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# House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, source of inalienable rights and savior and protector of Your people, as the Nation is deeply moved to compassion for the people of the gulf coast region, the President of the United States has issued a proclamation: Tomorrow, Friday, September 16, 2005, will be considered a National Day of Prayer and Remembrance for the victims of Hurricane Katrina.

Lord, we pray that Members of Congress, laying all political persuasion aside, will gather with their people over this coming weekend and be prayerfully united with those who have died, those who grieve over so many losses, and all who suffer because of this tragic event which has touched the soul of the South, so rich in spirituals, music, history, and gifted writers.

May You be praised, Lord, by all who gather this weekend in mosques, synagogues, churches, and homes to honestly pray for their brothers and sisters in need. May You be glorified in their glorious response of contributors of goods, money, and service, and by so many volunteers who wish to come to their aid.

May Your Holy Name be revered these days and for years to come by the perseverance of Americans, united to alleviate the suffering and build a future for the poor, the homeless, the jobless, and the widow and orphan.

This we pray now and forever. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. MURPHY) come forward and lead the House in the Pledge of Allegiance.

Mr. MURPHY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con Res. 67. Concurrent resolution honoring the soldiers of the Army's Black Corps of Engineers for their contributions in constructing the Alaska-Canada highway during World War II and recognizing the importance of these contributions to the subsequent integration of the military.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five requests for 1-minutes on each side.

## HURRICANE KATRINA

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, many people have spent time since Hurricane Katrina devastated the gulf coast attempting to place blame on various agencies and elected officials. I would like to take a moment to focus instead on the positive developments that are occurring down there. Day by day, we are seeing improvements, both big and small.

After Katrina, 80 percent of New Orleans was covered in water; now the flood waters have receded to 30 percent and are continuing to recede. Over the weekend, trash collection began in the city, and those who remained behind are already cleaning up their neighborhoods.

In Biloxi, Mississippi, the harbor opened for the first time since Katrina hit. The Coast Guard is now allowing limited commercial traffic, an important step in the recovery of the region. Utility companies are now reporting that around 131,000 homes and businesses are still without power, down from over 800,000.

I am hopeful that some of the other side of the aisle will set aside their partisan barbs and start focusing on the progress that is being made. Finger-pointing does not help the families who lost their homes or loved ones.

## INTRODUCING THE DISASTER PREPARATION AND LOCAL ACTION NOW ACT OF 2005

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, Hurricane Katrina highlights the need for disaster preparedness. Across the country, everyone is asking: Are we prepared?

Every level of government is reexamining how we can make our communities more disaster resistant. In James Lee Witt's FEMA, we had a tool to make that happen: Project Impact. This proven program brought together local leaders, citizens, and businesses to prepare for and protect themselves against the worst that nature could throw at them; and at the Federal level funding worked to leverage support from private sources, multiplying their effectiveness.

Unfortunately, this administration unwisely tossed aside Project Impact and broke a model that had worked so well. Today, I will introduce legislation to bring Project Impact back to



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life. The Disaster Plan Act will reauthorize FEMA's predisaster mitigation grant program. None of us can stop natural disasters from happening, but we can and we must be prepared for what happens when a disaster occurs. Project Impact was a program that worked in a FEMA that worked, and now we need to bring it back.

## SAVING LIVES AND DOLLARS IN HEALTH CARE

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, each week I come before Congress to remind my colleagues of areas of health care where we can save lives and money. This week I want to mention that timely prenatal care, or medical care for women before pregnancy, can also save lives and money. One million American women deliver babies annually without receiving prenatal care, and in the United States more than 250,000 low birth weight infants are born each year who may subsequently have higher risk for various handicaps, heart defects, respiratory illnesses, et cetera. Women who are diabetic or are depressed have higher risk for this. The average costs in investing to help save these risks can save us between $1 and $4 when providing prenatal care and reducing neonatal intensive care costs later. It is a good investment for America to continue, and public-private partnerships are a way of continuing to do this.

I recommend Congress continue to look favorably on funding those programs that help provide prenatal care to continue to save lives and money.

For further information, I suggest my colleagues go to my Web site, murphy.house.gov, to learn about this and other ways that we can save lives and dollars in health care costs.

## CALLING FOR A BIPARTISAN COMMISSION ON KATRINA

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, in the wake of Hurricane Katrina, the finger-pointing continues. Today's New York Times reports on its interview with former FEMA head Michael Brown. In the interview, Mr. Brown blames Louisiana's Governor and Homeland Security Director Chertoff for inaction in responding to the crisis.

Mr. Brown's statements can probably be discounted as the words of a disgraced individual trying to save face, but the facts speak for themselves: government at all levels failed in the wake of Katrina's devastation. A KnightRidder story makes it clear based on a 2003 Presidential directive that Homeland Security Director Chertoff is the line authority for natural disasters, yet for 36 hours he was nowhere to be found.

Questions need to be answered, not to fix blame but to fix a problem. For example, how were Mr. Brown and his political deputies, all with no experience in disaster response, appointed as head of FEMA? Why did it take so long to get food and water to New Orleans? To answer them, this body should create a bipartisan commission of experts to investigate the failures and flaws in the system just like we did during 9/11, just like we did during Pearl Harbor.

Mr. Speaker, hundreds died. Tens of thousands have lost everything. Billions will be spent rebuilding the infrastructure. The stakes are simply too high to not know what went wrong. Americans do not want Pollyannish speeches or a whitewash. They want answers and results. Mr. Speaker, we need a bipartisan 9/11-style commission not only to find out what went wrong but to give us recommendations to fix the problem.

## CONFIRM JUDGE ROBERTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, yesterday a judge in San Francisco ruled the Pledge of Allegiance, which we just said, is unconstitutional. Again, it is disturbing how a judge can strike down a voluntary act of patriotic expression. Any reading of the founding documents reveals that the first amendment was written to guarantee the right of expression. That should allow for public displays and proper expressions of faith in the public square. It also certainly allows for voluntary expressions of patriotism. But certain judges are ignoring it.

The Constitution established the judiciary as a coequal branch of government, not as the final and supreme authority. The hearings on Judge Roberts' nomination to the Supreme Court underscore the importance of confirming judges who understand this. We must maintain the proper checks and balances which our Founders designed. It is time for Congress and the President to stand up to the courts which have seized so much power to themselves. Ultimately, the survival of our constitutional Republic will depend on it.

## CALLING FOR INDEPENDENT COMMISSION REGARDING HURRICANE KATRINA

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the House today is going to vote to create a special congressional committee on preparedness and response to Hurricane Katrina. My question is, why do we need a special committee? That is our job, anyway. We have a lot of committees in the House that are supposed to be doing that every day all year.

What we need to do is see what happened. Let us have an independent commission to check both the executive branch's response and also the congressional branch. We need somebody to come from the outside and check both our test and our homework. Let us not have a sham or a whitewash.

## SCHOOLYARD FIGHT OVER THE LADY NAMED KATRINA

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, a fight broke out in one of the public high schools in Houston, Texas, this week between numerous recent evacuees from Louisiana and students from the Texas high school. Several were arrested. The tension and energy between the ''displaced'' and the ''hometowners'' should be channeled in a productive way. As a former judge in Houston, I believe these culprits should be held accountable for their attitudes and their attitudes need to be adjusted.

At the end of class on Friday, the Louisiana kids should be put back on a yellow school bus and sent back to New Orleans to spend the weekend cleaning up their hometown from the mess left by Katrina. The Texas students should spend the weekend at the Astrodome helping the thousands of volunteers in the relief effort. Then when both sides arrive back at school on Monday morning, they should have a different attitude about cooperation.

The schoolyard fight is similar to those here in the Capitol who gripe, complain, moan and groan and put blame on others for the Katrina disaster, but do nothing personally to help. Cease the fighting words and rhetoric and get on with the rebuilding, refurbishing, and renewal of our Nation.

□ 1015

## NEED TO CREATE AN INDEPENDENT COMMISSION TO EXAMINE HURRICANE KATRINA

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, later today the House will have under consideration legislation to create a select bipartisan committee to investigate the preparation and response to Hurricane Katrina. This would be a good commission if, in fact, it was bipartisan. But it is not bipartisan in the sense that both parties do not have equal access to the information or subpoena power or equal numbers on the committee to do the investigation.

Therefore, what we really need is a 9/11-type commission. The public overwhelmingly supports a 9/11 commission, an independent commission to

look at what the failures were that led to the devastation of Hurricane Katrina, an independent commission that can look at the administration, can look at the Congress of the United States, because both bodies, both entities, made decisions.

The Republican leadership in the administration, the Republican leadership in the Congress made decisions about resources, about talent, about personnel, about the deployments and all of the rest of this.

The idea now that they can come and investigate themselves, and they alone can hold the subpoena power, is a horrible mistake on behalf of the victims of Katrina and the American people. It should be rejected, and we should have a 9/11-type commission.

## RECOGNIZING THE PHILANTHROPIST MRS. PAT SEAMANS WALKER

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to recognize one of Arkansas' most generous philanthropists, Mrs. Pat Seamans Walker.

Next week, Pat will be presented with the prestigious Arkansas Children's Award. There is good reason Pat is receiving this honor. Since Pat and her late husband Willard founded the Willard and Pat Walker Foundation in 1986, she has made it her goal to improve the quality of life in communities across Arkansas.

It is impossible to list all of the donations that the Walkers have made over the years in the short amount of time allotted to me. I would, however, like to give my colleagues a brief description of Pat's generosity.

Over the years, her foundation has given millions to educational institutions in Arkansas, millions to health care research and community health care centers in Arkansas, and hundreds of thousands of dollars to community libraries in the Third District of Arkansas.

Mr. Speaker, the examples that I have given are just a few of Pat Seamans Walker's gifts to Arkansas. Arkansas is extremely appreciative of her generosity. She certainly deserves this prestigious award, and I congratulate her on this honor.

## COMMUNICATION FROM LEGISLATIVE ASSISTANT OF HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following communication from Angelle Kwemo, Legislative Assistant of the Honorable WILLIAM J. JEFFERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*September 12, 2005.*

Hon. J. HASTERT,
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ANGELLE KWEMO,
*Legislative Assistant.*

## PROVIDING FOR CONSIDERATION OF H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 440 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 440

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. It shall be in order at any time on the legislative day of Thursday, September 15, 2005, for the Speaker to entertain a motion that the House suspend the rules relating to the bill H.R. 3768.

