we have spent billions of dollars responding to Hurricane Katrina, that we not forget the victims of Hurricane Katrina who are in other States and who those communities are bearing the brunt of the expenses of hosting them and, in truth, as newspaper articles and studies reported today across the Nation show, that at the pace of recovery in Louisiana, these States, like Texas, will be host to our Katrina neighbors for many months, perhaps many years. It is important that we not punish the States and communities that open their hearts to these victims, that we not send them a bill that says, thank you for your generosity; here, pay for it, raise your taxes, bear the burden; we have no interest in you.

This amendment makes sure that the dollars follow the victims, the evacuees of Hurricane Katrina, and that we not punish the generosity of the surrounding States who did so much for our Katrina evacuees.

Ms. JACKSON-LEE of Texas. Madam Chairman, will the gentleman yield?

Mr. BRADY of Texas. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, let me just join Mr. BRADY in his analysis.

What we are talking about is people, not places, and that is that the funds be able to support the people wherever they are. And Texas is certainly not in any way rejecting the role that we have had the opportunity to play. In fact, we welcome it. But, frankly, it is quite necessary to provide the resources.

I will have a subsequent amendment on this very question; and I rise in support of Mr. BRADY's amendment so we can provide the resources where the people are until they return home, of which we are certainly supporting their desire to return home, but while they are where they are we believe these funds on education and housing are crucial.

Mr. BRADY of Texas. Madam Chairman, I yield back my time.

#### POINT OF ORDER

Mr. LEWIS of California. Madam Chairman, because the gentleman from Texas (Mr. BRADY) is so cooperative and such a great friend, I hate to have to exercise my procedural responsibilities here, but, Madam Chairman, I make a point of order against the amendment because it provides appropriations for an unauthorized program and, therefore, violates clause 2 of rule XXI.

Clause 2 of rule XXI states in pertinent part, an appropriation may not be in order as an amendment for an expenditure not previously authorized by law.

Madam Chairman, the amendment proposes to appropriate funds for an earmark that is not authorized. The amendment, therefore, violates clause 2 of rule XXI.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair will rule.

The amendment proposes to earmark certain funds in the bill. Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests with the proponent of the amendment. Because this burden has not been carried, the point of order is sustained. The amendment is not in order.

#### AMENDMENT OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BRADY of Texas:

Page 76, after line 20, insert the following:  
CHAPTER 9

#### GENERAL PROVISIONS—THIS TITLE

SEC. 2901. (a) For the recovery, rebuilding, and relief of the State of Texas from the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$2,000,000,000, to remain available until expended and to be allocated and administered by the Secretary of the Treasury and used only for the State of Texas as follows:

(1) For the costs of housing, social services, health care, and education for the residents of other States affected by the hurricanes who are temporarily residing in Texas.

(2) For the costs of recovery from damage caused by the hurricanes, including repair and construction of infrastructure and housing, debris removal, unreimbursed health care costs of evacuees, flood control and waterway repair, employment and labor services, public safety and security costs, and community and economic development activities.

(3) For such other related costs as may be necessary.

(b) The amounts otherwise provided in this Act for the following accounts are hereby reduced by the following amounts:

(1) "Department of State—Administration of Foreign Affairs—Diplomatic and Consular Programs" in chapter 6 of title I, by \$1,380,500,000.

(2) "Federal Emergency Management Agency—Disaster Relief" in chapter 4 of title II, by \$619,500,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. BRADY) and a Member opposed each will control 5 minutes.

Mr. LEWIS of California. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Texas.

Mr. BRADY of Texas. Madam Chairman, I yield myself such time as I may consume.

The purpose of this amendment is to request \$2 billion for Texas to help specifically 400,000 of the Hurricane Katrina evacuees who are in our communities, to assist the educational costs of the nearly 40,000 students who we are educating today, and in addition to Hurricane Katrina, help pay for the increased public safety and law enforcement costs that have emerged since being host to our Katrina neighbors.

For health care and mental health: \$126 million. Services that have not been compensated again for their help.

For critical infrastructure repairs: \$408 million. Because most of the Nation does not know that Hurricane Rita caused tremendous devastation, landed, as I have said before, at a higher wind speed than Hurricane Katrina, created more damage to the electrical grid than Hurricane Katrina, did more damage to the refinery capacity than Katrina, and did almost \$1 billion of damage to our timber industry, which is our number one industry in most of the 22 counties directly affected by Rita.

This request, headed by our Governor, Rick Perry, of Texas, made on behalf of the entire Texas congressional delegation, also asks for \$54 million for transportation, repair of our roads and bridges from Hurricane Rita, \$59 million for navigation waterway repairs. That is because Hurricane Rita caused a damage to our waterways that will require dredging and a great deal of repair.

For our agriculture forestry and rural disaster assistance, \$170 million,

because much of Texas that opened their hearts to Katrina are the rural communities that about Louisiana. They were the ones who opened their shelters for the Katrina victims, opened them a second time for the evacuation of the Houston and gulf coast area, and then on the third big hit actually Hurricane Rita devastated their communities. These are small rural communities and should be commended for all that they have done. This \$170 million helps them recover and rebuild their agriculture economy.

For social services, \$125 million, mainly for the folks from Katrina but also for some of our dislocated Rita folks.

And then \$186 million for community redevelopment, because our recovery is complicated by our Katrina guests. As you know, we have moved them out of hotels into the available housing units; and because Texas had over 75,000 homes damaged or destroyed by Rita, we both no longer have houses for our own families and no housing for the work recovery crews to allow us to get back on our feet.

This also requests \$400 million to help pay for our schools who are educating our Katrina neighbors.

Again, we are thrilled to have them. We know if the situation were reversed their hearts and homes would be open to us, but we also know that should that occur that there would be a heavy burden on those other States. We want to make sure that our communities, many of them small, many of them without big budgets, who have done exactly the right thing, exactly the right thing with Katrina and are struggling to recover from their own hurricane, to make sure they are not left behind.

Ms. JACKSON-LEE of Texas. Madam Chairman, will the gentleman yield?

Mr. BRADY of Texas. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank Mr. BRADY very much.

Let me just share with my colleagues, you have heard it before, but within hours of when we got the call to open the Astrodome in Houston for the survivors, the Astrodome was opened with full medical care, volunteers and local resources. We would do it over and over again, because we know our neighbors would do it for us. But, at the same time, as we have integrated our Katrina survivors into our community, waiting to return home, we have opened schools. We have added a new mental health unit to the existing mental health facilities in Harris County; and, in fact, we know that right after that, as Mr. BRADY has indicated, Hurricane Rita came through and devastated a large part of East Texas.

So the combination of East Texas devastation and the impact in Houston and Dallas and other cities around the State, these dollars specifically would go to help the impacted States like Texas in helping to educate, provide health care and other resources.

So I support the gentleman's amendment. Again, his words are accurate. We would do it over and over again, but we have already done the necessary facilities and staffing without asking. We are simply asking now to help us as we continue the burden that we willingly accept.

□ 2130

POINT OF ORDER

Mr. LEWIS of California. Madam Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program, and thereby violates clause 2 of rule XXI. Clause 2 of rule XXI states in pertinent part:

"An appropriation may not be in order as an amendment for an expenditure not previously authorized by law."

Madam Chairman, the amendment proposes to appropriate funds for an earmark that is not authorized. The amendment, therefore, violates clause 2 of rule XXI.

The Acting CHAIRMAN (Mrs. DRAKE). Does any Member wish to be heard on the point of order? If not, the Chair will rule.

Mr. BRADY of Texas. Madam Chairman, I concede the point of order at this time.

The Acting CHAIRMAN. The point of order is conceded and sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Madam Chairman, I ask unanimous consent to offer out of order Brady of Texas amendment No. 1, which would normally come at the end of the bill.

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. Is there objection to considering the amendment at this point?

There was no objection.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BRADY of Texas:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ Of the funds appropriated under this Act under the heading "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—Community Development Fund", \$400,000,000 shall not be available for expenditure until \$400,000,000 is made available to carry out section 107 of title IV, division B of Public Law 109-148.

The Acting CHAIRMAN. A point of order has been reserved by the gentleman from Michigan.

Pursuant to the order of the House of today, the gentleman from Texas (Mr. BRADY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BRADY of Texas. Madam Chairman, I yield myself such time as I may consume.

