

KATRINA EMERGENCY  
ASSISTANCE ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 229, S. 1777.

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

A bill (S. 1777) to provide relief for the victims of Hurricane Katrina.

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

Mr. LEIBERMAN. Mr. President, I have been pleased to work with Senator COLLINS to draft and reach agreement on this legislation to provide relief for the victims of Hurricane Katrina.

The package that the Senate is passing today does not contain everything that I would like, but I think the provisions of this bill will make a real difference for the families and their communities.

The challenges facing our country in the aftermath of Hurricane Katrina are like nothing we have faced in modern times—if ever.

This legislation has four parts.

First, this measure will provide an additional 13 weeks of Federal Disaster Unemployment Assistance for those who lost their jobs because of Hurricane Katrina, thereby extending the duration of benefits from the current 26 weeks to 39 weeks. More than 46,000 gulf coast workers were left jobless as a result of Hurricane Katrina, and this legislation is urgently needed, as these workers will run out of their 26 weeks of Federal assistance starting March 4.

Those who qualify for Disaster Unemployment Assistance, or DUA, generally do not qualify for regular unemployment benefits. They mostly include the self-employed, like fisherman and small business owners, who make up a vital sector of the economy in the gulf coast. Their weekly DUA assistance, which corresponds to the amounts provided in regular unemployment benefits in the States, is modest, at best. In Louisiana, for example, the weekly DUA benefit averages just \$100 a week.

The version of this legislation that I proposed on the Senate floor on September 15, 2005, would have also increased the minimum DUA benefit to \$135 a week, or half the national average unemployment benefit, and that was retained in our bill reported out of the Homeland Security and Governmental Affairs committee; the compromise amendment now before the Senate leaves the benefit levels under current statute unchanged.

The fact that so many families remain unemployed almost 6 months after the storm is a grave reminder that we as a Nation still have far to go to realize our promise of hope to the proud people of New Orleans and rest of the gulf coast who suffered the worst natural disaster this Nation has ever known. Extending these limited benefits by 13 weeks, just as we did for the

families left jobless after the events of September 11, is the least we can do to allow these displaced families some measure of security as they look for work while facing mounting expenses and countless other challenges in rebuilding their lives and their communities.

In the current amendment, we added language in section 2(a)(2) clarifying what we understand to be the current law regulating the DUA program—that an individual is not eligible to collect DUA at any given time if the individual is, at the same time, eligible to receive any other unemployment benefits available under Federal or State law. Individuals whose regular unemployment benefits expire may then be eligible to receive DUA if no other Federal or State jobless benefits are available. However, under no circumstances can they collect more than the 39 weeks in total benefits. This provision is consistent with current DUA law as applied by the U.S. Department of Labor. We are simply extending the benefit period from 26 weeks under current law to 39 weeks.

Two, the second provision in the bill would allow communities to be reimbursed for buying certain supplies in bulk—such as linens, cots, or toiletries—and giving them out to individual victims of either Hurricane Katrina or Hurricane Rita.

Third, the bill expresses the sense of Congress that international students should not be deported solely due to their inability to fulfill the terms of their visas as a result of a national disaster such as Katrina.

Fourth and finally, the legislation requires that the Secretary of Homeland Security must establish new inspection guidelines saying that inspectors who determine eligibility for FEMA assistance may not enter into contracts with those for whom they perform inspections.

This bill does not make all of the changes to disaster assistance programs that I would have liked. But that is the nature of compromise. In my opinion, the Disaster Unemployment Assistance program, in particular, needs further strengthening. I hope there may be an opportunity in the future to consider further improvements. But I am very pleased that we have been able to make very meaningful improvements that will help families weather this terrible storm.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2890) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Katrina Emergency Assistance Act of 2005”.

**SEC. 2. UNEMPLOYMENT ASSISTANCE.**

(a) IN GENERAL.—Notwithstanding section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177), in providing assistance under that section to individuals unemployed as a result of Hurricane Katrina—

(1) the President shall accept applications for assistance during—

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

(B) such longer period as may be established by the President; and

(2) subject to subsection (b), the President shall provide assistance to any unemployed individual, to the extent the individual is not entitled to unemployment compensation under any Federal or State law, until that individual is reemployed in a suitable position.