The SPEAKER pro tempore. The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 440 is a modified open rule that provides for full consideration of H.R. 889, the Coast Guard and Maritime Security Act of 2005.

The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill and makes in order only those amendments that are preprinted in the CONGRESSIONAL RECORD or are pro forma amendments for the purpose of debate.

H.R. 889 was reported by voice vote from the Committee on Transportation on May 17, 2005. The bill provides for the reauthorization of Coast Guard activities for the coming fiscal year.

H.R. 889 has the strong bipartisan support from members of the Transportation Committee, and I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) for again bringing legislation to the floor that has support from both sides of the aisle.

The Coast Guard is critical to our defense against terrorism and our response to natural disasters. Along the gulf coast, the Coast Guard rescued thousands of people from flooded areas in the aftermath of Hurricane Katrina. Many of these people were saved in daring rescue attempts from rooftops or trees.

We all mourn the loss of life caused by Hurricane Katrina, and we do not yet know what the final death toll will be. It is clear, however, that the loss of life would have been much greater without the heroic efforts of the U.S. Coast Guard.

The U.S. Coast Guard has the primary responsibility of securing ports from our oceans to inland rivers and has the job of providing maritime security across the country. Given the added responsibility of the Coast Guard in the post-September-11 world, we must ensure that the agency has the adequate personnel to maintain their readiness for both homeland security and for response to natural disasters.

It is clear that the Coast Guard faces many challenges in the homeland security and rescue missions. The GAO noted earlier this year that some stations need additional boats or staff to meet Coast Guard readiness standards and goals.

This legislation maintains a force of 45,500 personnel and authorizes funding for Integrated Deepwater Systems and for sustaining legacy vessels. The bill also requires a report to Congress on the implementation of the Integrated Deepwater Program that is modernizing the Coast Guard's fleet. These actions will allow the Coast Guard to continue to meet its mission to protect the public and our economic interests in the Nation's ports and waterways.

I would like to thank the Coast Guard and all of the many members of the Coast Guard, retirees and volunteers who have worked with the Coast Guard in heroic efforts surrounding Hurricane Katrina. Their ongoing efforts and their ongoing energy that is providing the ability to rebuild and refortify that wonderful part of our country are to be congratulated.

I would like to thank the leaders of the Transportation and Infrastructure Committee for bringing this legislation to the floor and hope that my colleagues will join me in support for the rule and the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman from West Virginia (Mrs. CAPITO) for yielding me the time, and I yield myself such time as I may consume.

I rise today in support of the Coast Guard reauthorizion bill. As my colleague previously noted, the rule permits Members who preprinted their amendments in the CONGRESSIONAL RECORD to offer those amendments. I appreciate that this opportunity was afforded to Members.

I am, nevertheless, disappointed that the preprinting of amendments was even required. Despite the majority's claims, this legislative procedure which they call open is actually restricted. It is not an open rule because every Member is not permitted to offer any germane amendment.

Mr. Speaker, first established in 1915, the Coast Guard is responsible for patrolling the more than 12,400 miles of coastline in the United States. Nearly 2,000 of these miles are located in my home State of Florida.

Today, the more than 100,000 active personnel, reservists, civilian and volunteer members of the Coast Guard auxiliary are America's front line guarding our seas, shores, ports and borders. In South Florida, the auxiliary volunteers play a critical role in promoting boating safety and awareness in our communities. They assist in search and rescue operations and work every day to make South Florida the recreation hotspot that it is.

The underlying legislation authorizes $8.7 billion for the programs of the Coast Guard in fiscal year 2006. This includes some $1.6 billion for its Integrated Deepwater System to assist the Coast Guard to upgrade an aging fleet of ships and aircraft and improve the technologies it utilizes.

With three major international shipping and cruise ports located within just miles of my district, the Deepwater System is critically important to Coast Guard operations in Florida and elsewhere.

The Coast Guard works tirelessly to protect the ships and individuals who utilize our ports in this Nation and in my district, Port Everglades, Palm Beach and Miami and Dania.

I am pleased that the committee has determined this program worthy of such critical funding, and I express my hope that the Committee on Appropriations will fund IDS at its authorized level.

The authorization bill also permits the Coast Guard to establish Naval Vessel Protection Zones offshore, and it increases the number of active duty personnel in the Coast Guard to 45,500. The bill also doubles the duration of time that Coast Guard Reservists may be called up to active duty from 60 to 120 days over a 1-year period.

While the increase in active personnel is certainly needed so that the Coast Guard can continue to accomplish its mission, the change highlights a growing problem facing our Armed Forces. That is, America's all-volunteer military has become increasingly dependent upon the extended call-ups of Reserves.

The war in Iraq has indeed made recruiting more difficult for our armed services, but so have the diminishing benefits and pay we offer to our soldiers and the health care services we extend to our veterans. This Congress, so quick to wrap itself in the American flag, continues to underpay our soldiers and shortchange our veterans. With a track record like this, who can blame a soldier for not re-enlisting and a veteran who questions her country's commitment to her well-being now that she is out of the military?

□ 1030

Mr. Speaker, on behalf of this body, I thank the Coast Guard, as I am sure all of our colleagues do, for its service and commitment to the security of our great Nation. I am proud to offer my support for the Coast Guard and the underlying legislation.

Before ending, Mr. Speaker, I do want to make mention that during this time of great division and nastiness in Congress, it is commendable that the Committee on Transportation and Infrastructure was able to work in a truly bipartisan fashion. While our fellow citizens in the gulf States begin to rebuild their lives, they should take note of the bipartisanship and cooperation that went into crafting the underlying legislation.

As the author of legislation establishing an independent commission to evaluate the Federal, State and local governments' responses to Hurricane Katrina and with the support of more than 150 Members of this body and 75 percent of the American people, at least in one poll, it had been my hope that a similar willingness would have existed amongst my majority colleagues to address that issue. Unfortunately, as the American people have learned in the past 2 weeks and will find out again later this morning, no such willingness exists.

We can come together today and create an independent, bipartisan Katrina Commission with an equal number of Republicans and Democrats on it who will not be subject to political influence and partisanship. I implore my Republican colleagues to rise above the rancor in this body, follow the example set today by the chairman and ranking member of the Committee on Transportation and Infrastructure and establish an independent Katrina Commission.

The majority's unwillingness to establish such a commission will leave us woefully incapable of reforming our current disaster preparedness and response programs. If the last 5 years have taught us anything, it is that this Congress is unwilling to police itself or this administration. The only viable option is an independent commission.

In support of the Coast Guard, I ask that all of us look at the extraordinary work that they are doing and have done in the gulf coast region. We must know that every time one of those helicopters lifts and rescues victims from this awful tragedy that the time for that propeller is running out and these are already aging crafts. It is critical that we allow the Coast Guard the sufficient funding in order that they may revamp, restore, rehabilitate, and purchase the appropriate equipment to patrol our Nation's shores.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank my friend from Florida for yielding me time.

Mr. Speaker, in the course of a normal year, the Coast Guard rescues 5,000 people. In the last 16 days they have saved more than 33,000 lives. We have all marveled at the daring rooftop rescues, the heroism, the professionalism that they have demonstrated.

Since Hurricane Katrina hit the gulf coast, the men and women of the Coast Guard have been working backbreaking long hours, pushing themselves and their equipment to operational limits. In some cases they have used sledge hammers and axes to break through rooftops to rescue trapped residents. They have been delivering food, water, and medicine to those in need. They have responded to 284 fuel spills. And the Coast Guard's chief of staff, Thad Allen, has brought much needed order and structure to the relief efforts. It has truly been one of the Coast Guard's finest hours, and all America is profoundly grateful.

What Americans do not know is that even before the destructive power of Katrina hit the gulf coast, the Coast Guard had pre-positioned a number of aircraft and ships in the area ready to launch search and rescue efforts as soon as the weather cleared. In fact,

the very first rescue occurred when the eye of the storm passed over the region, and it happens that that first rescue was from a helicopter based at Air Station Cape Cod in my district, and I am proud.

The Coast Guard was ready. But also what most Americans do not realize is that the Coast Guard operates the second oldest naval fleet in the world. Their ships and planes are so old they are euphemistically described as ''legacy assets.'' Many of these legacy assets are riddled with structural defects, putting Coast Guard personnel and the people who call on them for help at risk, like the nine crew members aboard the cutter *Storis* that was built in 1942 who were nearly killed when the davit lowering their lifeboat ripped away from the steel superstructure, crashing them into the frigid Bering Sea. The rescuers, in fact, had to be rescued.

Remember last year the Coast Guard's main search and rescue helicopter, the *Jayhawk*, experienced inflight engine failures at a rate of 329 mishaps per 100,000 flight hours. The FAA-acceptable standards is one per 100,000 flight hours. These failures limit the JAYHAWK's ability to hover and place the lives of its crew, passengers, and those below in grave danger. The same helicopters are flying over the skies of the gulf coast right now.

The indisputable fact is that the demands on the Coast Guard have vastly outpaced its resources, and that is why it is incredibly important that we accelerate the Deepwater program and encourage the purchase of additional cutters and aircraft, as my friend from Florida has indicated.

As negotiations on the conference report for the homeland security appropriations bill continue, I implore our colleagues to bear this in mind and do all that they can do to give the Coast Guard the financial resources it needs to speed up, accelerate the Deepwater program.

It is essential if the Coast Guard is to continue to honor their motto of ''Semper Paratus.''

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Massachusetts (Mr. DELAHUNT) put it so well when he indicated that the Coast Guard is overburdened and underprepared. It is our responsibility to ensure that we do better.

On the scale of our armed services, the Coast Guard is always an afterthought, it seems, when it comes to resources. But in terms of what they do immediately with reference to the 12,000 miles of shores that they patrol, it is critical that we have clear understanding of their needs.

I have been on Coast Guard cutters, as have many of my colleagues. I have seen them in their rescue operations for persons who are not even American citizens, risking their lives and sometimes suffering loss themselves trying to ensure that others are protected in a proper manner. They do an outstanding job and their Deepwater program will help them to do an even better job than they are doing. It is not fair to send people up in aircraft that are legend related in terms of their age and usage.

It is critical that we pass this measure, and I believe that it will pass overwhelmingly; and I hope that the future of the Deepwater program will be appropriately funded by this Congress so that the Coast Guard will have in its possession the necessary personnel and material in order to do the job to keep this Nation safe.

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

Mrs. CAPITO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge all of my colleagues to support this fair rule and the bipartisan legislation which provides critical funding to improve our Nation's coasts and ports.