While I recognize the difficulty in making in order these amendments be-

cause of the way the bill has been written, and rightly so, the purpose of this amendment is to recognize that we ought not stick our schools with the bill for educating our Katrina students.

Again, we have 47 States that are now educating students who fled Hurricane Katrina. Our State, our communities are educating almost 40,000 of them. These schools were the first ones to open their doors both as shelters, and then to try to provide some normalcy for these families who had nothing to go back to. The schools and the teachers, if you could have been there in Texas or in the other States to see what these schools did to embrace these families, you would know the importance that education has played in bringing some structure to these families from Louisiana and Mississippi.

Unfortunately, in our earlier funding, while we recognized the need to reimburse these schools, the number of students, almost 158,000 of them, this body was not able to provide the minimum funding for them. It looks like for this school year, we will come in somewhere less than \$4,000, around \$4,000, yet the minimal expense is \$6,000 as authorized by Congress.

What this amendment does is, basically it does not cut money from any area, but simply reserves \$400 million from Community Development Block Grant, it reserves that in abeyance until \$400 million is provided to all the States that are housing our Katrina students.

I will tell you again, every State has done a remarkable job. I am very proud of Texas, very proud of southeast Texas and east Texas and these schools and what they have done. I just think it is wrong when they have very little money as it is to require them to perhaps raise taxes or take money from other vital programs in order to do the right thing for our Louisiana and Mississippi neighbors. We ought not treat schools and communities, I think, with such disdain.

This amendment is designed to raise the profile of our schools, to say thank you for the work that you are doing, and to attempt to provide some minimal reimbursement across the country for these schools for the work they are doing for our Katrina students.

Ms. JACKSON-LEE of Texas. Madam Chairman, will the gentleman yield?

Mr. BRADY of Texas. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I want to congratulate the gentleman for the approach he has taken. This is an amendment that covers schools across the Nation. I want to remind my colleagues that the Katrina survivors were evacuated to 44 States. Mr. BRADY is right. We share contiguous districts, with school districts that have willingly taken in students.

But as I said in the earlier debate, we have opened schools actually. We actually have new schools that welcomed children, Katrina survivors. We provided enhanced resources, counselors

to assist as well, and we do it willingly. What we are saying is that we are already suffering as it relates to public education in America. This instance provides added support for a particularly fragile situation and a necessary situation, and I support the gentleman's amendment.

Mr. BRADY of Texas. Again, I appreciate the work this Appropriations Committee has done to help provide reimbursement for schools. We are hoping to get for this school year that full funding to help them.

Madam Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. LEWIS of California. Madam Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill, and therefore violates clause 2 of rule XXI. The rule states in pertinent part:

"An amendment to a general appropriations bill shall not be in order if changing existing law."

This amendment states a legislative condition, and I am asking for a ruling of the Chair.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair will rule.

Mr. BRADY of Texas. Madam Chairman, while I may not agree, I concede the point of order.

The Acting CHAIRMAN. The point of order is conceded and sustained. The amendment is not in order.

Mr. OBEY. Madam Chairman, I move to strike the last word.

I would simply like to make one observation. Scheduling of legislation is done by the majority party. I have, I think it is fair to say, given procedural cooperation every step of the way to see to it that before the House leaves for yet another recess, that we will finish this supplemental appropriation bill.

I am Irish, and French, and a few other things. And like a number of other people, I was invited to the Irish Embassy tonight because this is close to Saint Patrick's Day. I turned that invitation down because I knew that we would be here tonight having to work on this bill. And even though my own party had an event tonight, we have agreed to stay here and continue to work on this bill, and we are staying considerably later than we had first agreed to, but we are trying to finish these amendments so that Members can get out of here at a reasonable time tomorrow, hopefully late tomorrow afternoon instead of into the evening. That is why we are staying here late tonight.

Now I discover that there is one amendment that could have been offered tonight, but we are told that we can't offer it because the member of the Appropriations Committee on the majority side who wants to handle it is, guess where? At the Irish Embassy.

Well, I would simply suggest that I don't mind somebody else enjoying themselves, but I do suggest that if Members of the minority are expected to be here, if members of the Appropriations Committee on the minority side are expected to be here, I do think it is too much to ask that the party setting the schedule expect the same thing of Members on its side.

Mr. LEWIS of California. Madam Chairman, will the gentleman yield?

Mr. OBEY. I would be happy to yield to the gentleman from California. Well, no, I wouldn't be happy to, but I will.

Mr. LEWIS of California. I must say that the gentleman came over to this side to chat with me about this circumstance a while ago, and as I was listening, people keep buzzing other things in my ear. I thought he was making jest about the gentleman from Michigan, but he was talking about another gentleman who thinks he is more Irish than we are who may be elsewhere.

In the meantime, I told the gentleman that my mother's name is O'Farrell, and I am as disconcerted as he is. So I must say to the gentleman that I truly am sorry that you and I are not there together.

Mr. OBEY. Well, I am truly sorry we can't make as much progress on this bill tonight as I had hoped we would be able to make, but I find some of the reasons for that to be quite interesting.

And, Madam Chairman, I am going to ask unanimous consent that we might move to another amendment by Mr. MELANCON at the end of the bill.

Mr. LEWIS of California. If the gentleman will yield, I am happy to do that, but also, if you wanted to take up the other amendment, I would be glad to stand in for the other gentleman who is not here.

Mr. OBEY. We will wait until he is here.

AMENDMENT OFFERED BY MR. MELANCON

Mr. MELANCON. Madam Chairman, I ask unanimous consent to offer an amendment out of order.

The Acting CHAIRMAN. Is there objection to offering the amendment at this point?

There was no objection.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MELANCON:

At the end of title III (before the short title), add the following new title:

**TITLE IV—LOUISIANA HURRICANES AGRICULTURAL DISASTER RELIEF**

**SEC. 4001. SHORT TITLE.**

This title may be cited as the "Louisiana Hurricanes Agricultural Disaster Relief Act of 2006".

**SEC. 4002. APPLICATION TO LOUISIANA PARISHES DESIGNATED AS DISASTER AREAS DUE TO HURRICANE KATRINA, HURRICANE RITA, OR RELATED CONDITIONS.**

In this title, the term "disaster parish" means a parish in the State of Louisiana, all or a portion of which is included in the geographic area covered by a natural disaster declaration—

(1) made by the Secretary of Agriculture under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) due to Hurricane Katrina, Hurricane Rita, or related conditions; or

(2) made by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) due to Hurricane Katrina, Hurricane Rita, or related conditions.

**SEC. 4003. CROP DISASTER ASSISTANCE.**

(a) EMERGENCY FINANCIAL ASSISTANCE.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture shall use \$25,000,000 of the funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm in a disaster parish (other than producers of sugar cane) that have incurred qualifying crop or quality losses for the 2005 crop of an insurable commodity or noninsurable commodity due to Hurricane Katrina, Hurricane Rita, or a related condition. In the case of strawberries, assistance under this section shall be available for the 2005 and 2006 crops for damages to such crops due to Hurricane Katrina, Hurricane Rita, or a related condition.

(b) ADMINISTRATION.—The Secretary of Agriculture shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and quality losses as were used in administering that section.

(c) INELIGIBILITY FOR ASSISTANCE.—Except as provided in subsection (d), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses;

(3) had adjusted gross incomes, as defined by section 1001D of the Food Security Act of 1985, of greater than \$2,500,000 in 2004; or

(4) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(d) CONTRACT WAIVER.—The Secretary of Agriculture may waive subsection (c) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(1) in the case of all insurable commodities produced on the farm for each of the next two crop years—

(A) to obtain additional coverage for those commodities under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section; and

(2) in the case of all noninsurable commodities produced on the farm for each of the next two crop or calendar years, as applicable—

(A) to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for those commodities

under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section.

(c) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary of Agriculture.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(f) DEFINITIONS.—In this section:

(1) ADDITIONAL COVERAGE.—The term “additional coverage” has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) INSURABLE COMMODITY.—The term “insurable commodity” means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(3) NONINSURABLE COMMODITY.—The term “noninsurable commodity” means an eligible crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

#### SEC. 4004. SUPPLEMENTAL DIRECT PAYMENTS FOR COVERED COMMODITIES.

(a) PAYMENTS REQUIRED.—The Secretary of Agriculture shall make payments to producers on a farm eligible for direct payments for the 2005 crop of a covered commodity under section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) if—

(1) the farm is located in a disaster county; or

(2) the producers on the farm have incurred qualifying crop losses with respect to the 2005 crop of a covered commodity due to damaging weather or related condition, as determined by the Secretary, using the same loss thresholds for the quantity and quality losses as were used in administering section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549, 1549A-55).