(b) LIMITATION FOR PERIOD OF ASSISTANCE.—The total amount of assistance payable to an individual under subsection (a) may not exceed payments based on a 39-week period of unemployment.

**SEC. 3. REIMBURSEMENT FOR PURCHASES.**

(a) DEFINITIONS.—In this section:

(1) DISASTER PERIOD.—The term “disaster period” means, with respect to any State that includes an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina or Hurricane Rita, the period beginning on the earliest date on which any area of the State was so declared and ending on the latest date for which any such declaration of an area of the State terminates.

(2) KATRINA OR RITA SURVIVOR.—The term “Katrina or Rita Survivor” means an individual who—

(A) resides in an area for which a major disaster has been declared in accordance with 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina or Hurricane Rita; or

(B) resided in an area described in subparagraph (A) during the 7 days immediately preceding the date of declaration of a major disaster described in subparagraph (A).

(3) MAJOR DISASTER.—The term “major disaster” has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(b) REIMBURSEMENT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President may reimburse a community for each purchase of supplies (such as food, personal hygiene products, linens, and clothing) distributed to Katrina or Rita Survivors.

(2) ELIGIBLE PURCHASES.—Reimbursement under paragraph (1) shall be available only with respect to supplies that—

(A) are purchased with taxpayer dollars; and

(B) would otherwise be eligible for reimbursement if purchased by a Katrina or Rita Survivor.

(c) PERIOD OF APPLICABILITY.—This section and the authority provided by this section apply only to a community assisting Katrina or Rita Survivors from a State during the disaster period of the State.

**SEC. 4. INTERNATIONAL STUDENTS DISPLACED BY KATRINA.**

It is the sense of Congress that the Bureau of Immigration and Customs Enforcement within the Department of Homeland Security should suspend or refrain from initiating removal proceedings for international students and scholars who are deportable solely due to their inability to fulfill the

terms of their visas as a result of a national disaster, such as Hurricane Katrina.

#### SEC. 5. CONTRACTING AUTHORITY.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness, shall propose new inspection guidelines that prohibit an inspector from entering into a contract with any individual or entity for whom the inspector performs an inspection for purposes of determining eligibility for assistance from the Federal Emergency Management Agency.

The bill (S. 1777), as amended, was read the third time and passed.

#### ORDERS FOR THURSDAY, FEBRUARY 16, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, February 16. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 30 minutes, with the first 15 minutes under the control of the Democratic leader or his designee, and the second 15 minutes under the control of the majority leader or his designee; provided further, that following morning business, the Senate resume consideration of the motion to proceed to S. 2271, as under the previous order. I further ask that the time until the cloture vote at 10:30 a.m. be equally divided between the two leaders or their designees.

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

Mr. DURBIN. Mr. President, if the majority leader will withhold completing business for a moment, I wish to have a few minutes to respond.

Mr. FRIST. Let me finish my comments before we close.

Mr. DURBIN. Of course.

#### PROGRAM

Mr. FRIST. Mr. President, tomorrow—to explain what we did—following morning business, the Senate will resume debate on the motion to proceed to the PATRIOT Act amendments act. The cloture vote on that motion to proceed will occur at 10:30 in the morning. Under the agreement, once cloture has been invoked on the motion to proceed, we will proceed immediately to the bill, and a cloture vote on the bill itself will occur at 2:30 p.m. on Tuesday, February 28, with a vote on final passage at 10 a.m. on Wednesday, March 1.

Mr. DURBIN. I thank the leader.

Mr. President, I will respond to some comments he made a few minutes ago. First, about the asbestos bill, I think the record speaks for itself. A 393-page bill came to the floor of the Senate. It was a fairly complicated bill, which would have affected hundreds of thou-

sands, maybe millions, of Americans over the next 50 years, and created a \$140 billion trust fund. It involved payments of billions of dollars into that trust fund by American businesses from a list that was never publicly disclosed. Then as the bill arrived on the floor, as we expected, the chairman of the Senate Judiciary Committee filed a substitute to the bill, wiping away the 393-page bill, replacing it with a 392-page bill, and then we proceeded to debate.