I think it is very timely that we are addressing this legislation today because the Coast Guard has done an exemplary job in rescuing the many victims of Hurricane Katrina; and we need to ensure, as my colleague has said, that they have the necessary resources to continue their mission.

I believe all Members should be able to support this rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF H. RES. 437, ESTABLISHING THE SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 439 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 439

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 437) to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit which may not contain instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Rochester, New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, House Resolution 439 is a closed rule providing for 1 hour of debate for consideration of H. Res. 437, a resolution establishing a select bipartisan committee to investigate the preparation for and response to Hurricane Katrina.

The rule waives all points of order against consideration of the bill and provides one motion to recommit which may not contain instructions.

Mr. Speaker, the human suffering and physical damage wrought by Hurricane Katrina is heart-wrenching and overwhelming. We all know that very well. Lives have been lost and uprooted. Families are separated without homes and without jobs.

Our initial focus has been on restoring hope and rebuilding community on the gulf coast. With great urgency Congress came together and with virtual unanimity passed legislation to fund the very important relief efforts. Over $60 billion has been appropriated so far. Also critical has been the outpouring of support and generosity from fellow Americans and very importantly from 94 countries around the world. From small businesses to large corporations, people are pitching in.

That said, as President Bush has stated, there were aspects of the immediate response to Hurricane Katrina that were not acceptable. He said that this week, and I am sure that it will be made clear in the remarks that he gives to the Nation this evening.

Already we have seen the head of the Federal Emergency Management Agency resign. Clearly, many lessons are to be learned from what has happened. As debris is removed, water recedes and homes are rebuilt, we in Congress must now assume our very serious and consequential constitutional oversight role of the executive branch and Federal agencies so that we can find out exactly what went wrong and what went right in the early response to Hurricane Katrina.

□ 1045

We need to get to the bottom of what happened, when it happened and why it happened.

Mr. Speaker, to fulfill our oversight responsibility, we are following precedent and honoring tradition by creating a bipartisan select committee to look at the response of the government to Hurricane Katrina. This select committee will allow us to take a sober, serious, nonpartisan look at the development, coordination and execution of relief by State, local and Federal authorities.

At the same time, we must take great care not to interfere with the ongoing Hurricane Katrina recovery efforts. Critical personnel are still on the ground and actively involved in a time-sensitive, decision-making process. Congress can help uncover a better way forward, but it should not disrupt the progress that is being made at this moment.

Mr. Speaker, this rule serves as the most practical vehicle by which to consider this critically important legislation. I urge my colleagues to support the rule and the underlying legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on Tuesday, President Bush said that he took responsibility for the recent failure of the Federal Government to fulfill its ultimate duty of saving the lives of its own people within its own borders.

But what does responsibility mean? If it means anything, it means the sincere concern for what has happened under his watch. It means stopping at nothing to find out why a Nation led by officials who claim to care about keeping Americans safe presided over a recovery effort which left behind so many innocent men, women and children as they were crying out for help. It means caring about the truth, and it means putting people before politics.

Today, this Congress has to offer the American people its own definition of responsibility. The appalling aftermath of Hurricane Katrina, which swept over citizens from Louisiana to Alabama to Mississippi, was the product of a combination of failures: failures of planning, failures of execution, failures of accountability. It is the responsibility of this body to examine why our Federal Government was behind so many of those failures.

There is only one way to do this and only one path the public will respect, only one route to producing real answers to real questions which the American people will trust. We need a 9/11-type commission for Hurricane Katrina. The 9/11 Commission was our government's response to the tragedy of September 11, 2001; and after an exhaustive study, it produced a report that was trusted by the American people and by the members of our government.

This trust was earned. The 9/11 Commission was not beholden to any interests besides those of its own integrity and the good of the country.

This honorable response to the tragedy of September 11 puts to shame what has been proposed today in the wake of Hurricane Katrina. What was perhaps our Federal Government's greatest failure to date to defend life at home is being met with a failure of leadership and openness and honesty in this Chamber today.

The Republican leadership of the House and Senate has called for the creation of an overtly partisan congressional committee to investigate the government's pre- and post-Katrina actions. They have specified that it would be a committee appointed by Republicans, with a Republican majority. They would give Republicans control of every aspect of the proceedings, and they alone would control who would be subpoenaed. They alone would control which documents could be examined, and they alone would control the scope of the investigation. They would have the power to take the investigation in any direction they chose, with no checks, no balances and no incentives to get real answers. They have nominated the fox to guard the hen house.

Mr. Speaker, I do not object to such a plan because Republicans would be in control as opposed to Democrats. I object to it because it is the Republican Party which controls the levers of government and, as such, manages FEMA and the Department of Homeland Security and every other Federal institution which must be examined.

The conflicts of interest that are present are so obvious that it is incredible anyone would deny them, but the members of the majority do not only do this, but they put forth one justification after another for their plan, each one less convincing than the one before it. They tell us that the structure of the committee is based on precedent and cite the bipartisan commission which investigated the Iran-Contra affair as evidence of this. Never mind that in that situation a Republican President was being investigated by a Democratically controlled committee, eliminating the political pressure to sweep truths under the rug.

Last night, in the Committee on Rules, they told us, rather incredibly, that nobody is better to evaluate in this body than its own Members. But the American people do not believe that. After all, accountability has not exactly been the hallmark of this Republican leadership.

This majority did not investigate those who concealed the Department of Health and Human Services' real estimate of how much the 2003 Medicare legislation that we passed would cost. It did not investigate the role of top Bush campaign contributors in writing Vice President CHENEY's energy plan. It did not investigate the Valerie Plame scandal. It did not investigate what led to our dehumanizing and shameful treatment of detainees at Guantanamo Bay in Cuba and Abu Ghraib in Iraq.

Why did these investigations not take place? The majority has no answer, except promising to us that this time things will be different.

Last night, the chairman did offer his personal assurances again and again that the commission would allow the Democrats to ask questions. It probably never occurred to us that we would not have been able to do that, but this is ultimately a promise that he cannot keep.

Only allowing a hand-picked group of witnesses to be questioned prejudices the investigation before it has even begun. If a true interest in a fair, open, thorough and independent investigation runs that deep with my Republican colleagues, why not just create the independent panel?

That is the central question I have for my colleagues today. Why will you not support the creation of an independent commission? What are you afraid of? The American people clearly had faith in the 9/11 Commission model. Why do you not?

A commission controlled by the politicians of one party charged with investigating itself will face tremendous internal political pressure to eliminate embarrassing truths from the public eye, to defer blame and to hide facts. That is the fundamental truth, because we all know how politics works.

Politics, by the way, is exactly why those recent scandals I just mentioned were never investigated.

Is the creation of an independent commission an abdication of our responsibility? Absolutely not. In fact, exactly the opposite is the case. If we intentionally create a partisan, political investigation, that, Mr. Speaker, would be an abdication of our responsibilities.

The American people need answers, they need true accountability, and the only way that we can live up to our responsibility and give them answers they can trust is through an independent commission.

The public already overwhelmingly supports the creation of such an independent commission by 76 percent, and over 160 Members of this body, representing more than 100 million of our Nation's people, have already supported the creation of such a commission through a substitute resolution by the gentleman from Florida (Mr. HASTINGS), my colleague. Its findings would not just help us to prevent another terrible disaster from taking place, they would also help our government to regain its credibility in the eyes of the public.

A Newsweek poll from earlier this week found that fully 57 percent of the general population has doubts that government officials will respond well the next time a disaster strikes. Those doubts would not be reduced until people believe that a real, independent investigation of Katrina has taken place. But the findings of the congressional commission being proposed by the Republican leadership will be forever tainted by the pervasive public belief that details were overlooked or truths hidden for political reasons. We have plenty of evidence to believe that.

Mr. Speaker, 2 weeks ago, our government missed an opportunity to rise to the occasion when it was sorely needed. The consequences were worse than we could have imagined. We cannot afford to miss another opportunity here today, and we object to the fact

that this resolution is titled ''bipartisan commission'' because, truly, there will not be one.

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

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

As I prepare to yield to my friend from Charleston, let me just say that the short answer to the question posed by my friend from Rochester about why it is we would not establish a commission, it is very clear. Article 1, section 8 of the Constitution states it, that we have to do our job. We have the responsibility to deal with this issue.

There are very important questions that have been raised by Democrats and Republicans and people from the outside community; and we, as the representatives of the people, have the responsibility to get to the bottom of this. That is what the establishment of this bipartisan committee is, in fact, going to do.

Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from Charleston, West Virginia (Mrs. CAPITO), my very good friend and hard-working member of the Committee on Rules.

Mrs. CAPITO. Mr. Speaker, I rise today in support of the creation of a select bipartisan committee to investigate the preparation for and response to Hurricane Katrina.

As representatives, we are elected by the American people, and it is our duty to ensure that the numerous Federal agencies of which we have oversight and that we fund on an annual basis serve the taxpayers efficiently and effectively, and I think from the images that we have seen and from the reports from that area of the country, we have had serious problems.

This is a job best performed by the elected leaders of the United States. We are charged with the responsibility of oversight. We can be trusted by our constituents to find the truth.

To those who are critical of the makeup of this committee, I say to them, the United States Congress has responded in similar fashion 41 times, most recently with the formation of the Select Committee on Homeland Security in 2002 and 2003.

Mr. Speaker, we must form this bipartisan committee quickly so that the Members from both sides of the aisle can begin the vital task of finding the problems that plagued the response to Hurricane Katrina on the local, State and Federal levels. If we fail to act expeditiously and devolve into finger pointing and bickering, we are putting other areas of our Nation at greater risk. Mother Nature will not wait for the United States Congress to act.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I rise in opposition to the rule and to the underlying resolution.

The Federal response to Hurricane Katrina was absolutely unacceptable. The American people deserve to know what went so terribly wrong and what we must do to make sure it never, ever happens again.

Unfortunately, the partisan committee being proposed by the Republican majority will not give the American people any confidence that Congress is asking tough questions and demanding straight answers.

Apparently, Mr. Speaker, after the flood comes the whitewash.

For over 4 years, the Republican majority has refused at every turn to hold the Bush administration accountable for its mistakes. There has been no meaningful oversight, no tough investigations on anything.

Instead, Congress has turned a blind eye, and the bill we have before us represents more of the same.

The gentleman from Florida (Mr. HASTINGS), our colleague, has a different approach, a better approach. The commission established by his legislation would be truly independent, and its recommendations would carry far more weight. This independent commission would be similar to the 9/11 panel that was such an effective, meaningful force for change.