(b) AMOUNT.—The amount of the payment made to the producers on a farm under this section shall be equal to 100 percent of the amount of the direct payment the producers on the farm are eligible to receive for the 2005 crop under section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913).

(c) CROP INSURANCE.—As a condition of the receipt of a payment under this section, the producers on the farm shall enter into a contract with the Secretary of Agriculture under which the producers on the farm agree—

(1) in the case of the covered commodity and all other insurable commodities produced on the farm for each of the next two crop years—

(A) to obtain at least catastrophic risk protection coverage for those commodities

under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section; and

(2) in the case of all eligible noninsurable commodities produced on the farm for each of the next two crop or calendar years, as applicable—

(A) to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for those commodities under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section.

(d) ADMINISTRATION.—For purposes of sections 1001 through 1001F of the Food Security Act of 1985 (7 U.S.C. 1308 et seq.), payments received under this section shall be considered direct payments made to a person under subtitle A of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911 et seq.).

(e) RELATION TO OTHER ASSISTANCE.—A person that elects to receive payments under this section for a covered commodity is not eligible for crop disaster assistance under section 4003 for the same commodity.

(f) TIME FOR PAYMENT.—The Secretary shall make payments under this section as soon as practicable after the date of enactment of this Act.

#### SEC. 4005. SUGARCANE DISASTER ASSISTANCE.

(a) COMPENSATION FOR LOSSES.—In the case of first processors of sugarcane that operate in a disaster parish, or obtain sugarcane from a disaster parish, and that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)), the Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation to make assistance available to such first processors, in the form of monetary payments or commodities in the inventory of the Commodity Credit Corporation derived from carrying out that section, to compensate producers and first processors for crop and other losses due to Hurricane Katrina, Hurricane Rita, or related conditions.

(b) ADMINISTRATION.—Assistance under subsection (a) shall be—

(1) shared by an affected first processor with affected producers that provide commodities to the processor in a manner that reflects contracts entered into between the processor and the producers, except with respect to a portion of the amount of total assistance described under subsection (c) necessary to compensate affected producers for individual losses experienced by such producers, including losses due to saltwater intrusion, flooding, wind damage, or increased planting, replanting or harvesting costs, which shall be transferred by the first processor to the affected producers without regard to contractual share arrangements; and

(2) made available under such terms and conditions as the Secretary of Agriculture determines are necessary to carry out subsection (a).

(c) AMOUNT OF ASSISTANCE.—To carry out subsection (a), the Secretary of Agriculture shall—

(1) convey to first processors described in subsection (a) 689,441 tons of commodities in the inventory of the Commodity Credit Corporation derived from carrying out section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a));

(2) make monetary payments to the first processor in an aggregate amount equal to

the domestic market value of the quantity of commodities specified in paragraph (1); or

(3) take any combination of actions described in paragraphs (1) and (2) using commodities or monetary payments.

(d) LOSS DETERMINATION.—In carrying out subsection (a), the Secretary of Agriculture shall use the same base year to determine crop loss that was elected by a producer to determine crop loss in carrying out the Hurricane Assistance Program authorized under section 207 of the Agricultural Assistance Act of 2003 (title II of division N of Public Law 108-7; 16 U.S.C. 3801 note).

(e) MARKETING RECOVERY ASSISTANCE.—Effective for the 2005 crop of a commodity eligible for a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) or until such time that the Secretary determines that the transportation, handling, and refining sectors are sufficiently recovered to allow for an orderly marketing of a crop of such commodity, the Secretary shall—

(1) not charge interest on a loan made under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a));

(2) use such sums as are necessary of the funds of the Commodity Credit Corporation to pay storage, including any handling and associated costs, with respect to such commodity; and

(3) use such sums as are necessary of the funds of the Commodity Credit Corporation to compensate first processors for costs associated with transporting such commodity via tractor trailer to refineries located at New Orleans, Louisiana, or via ocean-going vessel to refineries located at Savannah, Georgia, Baltimore, Maryland, or Yonkers, New York.

(f) LIMITATION.—The Secretary of Agriculture shall provide assistance under subsections (a) and (e) only in a State described in section 359f(c)(1)(A) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)(1)(A)).

#### SEC. 4006. COMPENSATION FOR INFRASTRUCTURE LOSSES.

(a) INFRASTRUCTURE LOSSES.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary of Agriculture, \$40,000,000 to compensate agricultural producers on a farm operating in a disaster parish for costs incurred to repair or replace barns and other structures, equipment, and fencing that—

(1) was used to produce an agricultural commodity; and

(2) was damaged or destroyed by Hurricane Katrina, Hurricane Rita, or related conditions or in responding to the aftermath of the hurricanes.

(b) TIMING OF ASSISTANCE.—The Secretary of Agriculture may provide assistance authorized under this section in the form of—

(1) reimbursement for eligible repair or replacement costs previously incurred by producers; or

(2) cash or in-kind assistance in advance of the producer undertaking the needed repair or replacement work.

(c) PAYMENT LIMITATIONS.—Assistance provided under this section to a producer for a repair or replacement project, together with amounts received for the same project from insurance proceeds, section or other sources, may not exceed 95 percent of the costs incurred to repair or replace the damaged or destroyed structures, equipment, or fencing, as estimated by the Secretary of Agriculture.

#### SEC. 4007. ASSISTANCE TO DAIRY AND LIVESTOCK PRODUCERS.

(a) DAIRY CATTLE LOSSES.—The Secretary of Agriculture shall use \$250,000 of funds of the Commodity Credit Corporation to make

payments for dairy cattle losses of dairy producers in disaster parishes due to Hurricane Katrina, Hurricane Rita, or related conditions. To the maximum extent practicable, the Secretary shall make assistance available under this subsection in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51). A disaster parish so declared by the President as a result of Hurricane Katrina or Hurricane Rita in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) that does not qualify for assistance under this section shall be eligible for assistance in the same manner as provided in section 203 of the Agricultural Assistance Act of 2003 (title II of division N of Public Law 108-7; 16 U.S.C. 3801 note).

(b) **INDEMNITY PROGRAM FOR OTHER LIVESTOCK LOSSES.**—The Secretary of Agriculture shall use \$11,000,000 of the funds of the Commodity Credit Corporation to carry out a livestock indemnity program to make payments to producers on farms in disaster parishes that have incurred livestock losses, not covered by subsection (a), due to Hurricane Katrina, Hurricane Rita, or related conditions. To the maximum extent practicable, the Secretary shall use the criteria established under the program referred to under the heading “livestock indemnity program” in chapter 1 of title I of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31; 113 Stat. 59), except that the Secretary shall use a payment rate of \$1,000 per head of cattle and shall not impose any limitation on the maximum amount of payments that a producer may receive under this subsection.

(c) **DAIRY PRODUCTION LOSSES.**—The Secretary of Agriculture shall use \$5,000,000 of funds of the Commodity Credit Corporation to compensate dairy producers operating in disaster parishes for dairy production losses and dairy spoilage losses incurred in the aftermath of Hurricane Katrina or Hurricane Rita.

(d) **LIVESTOCK COMPENSATION PROGRAM.**—The Secretary of Agriculture shall use \$5,000,000 of the funds of the Commodity Credit Corporation to carry out a livestock compensation program to make payments for livestock-related losses, not covered by subsection (b), in disaster parishes due to Hurricane Katrina, Hurricane Rita, or related conditions. To the maximum extent practicable, the Secretary shall use the criteria established under the program referred to in section 203(a) of the Agricultural Assistance Act of 2003 (title II of division N of Public Law 108-7; 16 U.S.C. 3801 note), except that the Secretary shall not impose any limitation on the maximum amount of payments that a producer may receive under this subsection.

(e) **EMERGENCY ANIMAL HEALTH AND FORAGE COSTS.**—The Secretary of Agriculture shall use \$4,375,000 of funds of the Commodity Credit Corporation to compensate dairy producers operating in disaster parishes for emergency dairy cattle health costs and increased forage costs due to a 30- to 90-day delay in planning in the aftermath of Hurricane Katrina or Hurricane Rita.