One amendment was called by the Senator from Texas, Mr. CORNYN. Objection was made on the floor to Senator CORNYN's amendment, and a motion to table and stop debate on his amendment was passed. At that point, we went into a question about whether that bill would satisfy the requirements of the Budget Act. Then, without another amendment being offered, the majority leader announced the Republican side was going to file a cloture motion to close down debate and amendments on this bill.

To suggest that somehow we are undating this body with amendments and debate is to overlook the obvious: One amendment was offered by a Republican Senator from Texas, and as we were waiting for the budget point of order, the majority leader suggested that we would close down debate on the bill, and that was the end of the story.

So this argument that somehow we are dragging our feet here and somehow miring down the process with amendments—the record speaks for itself. That was not the case on the asbestos bill. Last night, when the budget point of order was called, it was sustained. That means, in common terms, that the bill was returned to committee because it was not written properly.

It was not written in a way to comply with our Budget Act. So that is the state of affairs on the asbestos bill.

Now comes the PATRIOT Act. If there is any suggestion in the majority leader's remarks that anything that has happened on the floor of the Senate yesterday or today in any way endangers America, I think the record speaks for itself. That is not a fact. The current PATRIOT Act, as written, continues to protect America until March 10. We could continue debating right here on the floor of the Senate up until March 9 and even on March 10, and we would never have a gap in coverage of the PATRIOT Act as a law. So there is no endangerment of America, no lessening of our defense against terrorism by the possibility that the Senate might stop, reflect, consider, and even debate the PATRIOT Act.

I am sorry that my colleague, Senator FEINGOLD of Wisconsin, is not here to speak for himself, but he has been an extraordinary leader on this issue. He has taken a position which I think is nothing short of politically bold, if not courageous, in standing up and saying, even in the midst of terrorism, we need to take the time and debate

the core values and issues involved in the PATRIOT Act.

What has Senator FEINGOLD asked for? He has asked for an opportunity to offer perhaps four amendments, four amendments, and he has gone on to say that he doesn't want days or long periods of time to debate them. He will agree to limited debate on each amendment. Nothing could be more reasonable. What he said is the Senate needs to face reality. This is an important bill. It involves our constitutional rights. And whether I would agree or disagree with any of Senator FEINGOLD's amendments, I would fight, as long as I had the breath in my body and the strength to stand, that he have the right to express his point of view and bring this matter to a vote in the Senate. That is not unreasonable, nor is Senator FEINGOLD unreasonable in his position. And for the suggestion to be made on the floor that somehow we have dragged this out for a lengthy period of time overlooks the obvious.

The offer was made for two votes tomorrow on Senator FEINGOLD's amendment and then a cloture vote tomorrow on the bill and, if cloture were invoked, pass the bill tomorrow. That offer was rejected by the Republican majority. Why? Not because of fear of terrorism but fear of debate. Not because of fear of threats to America but fear of threats that some amendment may be adopted, somehow upsetting an apple cart. Well, that is unfortunate. But this Democratic process is an open process—at least I hope it is—and we should protect the rights of Members on both sides of the aisle to offer amendments with reasonable periods of debate. We should have actual debate on the floor and then make a decision.

One of my favorite friends and colleagues from the House was a fellow named Congressman Mike Synar of Oklahoma. He passed away about 10 years ago. I liked Mike so much. He was a close personal friend. He used to lament that so many of his colleagues in the House of Representatives were loathe to even engage in a debate on a controversial issue. He would listen to Members of the House of Representatives whining and crying about having to face a vote on a controversial issue, and Mike Synar used to say: If you don't want to fight a fire, don't be a fireman. If you don't want to vote on tough issues, don't be a Member of the U.S. House of Representatives.

Well, the Mike Synar rule applies here. If you don't want to face the reality of the debate on critical constitutional and legal issues, I don't know why one would run for the Senate.

What Senator RUSS FEINGOLD of Wisconsin has asked us to do is to consider amendments to the PATRIOT Act. What is wrong with that? That is as basic as it gets. That is why we are here. And whether I would vote for or against those amendments, I would defend his right to offer them, and I hope that the record will reflect what I have just said. He was ready to stand, offer