Because what the American people deserve at the end of this process is a document that does not necessarily agree with everything I say or does not cover the President's back, which is what the Republicans are trying to do today, but that actually helps fix the problems that Hurricane Katrina exposed.

Let me be clear, Mr. Speaker. The purpose of the commission established by the gentleman from Florida's (Mr. HASTINGS) bill is not simply to assign blame. Rather, an independent commission would take a tough, honest approach to an incredibly complicated problem.

Pre-identifying vulnerable areas, strategically deploying resources, anticipating potential stumbling blocks as we prepare for disasters, these need to be the guiding principles of our national response plan. An independent commission would produce recommendations that enhance our national response plan and enable FEMA to be structured appropriately.

Furthermore, this commission will show whether or not, as I believe, FEMA lacked appropriate leadership, leadership with experience in disaster management, and then recommend ways in which the agency can be better prepared, both in terms of personnel and resources. Unlike the President, I do not think Brownie did a heck of a job. An effective response to a disaster or crisis cannot happen unless the best qualified people are coordinating the efforts, equipped with the best resources.

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The partisan committee put forward by the Republican majority just does not cut it. Instead, it would be made up of Members of Congress, and there are three problems with that approach:

First, there are some Members whose time would be better spent dealing with the immediate recovery and reconstruction needs created by the hurricane. Second, Republican politicians would be ''investigating'' other Republican politicians. And, third, some of the problems we saw in the gulf coast include bad funding choices made by Congress itself.

Mr. Speaker, the Federal Government's response to Hurricane Katrina was a national disgrace. The job of this Congress is not to run interference for the Bush administration; it is to do what is best for the American people. Seventy-six percent of the public want an independent commission because, quite frankly, they do not trust the Republican majority to do it right. They have a pattern of sweeping problems under the rug, of turning everything into a political fight. That pattern has to stop, and we can stop it today.

Mr. Speaker, I urge my colleagues to reject this rule.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and as I prepare to yield to my friend from Moore, Oklahoma (Mr. COLE), I want to say to my good friend from Massachusetts that it is very clear that Members of the United States House of Representatives do have the ability to deal with a disaster and at the same time engage in a very, very important investigatory process.

It is also very important to note that this is not going to simply be Republicans asking questions of other Republicans. As I said earlier, and I know my friend from Rochester raised this when she said it was nice of me to say that Democrats would have the opportunity to ask questions, but we know that Democrats, by virtue of this being a bipartisan committee, will be able to be deeply involved and engaged in this process as well.

Once again, I think it is important to note, as my colleague and friend from West Virginia said, that we are the elected representatives of the American people and this is our constitutionally mandated responsibility which we should not pass on to someone else.

Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. COLE), a hard-working member of the Committee on Rules.

Mr. COLE of Oklahoma. Mr. Speaker, I rise in support of House Resolution 439 and in support of the underlying resolution.

Mr. Speaker, the minority objects to House Resolution 437 on the basis that the bipartisan committee it creates will be inherently unbalanced and unfair. One suspects they believe it will be unfair largely because while they will have full rights of representation on the committee in question, they will inevitably be the minority on any panel that fairly represents the composition of both the House of Representatives and the other body.

It would be easy and entertaining to lampoon the consistency of the so-

called Party of the People rejecting a committee composed of the elected representatives of the American people in favor of one made up of individuals who are both unelected and unaccountable to the voters of this country, but I will avoid that temptation.

Frankly, there are deeper issues here. The first is our faith as individuals in the efficacy of democracy itself. As the minority in this House for 11 years, I fear my friends on the other side of the aisle have lost their faith in the American people, because of the choices they have made at the ballot box in recent years. Having served as a member of a seemingly permanent minority in the Oklahoma State Senate earlier in my career, I understand the frustration on which that sentiment is based.

However, as adherents to the ideals of democracy, we should trust that over time the people will get it right and that if our views are sound, they will prevail. In the meantime, our job is to argue our point of view in the court of public opinion and accept the outcome at the polls when the verdict is rendered.

The second issue at stake here is the wisdom of empowering people who are neither elected nor accountable to perform the task our Constitution assigns to the elected representatives of the American people. Frankly, I share the sentiments Winston Churchill famously voiced when he said ''democracy is the worst form of government, except for all those others that have been tried.''

Mr. Speaker, it is fundamentally unsound and undemocratic to turn over the function of congressional oversight to a group of individuals who have neither been elected by the people nor accountable to the people for their actions or recommendations. Appointing a commission is the easy way out. It is a way for us, the representatives of the people, to avoid our responsibilities. Its members, however expert and well-intentioned, did not design or create the agencies and processes we wish to examine in connection with Hurricane Katrina. We did. Similarly, they will not be responsible for reforming these agencies or finding the solutions to our current problems. Those duties belong to the elected representatives of the American people.

My colleagues on the other side of the aisle often complain there is insufficient congressional oversight. This is our chance to exercise that oversight, and the voters will surely hold all of us accountable for how well we do the job.

My fellow Members, let us have faith in the American people, our democratic institutions, and ourselves. Let us do the job we were elected to do, rather than hand it off to those who were neither asked nor chosen by the American people to govern their affairs. I urge support of House Resolution 439 and the underlying House Resolution 437.

Ms. SLAUGHTER. Mr. Speaker, if an independent commission is an abdication of our authority, why did we all vote unanimously to establish the 9/11 Commission?

Mr. Speaker, I am pleased to yield 5½ minutes to the gentleman from Florida (Mr. HASTINGS).

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER), the distinguished ranking Democratic member on the House Committee on Rules, for yielding me this time.

A footnote right there, Mr. Speaker. I hope the irony is not lost on the House that the gentlewoman, a New York Member, is being lectured to about homeland security issues and why there is no need for an independent Katrina commission. New Yorkers were told 3 and 4 years ago that there was no need for an independent commission on 9/11.

I note peripherally that the distinguished chairman of the Committee on Rules has other business and has left the floor; but I was prepared to ask him, and perhaps his replacement in the chair for the majority can answer for me, what did the House of Representatives do in the last 3 years with reference to the tragedy of 9/11? What we wound up doing, because the victims and New York pressed forward, was establishing an independent commission.

The chairman pontificates that we should exercise our constitutional mandate; and so does his replacement, my friend and colleague on the Committee on Rules, say what our constitutional duty is. Every one of us is mindful of our constitutional duty. But are you then prepared to admit that we did not exercise it correctly in the 9/11 Commission period and that is why the 9/11 Commission came into existence in the first place?

Last year, as we all know, four hurricanes ravaged my home State of Florida and some of the gulf coast. Three of them literally destroyed parts of the district that I am privileged to represent. In the immediate and long-term aftermath, our communities saw FEMA's shortcomings. We saw that a once-reliable agency had been placed on the back burner as an afterthought in the Department of Homeland Security. Natural disaster preparedness and response programs have become trapped in a homeland security bureaucracy.

FEMA has lost its focus, and Floridians and others know that. Our delegation literally begged the committees of jurisdiction to hold hearings on what we saw in Florida. I even introduced bipartisan legislation in March with our colleague on the majority side, the gentleman from Florida (Mr. SHAW), to address what we perceived to be FEMA's largest problems. Yet every time we took our concerns to the committees, we were told it is not a big enough problem to consider on its own. Our staff was told we do not think that an oversight hearing is needed.

Well, Mr. Speaker, what America saw in the gulf coast resembles the Federal Government's absolute incompetence that Florida saw last year. Despite a whole lot of lip service, nothing has changed.

The 9/11 Commission was created to provide a full and complete accounting of the 2001 terrorist attacks. Implicit in this mandate is the simple fact that Congress alone would not or could not provide such a full and complete accounting. There is no reason to expect that the Republican Katrina commission will do any better.

That is why I and the gentleman from New Jersey (Mr. MENENDEZ) and 156 of our colleagues yesterday introduced H.R. 3764, legislation establishing a real independent commission, immune from political influence and absolute partisanship. And while they cannot officially cosponsor our bill, a significant part, 76 percent, of the American people agree with us. They question this Congress' ability to exercise real oversight and are calling for an independent and bipartisan Katrina commission.

Supporting the American people's concerns, you, Mr. Speaker, said at one point, and I quote, ''Our party controls the levers of government. We're not about to go and look beneath a bunch of rocks to try to cause heartburn.'' Put another way, Mr. Speaker: we helped create this mess, and we are not going to be able to investigate it ourselves. So forgive me, Mr. Speaker, if I question the majority's ability to conduct effective oversight with this type of political candor.

Substantively, the Republican plan is partisan. And because my colleagues say it is bipartisan does not make it so. It is inadequate. In stark contrast to the 9/11 Commission, Republicans outnumber Democrats on the majority's partisan Katrina commission. In contrast to the 9/11 Commission, which was given 18 months to do its job, the majority's partisan Katrina commission is only given 5 months. As the chairman put it last night, do it quick, do it fast. Quickly, he said.

Despite the 9/11 Commission's $15 million budget to do its job, the majority's commission they propose is only given $500,000.

Footnote right there. What about the committees of jurisdiction already in existence in Congress? And what about creating a circus atmosphere that drains resources from this Congress do you not understand?

Shamefully, the House will not have an opportunity to vote on the Hastings-Menendez independent Katrina commission legislation, because Republicans have blocked us from offering it. Just as they always do, Republicans block what they cannot defeat.

Despite what Republicans will suggest, today's debate is not about politics. It is about the need for truth to

assure the American people that we all know their needs. For my constituents, it is about the failures of this Congress, and for others it is about the failures in New Orleans and in the States and at the Federal Government. It is about saving lives and rebuilding communities.

Mr. COLE of Oklahoma. Mr. Speaker, I ask unanimous consent to temporarily control the time of the gentleman from California (Mr. DREIER).

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COLE of Oklahoma. Mr. Speaker, I just want to make a couple of quick points, and then I will reserve the balance of my time.

I would disagree very strongly with my good friend from Florida about the 9/11 Commission. There were, in fact, many investigations in this Congress about the tragedy that took place on 9/11, the Permanent Select Committee on Intelligence amongst them. We did actually do oversight.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. COLE of Oklahoma. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, I beg to differ with the gentleman about what the Permanent Select Committee on Intelligence did. I serve on the Permanent Select Committee on Intelligence. The Senate Permanent Select Committee on Intelligence conducted an investigation; the House did nothing.