**SEC. 4008. ANIMALS COVERED UNDER LIVESTOCK ASSISTANCE PROGRAMS.**

(a) **INCLUSION OF HORSES UNDER ASSISTANCE PROGRAMS.**—In carrying out a livestock assistance, compensation, or feed program, the Secretary of Agriculture shall include horses within the definition of livestock covered by the program.

(b) **EMERGENCY LIVESTOCK FEED ASSISTANCE.**—Section 602(2) of the Agricultural Act of 1949 (7 U.S.C. 1471(2)) is amended—

(1) by inserting “horses,” after “bison,”; and

(2) by striking “equine animals used for food or in the production of food”.

(c) **LIVESTOCK ASSISTANCE PROGRAM.**—Section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51), is amended by inserting “(including losses to elk, reindeer, bison, and horses)” after “livestock losses”.

(d) **LIVESTOCK PRODUCER ASSISTANCE.**—Section 10104(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1472(a)) is amended by striking “and bison” and inserting “bison, and horses”.

(e) **LIVESTOCK ASSISTANCE PROGRAMS.**—Section 203(d)(2) of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 541) is amended by striking “and bison” and inserting “bison, and horses”.

(f) **APPLICABILITY.**—This section and the amendments made by this section apply to losses resulting from a disaster that occurs on or after August 28, 2005. This section and the amendments made by this section do not apply to losses resulting from a disaster that occurred before that date.

**SEC. 4009. ASSISTANCE FOR DOMESTIC AQUACULTURE PRODUCERS.**

The Secretary of Agriculture shall use \$45,000,000 of funds of the Commodity Credit Corporation to carry out a program to make payments to producers for the loss of crawfish, turtles, and other aquacultural commodities in disaster parishes.

**SEC. 4010. EMERGENCY CITRUS DISASTER, NURSERY CROP AND CHRISTMAS TREE DISASTER, AND STRAWBERRY, HORTICULTURAL CROPS, FALL FRUITS AND VEGETABLES DISASTER PROGRAMS.**

(a) **PROGRAMS REQUIRED.**—The Secretary of Agriculture shall transfer to the fund established by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), \$45,000,000 of funds of the Commodity Credit Corporation to carry out a Citrus Disaster Program, Nursery Crop and Christmas Tree Disaster Program, and Strawberry, Horticultural Crops, Fall Fruits and Vegetables Program in disaster parishes due to Hurricane Katrina, Hurricane Rita, or related conditions.

(b) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, the disaster programs required by subsection (a) shall be carried out by the Secretary of Agriculture in the same manner as the special disaster relief programs carried out for producers who suffered from crop damage and tree losses, and who had to perform related clean-up, in certain areas of Florida due to Hurricanes Charley, Frances and Jeanne during August and September 2004. Because of the complete destruction of the business records of many producers, the Secretary shall use the best available information in determining eligibility, determining losses, and calculating payment amounts under the programs.

(2) **SPECIAL ACREAGE COMPENSATION AMOUNT FOR CITRUS LOSSES.**—Because of the complete loss of the Louisiana citrus crop due to Hurricane Katrina and Hurricane Rita, the Secretary shall use only Tier 1 of the Florida Citrus Disaster Program in administering the Citrus Disaster Program required by subsection (a), and the per acre compensation for crop loss and associated tree damage in eligible groves of citrus shall be \$9,023 rather than \$1,500.

(3) **SPECIAL LOSS THRESHOLD AND PAYMENT RATE FOR HORTICULTURAL CROPS.**—In the case of the Strawberry, Horticultural Crops, Fall Fruits and Vegetables Program required by subsection (a), the Secretary shall cover

losses greater than 35 percent, rather than 50 percent, and use a single payment rate of \$2,500 per acre for planted fruits and vegetables.

(4) **SPECIAL PAYMENT RATE FOR SEVERE NURSERY CROP LOSSES.**—In the case of nursery crop losses of greater than 25 percent under the Nursery Crop and Christmas Tree Disaster Program required by subsection (a), the Secretary shall pay 75 percent of the actual dollar amount loss, rather than 25 percent.

(5) **PAYMENT LIMITATIONS.**—The Secretary shall not impose any limitation on the maximum amount of payments that a producer may receive under a program required by subsection (a).

(c) **RELATION TO OTHER ASSISTANCE.**—Persons that receive payments from section 32 of the Act of August 24, 1935, pursuant to a disaster program required by subsection (a) are not eligible for payments for qualifying crop or quality losses under the general crop disaster assistance authority of section 4003.

**SEC. 4011. CONSERVATION PROGRAMS.**

(a) **TEMPORARY SODBUSTER AND SWAMPBUSTER WAIVER.**—Subtitles B and C of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) shall not apply in a disaster parish during the two-year period beginning on the date of enactment of this Act.

(b) **DEBRIS REMOVAL.**—The Secretary of Agriculture may use the Natural Resources Conservation Service to conduct debris-removal activities on non-Federal forest land, with the permission of the owner of the land, in a disaster parish to reduce the risk of future catastrophic wildfires that would adversely affect watersheds and rural communities.

(c) **ADDITIONAL EMERGENCY WATERSHED PROTECTION PROGRAM FUNDS.**—The Secretary of Agriculture shall use an additional \$269,000,000 of the funds of the Commodity Credit Corporation for the Emergency Watershed Protection Program to provide additional funds for the repair of damages to waterways and watersheds in disaster parishes resulting from Hurricane Katrina or Hurricane Rita.

(d) **ADMINISTRATIVE EXPENSES.**—Amounts made available under subsections (c) and (d) shall be available to cover the salaries and expenses of additional staff of the Department of Agriculture hired or detailed to carry out this section.

**SEC. 4012. TREE ASSISTANCE PROGRAM.**

(a) **INCLUSION OF TIMBER, CHRISTMAS TREE, AND PECAN CROPS.**—In administering the tree assistance program established under sections 10201 through 10204 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.), the Secretary of Agriculture shall provide \$37,000,000 to forest land owners who produce periodic crops of timber, Christmas trees, or pecans for commercial purposes and who have suffered tree losses in disaster parishes due to Hurricane Katrina, Hurricane Rita, or related conditions

(b) **COST-SHARING WAIVERS.**—

(1) **TREE ASSISTANCE PROGRAM.**—The cost-sharing requirements of section 10203(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8203(1)) shall not apply to the operation of the tree assistance program in disaster parishes in response to Hurricane Katrina, Hurricane Rita, or related conditions.

(2) **COOPERATIVE FORESTRY ASSISTANCE ACT.**—The cost-sharing requirements of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101) shall not apply in disaster parishes during the two-year period beginning on the date of enactment of this Act.

(c) **RELATION TO OTHER ASSISTANCE.**—Persons that receive payments from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c),



pursuant to the Citrus Disaster Program required by section 4009 are not eligible for payments under the tree assistance program.

(d) **ADDITIONAL STATE AND PRIVATE FORESTRY PROGRAM FUNDS.**—The Secretary of Agriculture shall use an additional \$42,000,000 of the funds of the Commodity Credit Corporation to support State and Private Forestry programs of the Department of Agriculture to provide additional funds for the restoration and rehabilitation of forest lands destroyed or damaged by Hurricane Katrina or Hurricane Rita in disaster parishes.

**SEC. 4013. ADDITIONAL FUNDS FOR COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE.**

The Secretary of Agriculture shall use an additional \$34,193,591 of the funds of the Commodity Credit Corporation to support the research and education activities of the Cooperative State Research, Education, and Extension Service in disaster parishes. Of such amount, \$9,060,000 shall be made available to the Louisiana Agricultural Experiment Station, \$10,133,591 shall be made available to the Louisiana Cooperative Extension Service, and \$15,000,000 shall be made available to the Louisiana State University Agricultural Center to carry out the Hurricane Forestry Damage Research Initiative.

**SEC. 4014. WATER AND WASTE DISPOSAL LOAN AND GRANT PROGRAMS.**

In the case of water or waste disposal grants or direct or guaranteed loans under paragraph (1), (2), or (24) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) made in an area designated a major disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), section 343(a)(13)(B) of that Act and section 149(b) of the Internal Code of 1986 shall not apply.