Mr. COLE of Oklahoma. Reclaiming my time, Mr. Speaker, and I respect the opinion of my good friend from Florida, but I think there was oversight.

But I would actually agree with his fundamental point in the sense that I think oversight is more effectively done by the elected representatives of the people, by the appropriate people who are responsible for implementing the solution. I do not think we should take that model and follow it again here.

I also would suspect that the situation between a deliberate attack on the United States and a natural disaster are very different.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from California (Ms. MATSUI), a member of the Committee on Rules.

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, when Hurricane Katrina came ashore and ravaged the gulf States and the levees in New Orleans, Americans united in their support of those in need and the communities devastated by this terrible disaster. As Katrina passed over the gulf States and in the days that followed, Americans saw firsthand the devastation and human suffering that resulted. We were also eyewitnesses to the tragedy of hundreds of thousands of people who had escaped the wrath of the terrible storm only to then be stranded in the Superdome, the convention center, or trapped on the roofs, surrounded by rising flood waters with little in the way of food, water, or medical care. Mr. Speaker, we saw and felt the ensuing heartbreak. Mothers became separated from their children, elderly parents were unaccounted for, and siblings were trying to look after each other.

With the passage of time, our outrage and frustration set in. Reporters and the media managed to get to the heart of the disaster; yet there was little sign of our Federal relief efforts. Just as the American people united to aid the victims of Katrina, so too must Congress. Our constituents demand no less. They are more interested in getting answers than pointing fingers. They want to know that we are finding solutions and making recommendations to ensure our responses are never again at a snail's pace.

It is time for Congress, as part of the Federal Government, and therefore an element of the relief response, to shoot straight with the American people. An independent commission, removed from the partisan fray, is better positioned to find answers. Why were we not preparing our responses to Katrina near land? Where was the coordination between Federal, State, and local efforts? There are many questions that must be answered and an independent commission is a means that can provide the answers.

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We saw the successful implementation following the tragedy of September 11, and following this model Congress will reassure the American people the answers that the independent commission finds and the recommendations they make are ones in which the Nation can trust.

I know my constituents are closely following this. My hometown of Sacramento lies in a floodplain at the confluence of two great rivers and faces the constant threat of floods. If we find ourselves in dire circumstances, can my constituents be assured that they can count on prompt Federal Government response?

This is not a blame game. I am not interested in pointing fingers, nor are the American people. They are more interested in identifying areas of weakness and making the necessary improvements. This is about preventing another tragedy similar to what we witnessed in New Orleans and the gulf States. We must ensure that the Federal Government does its job of protecting the American people, and with an independent commission we will do so.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member on the Committee on Homeland Security.

(Mr. THOMPSON of Mississippi asked and was given permission to revise and extend his remarks.)

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in opposition to House Resolution 437. This resolution puts a partisan congressional committee in charge of the investigation.

The rule that has been offered does not allow for meaningful debate. It also does not allow for an amendment offered by the gentleman from Florida (Mr. HASTINGS) that would create an independent commission to investigate this catastrophe. I am also an original cosponsor of that amendment. Letting Congress investigate the government failures of Hurricane Katrina is like letting the fox guard the hen house. We are not protecting what we need to protect, and there will be a lot more questions than answers in the end.

More than ever, the last 2 weeks have shown that we need an independent assessment of what happened. Where did the Federal Government go wrong? What could the State and locals have done better? What happened to citizens' preparedness?

In my role as ranking member of the Committee on Homeland Security, I have looked for answers and have tried to put together a timeline of events. I am submitting with my statement today for the RECORD a timeline that the staff of the committee has put together for me showing what happened compiled from public sources. This document shows the complexity of the issues and the need for an independent assessment of what happened.

I do not understand the opposition from the other side of the aisle against creating an independent commission that the American people have asked for. It was done, with opposition from Republicans, after 9/11; it was done after Pearl Harbor; and after the Khobar Towers terrorist attacks. We have always had it. Indeed, the type of commission proposed by the gentleman from Florida (Mr. HASTINGS) and others has historically been used after large events that affect the country. Why not here? What does Congress want to protect? What is Congress trying to hide?

After 9/11, Congress did the right thing. On September 20, they sent the largest contingent ever to travel to New York City to view the devastation of the World Trade Center and console the families of the victims. It has been nearly 3 weeks since Hurricane Katrina hit the gulf Coast, and there have been no official congressional delegations to the region.

Mr. Speaker, what do we have to hide? Indeed, I have twice requested the Committee on Homeland Security to travel to the area and was refused. I was told that it did not make good sense for Congress to go down and conduct oversight and fact-finding missions at the time. Yet we went to New

York, but now we cannot go to my area of the country.

Now we want Congress to take charge of this investigation. For the good of the Nation, let us put aside partisan politics and not create a strawman committee. I encourage a vote against the rule so we can consider the independent commission option, give it a vote and let the American people know we are listening to their requests.

## Katrina Timeline: A History of Federal Government Failures

*Prepared by the Democratic Staff of the House Committee on Homeland Security for Ranking Member Bennie G. Thompson*
*(updated w/ materials known as of 9-12-05)*

| DATE | FACTS | AVAILABLE WARNINGS OR INFORMATION | FEDERAL GOVERNMENT FAILURES (italics highlight violations of guidelines and/or a failure to adhere to planning scenarios) |
|---|---|---|---|
| Tues, Aug. 23 | The National Hurricane Center (NHC) classifies an area over the Bahamas Tropical Depression 12, and anticipates "steady intensification."[1]<br><br>The National Hurricane Center (NHC) classifies an area over the Bahamas Tropical Depression 12, and anticipates "steady intensification." | | Three weeks before Katrina struck, state emergency managers warned Department of Homeland Security Secretary Michael Chertoff and his deputy, Michael Jackson, that the Federal Emergency Management Agency (FEMA) had focused too much on terrorism, warning that the shift away from disaster management had left the agency less able to respond to natural disasters.[2] |
| Wed, Aug. 24 | Tropical Depression 12 strengthens into Tropical Storm Katrina over the Central Bahamas, and a hurricane warning is issued for the southeastern Florida coast. [3] | The National Hurricane Center warns that Tropical Storm Katrina could cross Florida and "re-intensify over the eastern Gulf of Mexico" in the days ahead.[4] | As Katrina approached, the person most responsible for directly dealing with its consequences, Michael Brown, the director of FEMA, had no disaster-related experience prior to joining the agency as a Deputy Director in 2001. His previous position was as the head of the commissioner of judges and stewards for the International Arabian Horse Association, a breeders' and horse-show organization based in Colorado. According to the President of the Association, Brown was asked to resign from his position after 11 years working there due to disputes over supervision failures. Brown was a college friend of the previous head of FEMA, Joseph Allbaugh, who had served as President Bush's campaign manager in the 2000 election.[5] |

| DATE | FACTS | AVAILABLE WARNINGS OR INFORMATION | FEDERAL GOVERNMENT FAILURES (italics highlight violations of guidelines and/or a failure to adhere to planning scenarios) |
|---|---|---|---|
| | | | In comparison, the Clinton-era FEMA Director, James Lee Witt, headed the Arkansas office of emergency services before he was tapped by Clinton in 1993 to run FEMA.[6] |
| Thurs, Aug. 25 | 4 p.m.: Katrina officially becomes a Category 1 hurricane, according to the National Hurricane Center.[7]<br><br>7 p.m.: Lumbering ashore in south Florida, Katrina causes nine deaths and kills power to more than 1.2 million people.[8]<br><br>11 p.m.: Hurricane Katrina came ashore with 80 mph winds between Hallandale Beach and North Miami Beach. Despite being over land for more than four hours, Katrina's maximum sustained winds are still being clocked at 75 mph.[9]<br><br>Gov. Jeb Bush declares a state of emergency in | Katrina is forecast to be "a dangerous hurricane in the northeastern Gulf of Mexico in about three days."[11] | The top two aides at FEMA most responsible for assisting Mr. Brown, acting deputy director Patrick Rhode and acting deputy chief of staff Brooks Altshuler, both lacked emergency management experience before being appointed to their positions. In fact, both individuals had worked in the White House's Office of National Advance Operations, which arranges the president's travel and scripts his appearances.[12]<br><br>In comparison, Clinton-era FEMA Director Witt's top to aides both ran regional FEMA offices for at least three years before assuming senior positions with the agency in Washington.[13] |

| DATE | FACTS | AVAILABLE WARNINGS OR INFORMATION | FEDERAL GOVERNMENT FAILURES (italics highlight violations of guidelines and/or a failure to adhere to planning scenarios) |
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| | Florida.[10] | | |
| Friday, Aug. 26 | 5 a.m.: After weakening briefly to a tropical storm, Katrina regains hurricane status and moves on to the Gulf of Mexico.[14]<br><br>11:30 a.m.: The hurricane is upgraded to Category 2, with the storm's feeder bands continuing to pound the lower Florida Keys.[15]<br><br>4 p.m.: The National Hurricane Center warns that Katrina is expected to reach dangerous Category 4 intensity before making landfall in Mississippi or Louisiana. [16]<br><br>Hours later, in anticipation of a possible landfall, Louisiana Gov. Kathleen Blanco declares a state of | Katrina is forecast to move directly over the warm loop current of the Gulf of Mexico, "which is like adding high-octane fuel to the fire."[20]<br><br>Forecasters say that the storm could make landfall anywhere from the Florida Panhandle to New Orleans as early as Monday, possibly as a Category 4 storm.[21] | Even as it make efforts to prepare to respond to the storm, FEMA works with much reduced resources. Since joining the Department of Homeland Security in 2003, FEMA's core budget, which includes disaster preapredeness and mitigation, has been cut each year. Depending on the final budget for Fiscal Year 2006, the cuts will have been between 2% and 18%. As a result of the cuts, FEMA staff have been reduced by 500 positions to 4,735. Additionally, FEMA eliminated 1 of its 3 emergency management teams, which are charged with overseeing relief efforts in a disaster.[22]<br><br>Additionally, the Government Accountability Office found that the Bush Administration has sought to spend far more on terrorist preparedness than natural disaster preparedness: "Almost 3 of every 4 grant dollars appropriated to DHS for first responders in fiscal year 2005 were for 3 primary programs that had an explicit focus on terrorism...For fiscal year 2006, the Administration has proposed spending almost $3.4 billion for homeland security preparedness grants, continuing DHS's emphasis on terrorism and spending about 3 of every 4 dollars or about $2.6 billion for terrorism-focused grant programs."[23] |