**SEC. 4015. COMMUNITY FACILITIES LOAN AND GRANT PROGRAMS.**

(a) **IN GENERAL.**—In the case of community facility direct and guaranteed loans under section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)) and community facility grants under paragraph (19), (20), or (21) of section 306(a) of that Act made in an area designated a major disaster area by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), sections 306(a)(21)(A)(iv) and 343(a)(13)(C) of that Act and section 149(b) of the Internal Code of 1986 shall not apply.

(b) **RESTRUCTURING.**—A borrower receiving a guaranteed loan or grant described in subsection (a) as of the date of enactment of this Act may restructure the loan at new rates and terms regardless of the status of the loan.

(c) **REDUCTION OF GUARANTEE FEE.**—Notwithstanding any provision of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) (including associated regulations), the Secretary of Agriculture may waive all or part of any fee associated with a guaranteed loan described in subsection (a).

**SEC. 4016. RURAL COMMUNITY ADVANCEMENT FUNDS.**

(a) **IN GENERAL.**—Subject to subsection (b), in addition to any other amounts made available by law, the Secretary of Agriculture shall use—

(1) \$120,000,000 to make water and waste disposal direct loans under section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1));

(2) \$60,000,000 to make water and waste disposal grants under section 306(a)(2) of that Act (7 U.S.C. 1926(a)(2));

(3) \$10,000,000 to make water and waste disposal guaranteed loans under section 306(a)(24) of that Act (7 U.S.C. 1926(a)(24));

(4) \$20,000,000 to make emergency community water assistance grants under section 306A of that Act (7 U.S.C. 1926a);

(5) \$120,000,000 to make community facilities direct loans under section 306(a)(1) of that Act (7 U.S.C. 1926(a)(1));

(6) \$60,000,000 to make community facilities grants under paragraph (19), (20), or (21) of section 306(a) of that Act (7 U.S.C. 1926(a)); and

(7) \$20,000,000 to make community facilities guaranteed loans under section 306(a)(1) of that Act (7 U.S.C. 1926(a)).

(b) **REQUIREMENT.**—Loans and grants funded under this section shall be available for projects in communities in the State of Louisiana in areas that have been designated as major disaster areas by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

**SEC. 4017. FISHERIES DISASTER ASSISTANCE.**

The following amounts are appropriated for the National Oceanic and Atmospheric Administration, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006:

(1) **FISHERIES DISASTER ASSISTANCE.**—In addition to amounts appropriated or otherwise made available for such purpose, \$248,000,000, to remain available until expended, for a direct, lump-sum grant to the Louisiana Department of Wildlife and Fisheries for direct grants to Louisiana harvesters and vessel owners to provide replacement of the dockside values for all fishery resources in fisheries impacted by Hurricane Katrina and Hurricane Rita. The Secretary of Commerce shall make such amount available to the Louisiana Department of Wildlife and Fisheries not more than 30 days after the date of enactment of this Act and may not expend more than 2 percent of such amount for administration, technical assistance, and operation related to such grant.

(2) **MENHADEN FISHERIES RECOVERY.**—In addition to amounts appropriated or otherwise made available for such purpose, \$14,000,000, to remain available until expended, for a direct, lump-sum grant to the Louisiana Department of Wildlife and Fisheries for direct grants to Louisiana harvesters and vessel owners to provide replacement of the dockside values for the menhaden fisheries impacted by Hurricane Katrina and Hurricane Rita.

(3) **LOUISIANA OYSTER RECOVERY.**—In addition to amounts appropriated or otherwise made available for such purpose, \$30,000,000, to remain available until expended, for a direct, lump-sum grant to the Louisiana Oyster Task Force and the Louisiana Department of Wildlife and Fisheries for the complete rehabilitation of public oyster reefs under the jurisdiction of Louisiana that were impacted by Hurricane Katrina and Hurricane Rita. Of such amount, \$1,000,000 shall be made available for oyster hatcheries in Louisiana, and \$8,000,000 shall be made available for oyster lease resurveying and oyster lease boundaries and for oyster lease equipment and facilities.

(4) **FISHERIES INFRASTRUCTURE RECOVERY.**—In addition to amounts appropriated or otherwise made available for such purpose, \$268,000,000, to remain available until expended, for the establishment of strategically located emergency fisheries infrastructure facilities to provide the dockside infrastructure required for the delivery of fish products to market in all fisheries impacted by Hurricane Katrina and Hurricane Rita.

(5) **LOUISIANA MARINE RESEARCH RECOVERY.**—In addition to amounts appropriated or otherwise made available for such purpose, \$14,000,000, to remain available until expended, for a direct, lump-sum grant to the

Louisiana Department of Wildlife and Fisheries for the replacement of coastal and marine research facilities impacted by Hurricane Katrina and Hurricane Rita.

(6) **SEAFOOD MARKETING.**—In addition to amounts appropriated or otherwise made available for such purpose, \$35,000,000, including \$1,500,000 for the Louisiana Oyster Task Force, to remain available until expended, for a direct, lump-sum grant to the Louisiana Seafood Promotion and Marketing Board to rebuild markets for seafood products in fisheries impacted in Hurricane Katrina and Hurricane Rita.

(7) **LOUISIANA LICENSE RENEWAL.**—In addition to amounts appropriated or otherwise made available for such purpose, \$16,500,000, to remain available until expended, for a direct, lump-sum grant to the Louisiana Department of Wildlife and Fisheries to provide license renewal fees for commercial or recreational fishing license holders and to provide oyster lease rent or renewal fees.

(8) **FISHERIES HABITAT.**—In addition to amounts appropriated or otherwise made available for such purpose, \$10,000,000, to remain available until expended, to restore and rehabilitate marsh, nursery habitat for fish, shrimp, and crabs in Louisiana.

(9) **SEVERE WEATHER FORECASTING AND WARNING.**—In addition to amounts appropriated or otherwise made available for such purpose, \$4,000,000, to remain available until expended, for the National Weather Service to ensure continued weather forecasting services in areas that could be impacted by hurricanes and other severe coastal weather events, including floods. Such funds should be made available to the South Regional Weather Center for hurricane forecasting and data delivery during an emergency.

(10) **LOUISIANA STATE UNIVERSITY HURRICANE CENTER.**—In addition to amounts appropriated or otherwise made available for such purpose, \$5,000,000, to remain available until expended, to implement an emergency response decision support system and expert guidance that is capable of rapid deployment to support emergency response and recovery activities, including scalable hurricane response capabilities, in-place resources and readiness, integrated modeling and information delivery systems, pre-defined inventories of domain experts and resources, and an infrastructure that may be adopted in all regions of the Eastern United States that are impacted by hurricanes and the Caribbean region. Such system shall be integrated with Federal and State response planning and shall be developed in cooperation with universities in Louisiana.

**SEC. 4018. WAIVER OF FEDERAL FISHERIES LAWS AND REGULATIONS.**

The Secretary of Commerce shall waive the provisions of any Federal law or regulation that requires the protection of endangered or otherwise protected species in the immediate waters impacted by Hurricane Katrina and Hurricane Rita. Such waiver shall be effective for a 1-year period beginning on a date determined by the Secretary, in consultation with the head of the Louisiana Department of Wildlife and Fisheries.

**SEC. 4019. EXEMPTION OF MOLLUSCAN SHELLFISH CULTURE ACTIVITIES.**

Section 9 of the National Aquaculture Act of 1980 (16 U.S.C. 2808) is amended by adding at the end the following:

“(c) **EXEMPTION FOR MOLLUSCAN SHELLFISH CULTURE ACTIVITIES.**—Molluscan shellfish culture activities are not prohibited by or otherwise subject to regulation under—

“(1) section 10 of the Act of March 3, 1899 (chapter 425; 33 U.S.C. 403), popularly known as the Rivers and Harbors Appropriations Act of 1899; and

“(2) section 301(a), 402, or 404 of the Federal Water Pollution Control Act (33 U.S.C. 1311(a), 1342, 1344).”

**SEC. 4020. REGULATIONS.**

(a) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this title and the amendments made by this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title and the amendments made by this title 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 of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

**SEC. 4021. EMERGENCY DESIGNATION.**

Amounts provided pursuant to this title or amendments made by this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. LEWIS of California. Madam Chairman, I reserve a point of order on the gentleman’s amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. MELANCON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. MELANCON. Madam Chairman, I rise today with an amendment that deals with an area that was completely left out during the disaster assistance to date, and that is agriculture and fisheries. The gentleman from Texas talked about Texas and the damage to its agriculture, to its forestries, to its fisheries, to its housing stock. He mentioned 70,000 homes devastated or damaged in Texas. Katrina left 268,000 homes devastated or damaged in Louisiana.

I am not trying to make a comparison, I am just trying to make the point that the devastation in Louisiana was beyond description, beyond what anyone could comprehend without physically being on the ground and seeing what has happened in Louisiana, Mississippi, Texas, and Alabama.

But we have got another problem in Louisiana. We have over \$2 billion worth of forestry, fisheries and agriculture that have been destroyed and damaged. The infrastructure is gone. These numbers are based on estimates of damage from the LSU Ag Center, and I have a list of those crops and such, if any of the Members would wish to review it.

While many in Congress and the administration continue to put out figures where assistance has been provided, we have had roughly \$87 billion that has been appropriated. Of that \$87

billion, I dare to venture that 50 percent, or maybe even less, has hit the area, at least in Louisiana. And that \$87 billion that continues to be touted as spent on damage for the hurricanes, Rita and Katrina, somewhere between Washington and Louisiana, Mississippi, Alabama, Texas and, for that matter, Florida, with Wilma, the money has not reached the people that everyone believes it was intended to reach. There are a lot of contractors making a lot of money, and there is a lot of people that have had contracts with companies that had not even started that are getting contracts.

So no direct assistance has been provided to agriculture, forestry, fisheries in Louisiana and, to my knowledge, other than oysters getting some funding, they have been shortchanged.

The bankers at Christmas were asking the farmers in Louisiana what might the Congress do and the administration do to help them. For, you see, these farmers were meeting with their bankers, who were telling them that they can’t loan them the money unless they know that they are going to have some help from their government. So with that, we will be folding up rural Louisiana, the agriculture community, the fisheries community, and the forestry community, those items that drive the economies in south Louisiana.

I had asked for a waiver yesterday. And, Mr. Chairman, as you are aware, I didn’t receive it. But I felt compelled to come to the floor, as I did earlier. I believe that this Congress does not comprehend the extensive enormity of the disaster, as I keep hearing from Members.

□ 2145

I would like to again invite every Member of this Congress that has not put a foot in Louisiana or Mississippi to come to see, to understand, to talk to the people that have been devastated.

They are in Texas, too. They are in Alabama and Florida. But the devastation that we have experienced is crippling to our State.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN (Mrs. DRAKE). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 73, line 10, after the dollar amount insert “(increased by \$800,000,000)”.

Mr. LEWIS of California. Madam Chairman, I reserve a point of order on the gentlewoman’s amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, I yield myself such time as I may consume.

I rise to discuss the amendment that I hope my colleagues will give adequate consideration. The amendment is a simple one. It simply intends to add \$800 million to the amount of moneys to be utilized for the repair and construction and rehabilitation of rental properties in the impacted areas.

I am hoping that as my colleagues listen to some of the, if you will, concerns that we have regarding housing assistance in the region and the flexibility we are asking for they would see the legitimacy of increasing the \$1 billion to \$1.8 billion. Rental housing impacts people, and people are what are left in the gulf region, not structures, not apartment buildings, but people. People who are without trailers and, in many instances, without rental properties.

Many people would like to get into and repair their homes, but the easier property to repair and reconstruct would be the rental properties controlled by HUD. The impacted areas cover Mississippi, Louisiana and Texas. For those of us who have been in the region, we know that the region can be declared a war zone. The damage is expansive.

I have walked along the streets of HUD projects, housing developments in disrepair, empty, needing repair so people could return. This is so in East Texas, Port Arthur, Beaumont and areas where Hurricane Rita traveled, and it certainly has risen its face in the Gulf region and in Mississippi.

I want to say to my colleagues that I appreciate the generosity and the, if you will, insight of the ranking member and chairman of the full committee and of the subcommittee dealing with housing and the \$4.2 billion and the ceiling, if you will, or the floor of \$1 billion. But this amendment goes to the expansiveness of the devastation and the need for rental assistance and reconstruction.

Frankly, I think it is important to note that the \$1.8 billion is not too much and does not disallow flexibility of the remaining dollars.

I would hope if it was not necessary to use \$1.8 billion, this particular dollar amount would not need to be utilized, and that is because the language says “not less than.” I hope that my colleagues would support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Madam Chairman, I yield myself such time as I may consume.

Madam Speaker, the gulf States are free to use any of the CDBG funds for

low-income housing. They can use all of the \$4.2 billion, or even all of the \$11.5 billion that we provided last year. What we are trying to do is provide the maximum amount of flexibility, flexibility just as we did for New York City after 9/11 but still preserve the low-income housing. This is all very, very important for the Governors.

In my view, we have already struck a good balance between flexibility and housing, while still allowing other development activities such as water and sewer construction business, development of transportation planning and debris removal, which is a big, big thing, as you know. We have allowed those things to go on.

I thank the gentlewoman for her interest, but I ask for a "no" vote.

Madam Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Chairman, I yield myself the balance of my time.

Madam Speaker, I appreciate the spirit in which the gentleman has offered his rebuttal. I realize these dollars go specifically to reconstruction repair, but might I just use an anecdotal story to show that housing reconstruction repair and rental assistance is really a large chunk of the need in the gulf coast because people do not have housing.

Frankly, just as an anecdotal story, for the City of Houston, even in apartments that we have been able to utilize, isn't it interesting that we cannot even get moneys paid to landowners, apartment owners, for the renters who are on the premises who are Hurricane Katrina survivors.

It is a slightly different issue, but it shows the magnitude of the housing need. The 200,000 individuals that are in the Houston area are mostly in rental property, and much of it would be subject at some point to repair and reconstruction. The point of this increase is to highlight the need for rental housing in the devastated areas and to somehow seek some flexibility to be able to use dollars for rental assistance.

I would ask Mr. KNOLLENBERG and certainly the chairman of the committee to recognize that this should be the beginning of our work and not the end. Frankly, my plea is to provide rental assistance dollars, because we are getting inadequate response from FEMA.

My amendment was offered to provide the increase because rental housing overall is needed, but the specific need obviously is rental assistance and its payments.

Madam Chairman, I seek to withdraw the amendment; and I look forward to further opportunity to ensure that the City of Houston and other cities similarly situated would allow for us to be able to get rental assistance and payment for those 200,000 who are living in rental properties through our city and throughout East Texas and other areas.

Madam Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 74, lines 3 through 8, strike "the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that" and "unless the Secretary otherwise makes a finding of compelling need".

Mr. KNOLLENBERG. Madam Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me suggest that I respect the good intentions of this waiver language. I understand that it addresses the question of flexibility, but, frankly, I believe that it should be the other way around. That, in fact, if the Secretary believes that there needs to be more dollars to be utilized for other income levels other than low and moderate, then the Secretary needs to make a compelling need request.

These moneys were designated for low and moderate income. That is the bulk of the impact in the gulf coast region where the dollars are needed. My fear is, with the ability to waive utilization of these funds for low and moderate income, we will find these funds being utilized for economic development projects, putting in various extraneous matters that do not address the question of human needs.

This amendment simply says, let us get ourselves focused, let us get back on the point, let us realize that the devastating impact is impacting mostly people who have lost everything and fall into the category of low and moderate. Therefore, I feel there would be little reason to have to seek a waiver in the first place because the need is pointed. It points to a certain income, and those were the most devastated.

We realize there are other issues dealing with insurance where those individuals who had insurance are now in conflict with insurance companies who are denying them their insurance recovery. That is one issue. But people who have lost everything mostly have fallen into the category of low and moderate income. These dollars should be directed toward that body of people and not directed elsewhere, therefore, taking away important dollars for helping to rebuild the gulf coast.

Just walk down in the area, travel through the areas of Mississippi and Louisiana, visit some of the eastern parts of Texas, and you will find that the language that exists that deals with low and moderate income is the appropriate language that will serve the housing and other infrastructure needs of those who have been devastated along the gulf coast. To allow waiver opportunity for the Secretary to change that formula and to begin to use it for many, many other aspects will take it away from the rebuilding and reconstruction of that area. I ask my colleagues to support my amendment.