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| | emergency. [17]<br><br>In declaring a state of emergency, Gov. Blanco requests additional forces from the federal government.[18]<br><br>Gov. Barbour of Mississippi declares a state of emergency.[19] | | |
| Sat, Aug. 27 | Katrina is upgraded to a Category 3, or major hurricane,[24] and a hurricane warning is issued for Louisiana's southeastern coast, including New Orleans and Lake Pontchartrain, and for the northern Gulf coast.[25]<br><br>During the day, residents of Louisiana's low-lying areas are told they must evacuate; residents in other low-lying areas are urgently advised to do so. [26]<br><br>President Bush declares a state of emergency in | Max Mayfield, director of the National Hurricane Centre says: "I've been here 33 years, and we've always been concerned about New Orleans. I had to let the mayor know that this storm has the potential not only to cause large property damage, but large loss of life if people don't make the right decision."[36]<br><br>Chris Sisko, a meteorologist at the Centre, says of New Orleans: "With them sitting well below sea level, this is a potential set up for a catastrophic event that has never been seen before."[37]<br><br>Katrina is now a Category 3 hurricane on the Saffir-Simpson scale and Katrina is expected to make "landfall in southeastern Louisiana in 48-60 hours."[38]<br><br>Forecasters warn of "storm surge flooding of 15 feet above normal tide levels… Locally as high as 25 feet along with large and dangerous battering waves."[39] | On August 27 – two days before Katrina hit – President Bush issued an order that "**authorizes the Department of Homeland Security, Federal Emergency Management Agency (FEMA), to coordinate all disaster relief efforts.**" The order specifies that "FEMA is authorized to identify, mobilize, and provide at its discretion, equipment and resources necessary to alleviate the impacts of the emergency."[40]<br><br>➢ Jane Bullock, former FEMA chief of staff, said, "**The moment the president declared a federal disaster, it became a federal responsibility**.… The federal government took ownership over the response."[41]<br><br>➢ Bullock's view is consistent with the DHS website, which states plainly, *"In the event of a terrorist attack, natural disaster or other large-scale emergency, the Department of Homeland Security will assume primary responsibility … for ensuring that emergency response professionals are prepared for any situation. This will entail* ***providing a coordinated, comprehensive federal response to any large-scale crisis and mounting a swift and effective recovery*** |

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| | Louisiana.[27]<br><br>Gov. Haley Barbour declares a state of emergency in Mississippi.[28]<br><br>Highways leading out of New Orleans are filled with bumper-to-bumper traffic. Several major interstates are converted to one-way routes away from the city.[29]<br><br>A total of eleven people die in Florida due to Katrina.[30]<br><br>New Orleans Mayor Ray Nagin declares a state of emergency and urges residents in low-lying areas to evacuate.[31]<br><br>A mandatory evacuation is ordered for Hancock County, east of New Orleans on the Mississippi Gulf Coast.[32] | | *effort.*"[42]<br><br>Under Section 5170b(c)(1) of the Stafford Act, 42 USC § 5121, once an area reaches a state where it may ultimately quality for certain disaster assistance, at the Governor's request, the president can send Department of Defense military units to the area "for the purpose of performing on public and private lands any emergency work which is made necessary by such incident and which is essential for the preservation of life and property." However, major numbers of DOD ground troops did not arrive in New Orleans until a much later date.<br><br>**President Bush's weekly radio address concentrates on Gaza withdrawal and the Iraqi Constitution. He neglects to mention Hurricane Katrina.**[43] |

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| | 11:00 p.m.: The National Hurricane Center issues a hurricane warning from Morgan City, Louisiana, to the Alabama-Florida border, an area that includes New Orleans. A warning means that hurricane conditions are expected within the warning area within the next 24 hours. [33]<br><br>Mayor Ray Nagin of New Orleans advises people to leave the city: "Ladies and gentlemen, this is not a test. This is the real deal. Do all things you normally do for a hurricane but treat this one differently because it is pointed towards New Orleans."[34]<br><br>Gov. Blanco asks the federal government to declare an emergency and help save lives and property.[35] | | |

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| Sun, Aug. 28 | 2:00 a.m.: The storm strengthens to Category 4 with 145-mph winds.[44]<br><br>7:00 a.m.: Hurricane Katrina intensifies to Category 5, the worst and highest category on the Saffir-Simpson scale with winds near 160 mph and growing.[45]<br><br>10:00 a.m.: As Katrina hits 175 mph winds; New Orleans Mayor Ray Nagin orders mandatory evacuations as the storm seems to beat a direct path to the city.[46]<br><br>Alabama Governor Bob Riley declares a state of emergency.[47]<br><br>Lines form at gas stations and outside the Superdome, which takes in thousands of refugees.[48]<br><br>From his Texas ranch, | A 4pm hurricane warning says: "Maximum sustained winds are near 165mph with higher gusts. Katrina is a potentially catastrophic category five hurricane…"[52]<br><br>Based on the size and track of the storm, computer models predict flooding across parts of the New Orleans.[53]<br><br>Ivor van Heerden, director of the Louisiana State University Public Health Research Centre, says: "This is what we've been saying has been going to happen for years... Unfortunately, it's coming true." New Orleans "is definitely going to flood."[54]<br><br>Jeff Hingle, Placquemines Parish Sheriff, refers to Hurricane Betsy, a category two hurricane that struck Louisiana in 1965: "After Betsy these levees were designed for a category three... These levees will not hold the water back."[55]<br><br>Some of those unable or unwilling to leave New Orleans spend the night in shelters—including the Superdome.[56] Approximately 30,000 evacuees gather at the Superdome with roughly 36 hours worth of food.[57]<br><br>Now a Category 5 hurricane, Katrina "is a large hurricane that will affect a large area…. Preparations should be rushed to completion."[58] | According to the general in charge of Joint Task Force Katrina, Louisiana and other states began asking for additional National Guard troops on Sunday, August 28.[59] Yet, these troops do not arrive in large numbers until substantially later in the week. (note: The National Guard's Timeline for response to Katrina claims that LA and MS requested additional forces on August 31, not August 28).[60]<br><br>Although thousands of New Orleans residents had no cars with which to leave New Orleans before or after Katrina struck, when asked about the estimated thousands of deaths in the city, in an interview on 9/1, FEMA Director Brown, said, "Unfortunately, that's going to be attributable to a lot of people who did not heed advance warnings."[61] |

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| | the president declares a state of emergency for Mississippi, Florida and Alabama.[49]<br><br>FEMA sends water, food and other supplies to staging centers in Georgia and Texas. [50]<br><br>President Bush urges people to heed evacuation orders and holds a teleconference with disaster management officials.[51] | | |
| Mon. Aug. 29 | 4 a.m.: Hurricane Katrina is downgraded to a strong Category 4 storm.[62]<br><br>6 a.m.: Weather report warns of storm surges of 28ft and says: "Extremely dangerous category four Hurricane Katrina preparing to move onshore near southern Plaquemines Parish, Louisiana... **Some levees in the Greater New Orleans area** | | **On the same day Katrina strikes, President Bush calls Secretary Chertoff from Air Force One to talk with him about immigration issues.[81] He also shares a birthday cake photo-op with Senator John McCain.[82] In the morning he visits an Arizona resort to promote Medicare drug benefits,[83] and in the afternoon he goes to a California senior center for a similar discussion.[84]**<br><br>About 5 hours after Katrina makes landfall, FEMA Director Brown sent a memo to Mr. Chertoff asking for permission to send at least 1,000 additional DHS employees to the hurricane impact area. According to the Associated Press, "Before then, FEMA had positioned smaller rescue and communications teams across the Gulf Coast. But officials acknowledged the first department-wide appeal for help came only as the storm raged." Mr. Brown's Memo acknowledges that it may take 48 hours to get the 1,000 employees to the area, and another 7 |

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| | **could be overtopped.**"[63]<br><br>7 a.m.: Katrina makes landfall on the Louisiana coast between Grand Isle and the mouth of the Mississippi River. [64]<br><br>11a.m. Katrina makes another landfall near the Louisiana-Mississippi state line with 125 mph winds. [65]<br><br>Late in morning the 17th Street Canal levee is breached, leading to the flooding of a "vast swath of central New Orleans."[66] **The Times-Picayune headline on the breach (published the next day) read: "Catastrophic Storm Surge Swamps 9th Ward, St. Bernard Lakeview Levee Breach Threatens to Inundate City."**[67]<br><br>By the end of the day, | | days to get 2,000 more employees to the area. According to a DHS spokesman, "[i]nstead of rescuing people or recovering bodies, these employees would focus on helping victims find the help they needed." Mr. Brown's memo also told employees that they would be expected to "convey a positive image of disaster operations to government officials, community organizations and the general public."[85]<br><br>The DHS spokesman explained that the 48 hour waiting period was needed because the employees had to obtain training before they were sent to the area.[86]<br><br>Mr. Brown's memo also stated: "We will want to identify staff with specialized skills such as bilingual capabilities, Commercial Driver's License (CDL), and logistics capabilities."[87]<br><br>On 9/29, Mr. Brown also reminds fire and rescue services outside Louisiana, Mississippi and Alabama not to send in emergency workers unless they are specifically requested.[88] Yet over the next few days FEMA reportedly turned down vital assistance, including the following examples:<br><br>➢ Days before Katrina stuck, Chicago drew up a list of resources it could provide in the event of a disaster, including 100 police officers, 36 fire department personnel, 8 emergency medical health experts, more than 130 public health staffers, 140 sanitation staffers, dozens of trucks, and two boats. As of late last week, FEMA had requested only one thing from Chicago—a single tanker truck.[89]<br>➢ 500 Floridian airboaters were ready to help rescue people stranded in flooded homes, but FEMA turned them down. |