Madam Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, our intent was to provide funds with the maximum flexibility to help all the people in the affected gulf coast region. This is really again an issue for the Governors of the affected States. The Secretary does not implement these plans. The Governors create the plans, and they also spend the money. Our language does not allow the Secretary to provide a blanket waiver of the low and moderate income provision. He must give notice of the waiver and explain why he granted such a waiver.

□ 2200

I would urge a "no" vote on this amendment. I recognize the gentlewoman is very much an advocate of emphasizing and focusing on the low income, and I appreciate that. But what we need to do is to let the States use these funds in the way that will best rebuild the devastated areas.

Madam Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Chairman, I yield myself such time as I might consume.

We can see that we are having enormously genteel dialogue here, Madam Chairman. Again, I respect the argument of the flexibility being offered by way of the States. I guess I speak very passionately from what I have seen day-to-day in our local communities, our cities, and the impact that they have experienced in not getting the dollars that are necessary to provide the engine to their local economy as they play host, willingly, of course, to thousands of survivors, including those who are impacted by Rita. I believe those dollars should be focused on low and moderate income and frankly, when necessary, then the waiver should be from the ground up, rather than top down. And so I would ask my colleagues to support this amendment.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mrs. DRAKE). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was rejected.

Ms. JACKSON-LEE of Texas. Madam Chairman, I would like to ask for the yeas and nays.

The Acting CHAIRMAN. The gentleman's request is not timely.

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TAYLOR of Mississippi:

Page 65, line 10, after the dollar amount, insert the following: "(increased by \$15,890,000)".

Page 65, line 24, after the dollar amount, insert the following: "(increased by \$40,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from California (Mr. LEWIS) each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Madam Chairman, may I ask the Clerk to read the amendment? It is a very short amendment.

The Acting CHAIRMAN. Without objection, the amendment shall be read.

There was no objection.

The Clerk read the amendment.

Mr. TAYLOR of Mississippi. Madam Chairman, the President of the United States came to Bay St. Louis, Mississippi about a month ago. He stood on the floor of the gymnasium at Saint Stanislas High School and made a solemn pledge to the people of Mississippi that he would repair every Federal installation to pre-Katrina standards. In this supplemental request that he sent to Congress, the President seeks to fulfill a part of that pledge by rebuilding the commissaries at Keesler Air Force Base, and at the Navy Construction Battalion in Gulfport, Mississippi. The funds he requested would get them back to their pre-Katrina standards.

It is my understanding that in committee, there were some concerns expressed that because these are normally MWR funds, that there was not a precedent for appropriated funds being used to repair MWR facilities. I have provided to both the majority and the minority a lengthy list of precedents where appropriated funds have been used on military installations to repair MWR facilities.

I also understand that there were concerns about the authorization for this. Again, on the publications that I have given to both the majority and the minority, we point out Title 10 USC, 2854, it authorizes appropriated funds to "repair, restore or replace" facilities damaged or destroyed by acts of God, natural disasters, fire or terrorism, even MWR facilities normally constructed with non appropriated funds which was incorporated in DOD policy, DOD 1015.10.

Madam Chairman, since, again, this is the President's request, it is for facilities that were clearly destroyed by an act of God at the end of August of 2005, that we have fulfilled the requirements of the committee to show that again, there was precedent for this, it is authorized, it is the President's request and, quite frankly, the people who shop at that commissary, up to 20,000 young airmen, tens of thousands of military retirees who paid their dues in Korea, in Vietnam. Some of our World War II veterans still shop there, Gulf War veterans shop there, and it is only trying to do for them what was promised to them. They have made due with a very, very small commissary that the base has funded with one of these small appropriations since the storm. We are trying to put the base back like it was. The base was spared in the BRAC rounds. It is actually going to grow a bit as a result of BRAC. And so for any number of good reasons, we are put trying to put this back, the appropriations sought by the President back in this bill.

Madam Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Madam Chairman, the Air Force and the Navy together requested \$55.9 million for base exchange projects at Keesler Air Force base, and the Naval Construction Battalion Center Gulfport in Mississippi. The request for Keesler was \$40 million. The request for two projects at Gulfport, \$15.9 million. The committee has not included funding for these facilities. Base exchanges, including construction, are typically resourced through non appropriated funds. The exchanges use their sales revenue to fund their operations as well as their capital costs.

Congress provided \$3.8 million to construct a temporary exchange at Keesler in December in the December supplemental. But now we are being asked to build a permanent facility at over 10 times that cost.

The committee is concerned about setting a precedent for using military construction funds for exchanges. We have been told that the Army and Air Force Exchange Service has a \$251 million capital budget for Fiscal Year 2006, and the Navy Exchange has a capital budget of \$68 million. We believe that they should first look to their capital budgets to prioritize and fund these projects.

The committee is also concerned about the exchanges policy of self insuring these facilities. This means that when a disaster happens, like Hurricane Katrina, a fire and so forth, the taxpayers will be forced to foot the bill. That is why we had directed the Department of Defense to take a hard look at the possibility of privately insuring these facilities. We don't tell AAFES or NEX what to do with their non appropriated funds. But we are concerned about them passing on these risks and costs to taxpayers. The committee will continue to take a look at

this issue as we go into conference with the Senate. But at this point, I must oppose the gentleman's amendment. I very much appreciate the gentleman's cooperation and would appreciate his further cooperation.

I yield back the balance of my time.

Mr. TAYLOR of Mississippi. Madam Chairman, again, I appreciate, number one, both the majority and the minority giving me the opportunity to bring this amendment up tonight. To the point that the chairman raised, I have served on the authorizing committee for about 16 years now. In the span of that 16 years, I don't ever recall a request from our colleagues on appropriation to pass language to either force or encourage the commissaries to be self-insured. And I think I am pretty keen on this issue and I am pretty confident in saying we have never received a request from your committee to do that. So now that the President is willing to make this commissary whole, that obviously the need is there, that it was indeed an act of God, that it is authorized, I find it strange that at this time Keesler Air Force base and AAFES would be punished for not fulfilling a request that they never got.

On the other hand, I think we could fulfill requirements of the President's request, fulfill what is best for AAFES, fulfill what is best for the airmen, for the retirees and the active duty personnel. The people who flew the missions into the hurricane shop at this commissary. People who fly missions in Iraq shop at this commissary. It is a part of their compensation that was promised. It is a part of the compensation that has been denied.

Anyone who has visited Mississippi gulf coast knows that the shopping opportunities in the private sector have been greatly diminished as a result of the storm. So you can't say just go out in town, because in the case of Waveland, Mississippi, in the case of Bay St. Louis Mississippi, Long Beach, Mississippi, Pass Christian, Mississippi, those stores are no longer there. So for all of those reasons, I would encourage my colleagues to put back the money that the President has asked for.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. TAYLOR of Mississippi. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) will be postponed.

□ 2215

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I ask unanimous consent to

now call up the election amendment regarding gulf coast elections.

The Acting CHAIRMAN (Mrs. DRAKE). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill, and before the short title, insert the following:

SEC. 3013. None of the funds made available by this Act may be used to prohibit registered and legal, but displaced, residents of the Gulf Coast region from the right to legally vote in any officially designated election of the Gulf Coast region.

Mr. WOLF. In the interest of time, if this is the one with regard to the election, we accept the amendment.

Ms. JACKSON-LEE of Texas. Madam Chairman, if I may have a moment of explanation, I thank the gentleman for his acceptance.

The Acting CHAIRMAN (Mrs. DRAKE). Pursuant to the order of the House today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the distinguished Chair. I thank also the chairman of the subcommittee, Mr. WOLF, for his generosity.

Let me just be brief, but also be very pointed. We have a number of difficulties in the gulf region, for many of us who serve on the Homeland Security Committee had the opportunity to travel on several occasions to the region, most recently, with Speaker HASTERT and Leader PELOSI, and heard a number of concerns. One of the major concerns, of course, was the pending election in New Orleans, Louisiana, on April 22, dealing with a number of challenges to ensure, one vote, one person.

This amendment simply argues against any Federal dollars being used to prohibit the legal voting of any displaced persons. I hope in the course of this amendment passing through, that we will find at least support in the Department of Justice to assist with the number of issues deal with absentee balloting, dealing with satellite voting, dealing with making sure that the precincts are in place and also making sure that many of the thousands of individuals living in Houston, Texas, who claim Louisiana as a residence and New Orleans as their residence, are facilitated in their right to vote.