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| | two major flood-control levees are breached, and the National Weather Service reports "total structural failure" in parts of New Orleans. A section of the roof of the Louisiana Superdome, where 10,000 people are taking refuge, opens. Many are feared dead in flooded neighborhoods still under as much as 20 feet of water. [68]<br><br>In Mississippi, dozens are dead and Gov. Haley Barbour describes "catastrophic damage" along the coast. More than 1.3 million homes and businesses in Louisiana, Mississippi and Alabama were without electricity, according to utility companies. [69]<br><br>President Bush makes emergency disaster declarations for | Max Mayfield, director of the National Hurricane Center, said FEMA Director Brown and other top federal officials were briefed as much as 32 hours in advance of landfall that Hurricane Katrina's storm surge was likely to overtop levees and cause catastrophic flooding. "They knew that this one was different," Mayfield said.[77]<br><br>According to CNN, "Reuters reported that in 2004, more than 40 state, local and volunteer organizations practiced a scenario in which a massive hurricane struck and levees were breached, allowing water to flood New Orleans. Under the simulation, called 'Hurricane Pam,' the officials 'had to deal with an imaginary storm that destroyed more than half a million buildings in New Orleans and forced the evacuation of a million residents.'"[78]<br><br>In 2002, the New Orleans Times-Picayune ran a 5-part series exploring the vulnerability of the city to a hurricane, including specifically the possibility of levees breaching and causing massive floods.[79]<br>A catastrophic flood triggered by a hurricane hitting New Orleans was one of 3 disaster scenarios considered most likely to hit the U.S. by a 2001 FEMA report.[80] | ➢ 20 sheriff's deputies from Loudon County, VA were turned down by FEMA.<br>➢ FEMA would not permit the Jefferson Parish president to accept 3 tanker trucks of water donated by Wal-Mart, as well as 1,000 gallons of diesel fuel stored in a nearby Coast Guard vessel.<br><br>In a press conference later in the week, DHS Secretary Chertoff said that **the levee breach that flooded New Orleans was a "perfect storm" that "exceeded the foresight of planners,"** who did not expect both a powerful hurricane and a breach of levees that would flood New Orleans. He added that authorities assumed that "there would be overflow from the levee, maybe a small break in the levee. The collapse of a significant portion of the levee leading to the very fast flooding of the city was not envisioned."[90]<br>➢ *However, "The National Planning Scenario 10: Natural Disaster—Major Hurricane," which was used by DHS to determine what level of preparedness state, local and federal entities needed for certain disasters, included the planning assumption that the* ***"20-foot storm surge has breached and overtopped flood control and hurricane protection works."***[91]<br><br>➢ *Additionally, National Planning Scenario 10 included the planning assumption that* ***"Major portions of the MMA [major metropolitan area] become flooded."***[92]<br><br>Furthermore, according to the Los Angeles Times, Lt. Gen. Carl Strock, the Corps commander, conceded on 9/3 that the government had known the New Orleans levees could never withstand a hurricane higher than a Category 3. Corps officials shuddered, he said, when they realized that Katrina was barreling down on the Gulf Coast with the vastly greater |

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| | Louisiana and Mississippi, freeing up federal funds. [70]<br><br>Officials estimate 80 percent of New Orleans residents obeyed the order to evacuate. The Coast Guard rescues 1,200 people from the flood waters.[71]<br>At least eight Gulf Coast refineries shut down or reduce operations.[72]<br><br>Airports close in New Orleans, Baton Rouge, La., Biloxi, Miss., Mobile, Ala., and Pensacola, Fla. | | destructive force of a Category 5 — the strongest type of hurricane. Washington, he said, had rolled the dice.[93]<br><br>Rather than come up with the extra millions of dollars needed to make the city safer, officials believed that such a devastating storm was a small probability and that, with the level of protection that had been funded, "99.5% of the time this would work." Unfortunately, Strock said, "we did not address the 0.5%."[94]<br><br>Additionally, since President Bush took office in 2001, his yearly flood control budgets have asked for $166 million for Louisiana flood control projects, even though local flood control officials and Senator Landrieu (D-LA) have asked for just short of $500 million. While Congress did not fully meet needs, it disagreed with President Bush and provided about $250 million.[95]<br><br>*The overwhelming problems that occurred at a major shelter such as the Superdome should have also been prepared for, as National Planning Scenario 10 included the planning assumption that* ***"[s]helters throughout the region are also filled to capacity."***[96]<br><br>*National Planning Scenario 10 also included the planning assumption that evacuation routes would close:* ***"All transportation routes are damaged to some degree, and the port facility has also been adversely affected."***[97] |

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| | Hundreds of flights are canceled or diverted.[73]<br><br>Carlos Gutierrez, the Commerce Secretary, calls to congratulate the National Hurricane Centre on its accurate forecasting. "If that is not a superb forecast, I don't know what is," says Mayfield, the centre's director.[74]<br><br>Gov. Blanco repeats a warning not to re-enter New Orleans and tells President Bush, "I need everything you got."[75]<br><br>Mayor Nagin orders the police to begin search and rescue operations in heavily flooded areas.[76] | | |
| Tues, Aug. 30 | 10:00 a.m.: Katrina becomes a tropical depression about 25 miles south of Clarksville, Tenn.[98]<br><br>6:00 p.m.: Death toll in Biloxi-Gulfport area of Mississippi exceeds | | Despite the fact that the 17th Street Canal levee broke on Monday morning in a way that was so obvious that Times-Picayune reporters were able to research and write an extensive story on the large-scale flooding (see facts above),[114] Secretary **Chertoff was unaware of that breach until Monday night or Tuesday morning.** In a "Meet the Press" interview on 9/4, he said: "It was on Tuesday that the levee--may have been overnight Monday to Tuesday--that the levee started to break. And it was midday Tuesday that I became |

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| | 100. Alabama reports two fatalities.[99]<br><br>More than 12,000 people are in the Superdome.[100]<br><br>Louisiana Governor Kathleen Blanco says everyone still in New Orleans - an estimated 50,000 to 100,000 people who remained during the hurricane- must be gotten out.[101]<br><br>Rescuers in helicopters and boats pick up hundreds of stranded people in New Orleans, and reports of looting emerge.[102]<br><br>The New Orleans international airport is reopened for relief flights.[103]<br><br>Mayor Nagin estimates that 80 percent of the city is underwater.[104]<br><br>New Orleans is left with no power, no | Severe looting reported throughout the day. A New Orleans Councilwoman said: "The looting is out of control. The French Quarter has been attacked. We're using exhausted, scarce police to control looting when they should be used for search and rescue while we still have people on rooftops." Senator Landrieu witnesses looting while flying in a helicopter over the city. A tourist says "It's downtown Baghdad."[112] | aware of the fact that there was no possibility of plugging the gap and that essentially the lake was going to start to drain into the city. I think that second catastrophe really caught everybody by surprise."[115]<br><br>**Rather than taking over hurricane recovery efforts, President Bush speaks in the morning at the Naval Air Base in San Diego to commemorate the anniversary of V-J Day, though he does briefly discuss Katrina's impact.[116] Afterwards, Bush plays guitar with country singer Mark Willis.[117] At the end of the day, Bush returns to Crawford, Texas for one more night of vacation.[118]**<br><br>A Pentagon spokesman says that although 6,000 National Guard personnel from Louisiana and Mississippi who would otherwise be available to help deal with the aftermath of Hurricane Katrina are in Iraq, the states have adequate National Guard units to handle the hurricane needs. He claims there are 6,500 available in LA, 7,000 in MS, 10,000 in AL, and 8,200 in FL, along with 1,600 Guard troops near Atlanta who could be sent if necessary.[119] Yet security remains unstable in New Orleans until much later in the week.<br><br>The U.S. military starts to move ships and helicopters to the region at the request of the Federal Emergency Management Agency.[120] The Pentagon announces it will send five ships, though four are several days away.[121]<br>➢ FEMA and the Navy's failures to better pre-positioning ships – or at least dispatch them earlier – violate two key principals in the National Response Plan, which state:<br>o *"Recognizing that Federal and/ or national resources are required to augment overwhelmed State, local, and tribal response efforts, the NRPCIA establishes* |

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| | drinking water, dwindling food supplies, and fires - and steadily rising waters from major levee breaches.[105]<br><br>In Mobile, Alabama, the storm pushed water from Mobile Bay into downtown, submerging large sections of the city. [106]<br><br>The New Orleans city government regroups in Baton Rouge. [107]<br><br>About 40,000 people are in American Red Cross shelters, not including those in New Orleans Red Cross Shelters. [108]<br><br>White House announces President Bush will cut short his 5 week vacation and return to White House on Wednesday, August 31. [109] | New Orleans city hospitals flood.[113] | *protocols to pre-identify and rapidly deploy key essential resources (e.g., medical teams, urban search and rescue teams, transportable shelters, medical and equipment caches, etc.) that are expected to be urgently needed/ required to save lives and contain incidents."*[122]<br><br>o *"Federal support must be provided in a timely manner to save lives, prevent human suffering, and mitigate severe damage. This may require mobilizing and deploying assets before they are requested via normal NRP protocols."*[123]<br><br>*National Planning Scenario 10 included the planning assumption that* ***"Many hospitals have sustained severe damage and those that are open are overwhelmed."***[124] |

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| | Governors from Louisiana, Alabama and Mississippi have called up 7,500 troops.[110]<br><br>Mayor Nagin evacuates the city government to Baton Rouge.[111] | | |
| Wed, Aug. 31 | 6:00 a.m.: The Bush administration says it will release oil from petroleum reserves to help cut gas prices.[125]<br><br>1:15 p.m.: Mayor Ray Nagin of New Orleans estimates hundreds, maybe thousands, dead in his city.[126]<br><br>7:30 p.m.: Mayor Nagin orders 1,500 police to focus on stopping looting instead of searching for survivors.[127]<br><br>Mayor Nagin calls for a total evacuation and says that some sick or ill people may be moved to the convention center.[128] | Senator Landrieu, who was on the scene in Louisiana, found that just like on 9/11/01, first responders in New Orleans and other affected areas were unable to communicate with each other or city leaders. By Wednesday, she described the situation as follows: "A police chief in a city talking to a mayor in a city wasn't happening while this was going on because their cellphones were down and their radios didn't communicate."[141] | *The National Response Plan (NRP) recognizes that the Department of Homeland Security has special responsibilities when there are catastrophic circumstances, such as the problems Senator Landrieu witnesses. These catastrophic circumstances include those with "significant disruption of the area's critical infrastructure, such as energy, transportation, telecommunications, and public health and medical systems"*[144]<br><br>*National Planning Scenario 10 included planning assumptions about the difficulty of conducting effective rescues:* ***"Hundreds of people are trapped and require search and rescue. Until debris is cleared, rescue operations are difficult because much of the area is reachable only by helicopters and boats."***[145]<br><br>*Under National Planning Scenario 10, damage to critical infrastructure sectors was expected and therefore efforts should have been underway immediately to assess damage to communications and other vital systems:* ***"Wind and downed trees have damaged nearly all of the electric transmission lines within the MMA. Most communications systems within the impacted area are not functioning due to damage and lack of power."***[146] |