I would hope that no dollars be utilized by the State, by the local authorities and FEMA to thwart or prohibit anyone from voting on that day or any days after in Alabama, Mississippi, Texas and Louisiana and other impacted States.

With that, let me ask my colleagues to support this amendment to ensure one person, one vote, and to ensure the

utilization of the Voter Rights Act in protecting the rights of individuals to vote.

Madam Chairman, I reserve the balance of my time.

Mr. WOLF. We have no objection and support the amendment.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank my colleague and I ask my colleagues to support the amendment.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer an amendment and ask unanimous consent that it be considered out of order.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following new section:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to prohibit the approval of disaster loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) at a rate of at least 70 percent.

Mr. LEWIS of California. Madam Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the Chairwoman very much. This is an amendment that really, I would ask my colleagues in another time and another day, to waive the point of order. But I rise to make the point on the amendment. I really believe that this Congress should join together and admonish the Small Business Administration and make it work for the people it was intended to work for.

A lot of the people who are impacted by the hurricane are now living in Houston, Texas. Of course, the actions of the SBA not only impact them, but impact my constituents. We are finding that there has been an almost 80 percent rejection rate of those individuals requesting a small business disaster loan.

I stood and listened to a gentleman by the name of Alvin, who before the hurricane had a business in his home. He was doing what he thought well and beginning to have a very effective

small business. He obviously lost everything, including his home and his equipment for his business. He now comes and lives in Houston, comes to Houston and lives there in Houston. In order to get on his feet, he applied for a small business loan and was denied.

In a report we have determined just recently, that will be released today, that business and home loan approval rates average about 60 percent after Hurricane Andrew devastated much of South Florida in 1992, the trend continued through the rest of this administration and into the present administration, or the first George Bush administration, and into the Clinton administration. But, however, we have seen these numbers go decidedly down, in terms of the ability for individuals to have small business loans.

In Louisiana, for example, nearly three in five applicants could not meet credit standards, the SBA said. Another one in four said they couldn't repay the loans. One in ten didn't make enough money. The question is, what are these small business loans for if other than to allow small business persons to get on their feet and to be able to establish their business and to repay the loans back.

Over and over again, individuals have applied for the loans and been denied. The SBA has drawn the ire of many lawmakers last month when it announced it was almost out of disaster loan money. Lawmakers gave the green light to the SBA to spend \$100 million in early February. Late in the month, the Senate approved additional monies. But, frankly, the moneys are not getting to large numbers of small business owners. So this amendment simply asks that the approval rate during this time not be lower than 70 percent; that small business owners have the right to be able to be reviewed in a fashion that acknowledges that they have lost all that they have had, and that this loan gives them the opportunity to regenerate their business, become independent, and pay the loan back.

It is silly in the interpretation of the various SBA statutes to insist that someone show themselves creditworthy when they have lost everything. So the amendment really points out to the failures of the SBA at this time, and I think it is appropriate that Congress makes notice of this and asks for a consideration of the many people who have applied and who have been denied. That is the only way we are going to allow people to get on their feet.

Madam Chairman, let me just say that this amendment is to make a very pointed statement on this floor: The SBA is not working as relates to disaster loans and the people that it most needs to help. I would hope we would have intense oversight to begin to insist that the loan process works fairly to restore people to their feet.

Madam Chairman, as of February, months the Small Business Administration had issued \$4.12 billion in disaster assistance loans to homeowners and businesses in declared disaster areas, processing 214,000 applications.

It has approved approximately \$1 billion in loans to businesses surviving the destructive attacks by hurricanes in 2005.

In my district of Houston: 55 disaster home loans approved for \$727,000; 27 disaster business loans approved for \$1,750,800; 17 disaster economic injury loans approved for \$750,100; and 99 total disaster loans approved for \$3,227,900.

If one just looks at the agency's performance on the surface it would appear that agency is performing well. However, upon closer inspection, citing Louisiana as a case study, reports indicate that of the roughly 185,000 applications made on behalf of homeowners, a shocking 60,000 were denied. The SBA is distributing a large amount of aid, but that aid is not reaching all of those in serious need. This is evident by the House Minority Small Business Committee's statement that 80 percent of overall disaster loans have been denied.

My amendment requires of the Small Business Agency that no funds prohibit the approval of disaster loans at a rate of at least 70 percent. The destruction caused by the hurricanes occurred on an unprecedented scale, and the SBA should be approving disaster loans with unprecedented efficiency. SBA disaster loans offer people who have lost everything a chance to rebuild their life. It gives the survivors of Rita, Katrina and Wilma the hope that one day they can be contributing members of society.

Madam Chairman, I ask unanimous consent to withdraw my amendment, and continue to work on this matter to ensure that small business loans go to small business persons for them to be able to rebuild their lives throughout the gulf region, including the State of Texas.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CONAWAY:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by section 3010 for fiscal year 2006 for the Low-Income Home Energy Assistance Program may be used while there continues in effect a Federal prohibition on the exploration, leasing, development, or production of oil or natural gas in the Arctic National Wildlife Refuge or the Outer Continental Shelf.

Mr. LEWIS of California. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved. Pursuant to the order of the House of today, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Madam Chairman, I rise tonight to support an amendment that would address what I believe is a hypocrisy that permeates a very im-

portant area of national policy. Section 3010 of this bill will pull funding for LIHEAP, the Low Income Home Energy Assistance Program, from fiscal 2007 into fiscal 2006. The idea is that certain low income folks need help with high fuel prices, high home heating fuel bills or just home heating bills in general.

The reason we have high bills is a lack of supply of crude oil and natural gas. While we have this lack of supply, it is because we have not drilled in certain areas, which I believe will provide prolific reserves that would address the energy costs.

None of us like these high energy prices we are experiencing. There are no short-term solutions. But the most immediate impact we can have open prices is to drill in areas where we have reserves. These areas include the Arctic National Wildlife Reserve, as well as the outer continental shelf.

There have been many attempts, throughout my short time I have been here, to open up these areas to drilling. The drilling contractors, the operators today so, can do so in an environmentally sensitive way and a responsible way, and it is hypocritical of us to, on the one hand, ask the taxpayers of this country to underwrite the high energy bills, and then, on the other hand, restrict supply that, in fact, drives up those costs.

So my amendment would say that none of the LIHEAP money would be available as long as we maintain restrictions on drilling in ANWR as well as the outer continental shelf.

Another point, as to the safety of the drilling in these areas, if you look at the experience we had as a result of Hurricane Katrina, you cannot imagine, you cannot formulate a worse natural disaster in the Gulf of Mexico as it relates to the producing and drilling platforms than we had in the gulf that was Hurricane Katrina. You just cannot imagine anything worse than that.

As a result of the great engineering, the hard work of many men and women throughout this industry, there was not one oil spill, one natural gas spill as a result of Hurricane Katrina sweeping through there and destroying the surface equipment. All of the sub-surface protections that are put in place to protect against that eventuality did in fact work. I think the idea that we can't do so, we can't drill offshore safely and responsibly has, in my mind, not played out.

So I encourage my colleagues to support this amendment to address what I believe is a hypocritical position in national policy.

Madam Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. LEWIS of California. Madam Chairman, let me say how much I appreciate the cooperation of Mr. CONAWAY this evening. He has been helpful at every end of our business. But in the meantime, I have this responsibility that causes me to make a

point of order against the amendment, because it proposes to change existing law and constitutes legislation on appropriations bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part an amendment to a general appropriations bill shall not be in order if it changes existing law.

In this case, this amendment imposes additional duties.

So, Madam Chairman, I ask for a ruling.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair will rule. The Chair finds that this amendment includes language requiring a new determination of the Federal official who oversees the LIHEAP program. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

□ 2230

Mr. CONAWAY. Madam Chairman, while I respectfully disagree, I accept the ruling of the Chair.

Mr. LEWIS of California. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CONAWAY) having assumed the chair, Mrs. DRAKE, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

MAKING AVAILABLE FUNDS FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. BARTON of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2320) to make available funds included in the Deficit Reduction Act of 2005 for the Low-Income Home Energy Assistance Program for fiscal year 2006, and for other purposes. The Clerk read as follows:

S. 2320

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

**SECTION 1. FUNDS FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.**

Section 9001 of the Deficit Reduction Act of 2005 is amended—