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| | Looting grows dramatically, with people using a forklift to smash into one pharmacy.[129]<br><br>Military transport planes carry seriously ill and injured patients to Houston.[130]<br><br>New Orleans pump stations are all offline.[131]<br><br>FEMA has deployed 39 medical teams to set up field hospitals under tents, and mobilized 1,700 trailer trucks.[132]<br><br>U.S. Health and Human Services Secretary Mike Leavitt declares a federal health emergency throughout the Gulf Coast, sending in medical supplies and workers. [133]<br><br>The entire region is declared a public health emergency amid fears of diseases that could | At 11:09 pm the Times-Picayune posts a story stating that there are "3,000 or more evacuees stranded at the convention center—and with no apparent contingency plan or authority to deal with them[.]" The report describes a "steady stream of often angry or desponded people" who "trickled" towards the convention center. Some had been there since Tuesday morning "but had received no food, water or instructions."[142]<br><br>Conditions continue to deteriorate at the Superdome: "A 2-year-old girl slept in a pool of urine. Crack vials littered a restroom. Blood stained the walls next to vending machines smashed by teenagers.... 'We pee on the floor. We are like animals,' said Taffany Smith, 25, as she cradled her 3-week-old son, Terry.... By Wednesday, it had degenerated into horror.... At least two people, including a child, have been raped. At least three people have died, including one man who jumped 50 feet to his death, saying he had nothing left to live for. There is no sanitation. The stench is overwhelming."[143] | FEMA does not learn about the convention center evacuees until Thursday. [147]<br><br>Although there are 500 National Guard troops patrolling the Superdome, they have "limited resources and no infrastructure," who are "living like [the evacuees] are living."[148]<br><br>➢ *Secretary Chertoff's inability to supply basic medical, nutritional and other emergency needs for the evacuees in the Superdome and elsewhere demonstrates a failure to follow the National Response plan, which states: Recognizing that Federal and/or national resources are required to augment overwhelmed State, local, and tribal response efforts, the NRPCIA establishes protocols to pre-identify and rapidly deploy key essential resources (e.g., medical teams, urban search and rescue teams, transportable shelters, medical and equipment caches, etc.) that are expected to be urgently needed/required to save lives and contain incidents.*[149]<br><br>FEMA Director Brown says the storm caused the kind of damage the agency was expecting and that plans were in place: "That category four hurricane caused the same kind of damage that we anticipated. So we planned for it two years ago. Last year, we exercised it. And unfortunately this year, we're implementing it."[150]<br><br>Secretary of State Condoleeza Rice attends a Broadway show in New York (and is booed there for failing to attend to Katrina matters).[151]<br><br>Secretary Chertoff holds news conference, where he says that |

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| | spread because of the contaminated, stagnant water.[134]<br><br>Evacuations from the Louisiana Superdome to the Houston Astrodome begin. About 20,000 people are expected to be transferred from New Orleans to the Astrodome in Houston, TX. The first busloads of victims leave the Superdome for the Astrodome in Houston, more than 350 miles away.[135]<br><br>Governor Blanco asks the White House to send more help.[136]<br><br>The U.S. Army Corps of Engineers estimates it will be at least 30 days or more before New Orleans will be pumped out. [137]<br><br>Five offshore Louisiana oil rigs are reported | | he is "extremely pleased by the response."[152] |

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| | missing and two more are adrift. [138]<br><br>President Bush flies over the region on his way back to Washington and convenes a federal task force.[139]<br><br>Gov. Blanco says that everyone must be evacuated from the Superdome within two days and calls for a day of prayer.[140] | | |
| Thurs, Sept. 1 | Over 200 buses arrive to transport Superdome residents to the Astrodome in Houston, but thousands of newly emerged hurricane victims take their places, with crowds swelling to 25,000.[153]<br><br>New Orleans Mayor Nagin issues a "desperate SOS" asking for help dealing with the lawlessness and devastation in his | | **In a morning television interview, President Bush says: "I don't think anybody anticipated the breach of the levees. They did anticipate a serious storm. But these levees got breached. And as a result, much of New Orleans is flooded. And now we are having to deal with it and will."[174]**<br>➢ *However, National Planning Scenario 10 included the planning assumption that the "20-foot storm surge has breached and overtopped flood control and hurricane protection works."*[175]<br><br>➢ *Additionally, National Planning Scenario 10 included the planning assumption that* ***"Major portions of the MMA [major metropolitan area] become flooded."***[176] |

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| | city.[154]<br><br>President Bush asks Congress for $10.5 billion in funds.[155]<br><br>Senate and House officials prepare a $10 billion emergency aid package.[156]<br><br>The death toll in Mississippi hits 126.[157]<br><br>Looting, carjacking and other violence spreads, and the military decides to increase National Guard deployment to 30,000.[158]<br><br>Crowds at the Superdome swell to 30,000, with another 25,000 at the convention centre where conditions continue to deteriorate. Outside the New Orleans Convention Center, the sidewalks are packed with people without food, water or medical care, waiting | According to the New York Times, "chaos and gunfire had hampered efforts to evacuate the Superdome."[169]<br><br>Evacuees report numerous uncollected corpses in the Superdome.[170]<br><br>A tourist stranded at the Ritz Carlton in downtown New Orleans says "[National Guard" are invisible. We have no idea where they are. We hear bits and pieces that the National Guard is around, but where? We have not seen them. We have not seen FEMA officials. We have seen no one."[171]<br><br>Mayor Nagin said: "I continue to hear that troops are on the way, but we are still protecting the city with only 1,500 New Orleans police officers, an additional 300 law enforcement personnel, 250 National Guard troops, and other military personnel who are primarily focused on evacuation."[172]<br><br>Superintendent P. Edward Compass III of the New Orleans Police Department said armed thugs had taken control of the secondary makeshift shelter at the convention center. He added that the criminals repelled 8 squads of 11 officers each that he had sent to secure the place and that rapes and assaults were unimpeded in the neighboring streets as criminals | DHS Secretary Chertoff said in a 9/1 interview that there were **"crowd control issues"** at the Superdome, but it was "secure."[177]<br><br>FEMA Director Brown says uncollected corpses have "not been reported to me, so I'm not going to comment. Until I actually get a report from my teams that say, 'We have bodies located here or there,' I'm just not going to speculate."[178]<br><br>Secretary Chertoff claims "we have 2,800 National Guard in New Orleans as we speak today."[179]<br><br>Mr. Brown said: "I actually think the security is pretty darn good. There's some really bad people out there that are causing some problems, and it seems to me that every time a bad person wants to scream of cause a problem, there's somebody there with a camera to stick it in their face."[180]<br><br>Secretary Chertoff said there were **"isolated incidents of criminality"** in New Orleans, even though by that time there were numerous reports of widespread looting, robbery, gunfire, and even rape.[181]<br><br>As late as Thursday, 9/1, DHS Secretary Chertoff said he was unaware that there were thousands of New Orleans residents |

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| | for buses that do not come.[159]<br><br>Homeland Security Secretary Michael Chertoff announces that another 4,200 National Guard troops trained as military police will be deployed to New Orleans over the next three days. [160]<br><br>Louisiana Gov. Kathleen Blanco requests the mobilization of 40,000 National Guard troops. [161]<br><br>The evacuation of patients from Charity Hospital was halted Thursday after the facility came under sniper fire twice. physician at the hospital said that despite the incidents staff members and patients were eager to get out after three days with no water and electricity and sparse | "preyed upon" passers-by, including stranded tourists.[173] | stranded at the convention center who didn't have food or security, even though national news outlets were reporting on the distress of thousands of refugees there.[182]<br><br>FEMA Director Brown admits that **the federal government did not know until Thursday that thousands of survivors without food or water had taken shelter at the city's convention center, despite a day of news reports.**[183] "We learned about that (Thursday), so I have directed that we have all available resources to get to that convention center to make sure thye have the food and water and medical care that they need," he says.[184]<br><br>Mr. Brown also said: "Considering the dire circumstances that we have in New Orleans – virtually a city that has been destroyed – that **things are going relatively well**."[185]<br><br>Mr. Brown also says: "I've had no reports of unrest, if the connotation of the word unrest means that people are beginning to riot, or you know, they're banging on walls and screaming and hollering or burning tires or whatever. I've had no reports of that."[186]<br><br>*Continuing problems in New Orleans, especially leading up to and after Nagin's "SOS," demonstrate a failure to follow the National Response Plan (NRP). Under the NRP, as the "primary Federal official" for domestic incident management, "the Secretary is also responsible for coordinating Federal resources utilized in response to or recovery from terrorist attacks, major disasters, or other emergencies if and when any of the following four conditions applies: . . . (2) the resources of State and local authorities are overwhelmed[.]*[187]<br><br>*Furthermore, the NRP recognizes that "Standard procedures outlined in the NRP regarding requests for assistance may be expedited or, under* |

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| | food rations.[162]<br><br>Doctors at two New Orleans hospitals plead for help, saying their food, water and power are almost gone. Helicopters evacuate up to 600 patients but an estimated 1,500 others are left behind.[163]<br><br>Officials close the Reliant Astrodome in Houston to further New Orleans evacuees shortly before five more busloads arrived. Although the passengers initially were told they would have to re-board the buses and go to Huntsville, officials relented and allowed at least one busload of 67 passengers to stay.[164]<br><br>Elsewhere, 76,000 people are in Red Cross shelters. [165]<br><br>Bush asks his father, | | *extreme circumstances, temporarily suspended in the immediate aftermath of an incident of catastrophic magnitude, pursuant to existing law.'*[188]<br><br>Secretary of State Condoleeza Rice buys several thousand dollars of shoes while shopping in New York City.[189]<br><br>Late in the afternoon on Thursday, 9/1, the Homeland Security Department finally contacts the airline industry to ask for help with evacuating storm victims.[190] |

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| | and former President Clinton, to lead a fund-raising campaign for victims. [166]<br><br>Texas agrees to take in 75,000 people.[167]<br><br>600 massive sand bags arrive to help shore up the broken levees of New Orleans. [168] | | |
| Fri, Sept. 2 | 10:15 a.m.: Bush lands in Mobile, Ala., to tour affected areas on foot and by air. [191]<br><br>President Bush meets with Mayor Nagin and Gov. Blanco and visits the 17th Street Canal breach.[192]<br><br>11:30 p.m.: Houston's Astrodome, which had been accepting busloads of evacuees from New Orleans, has no more room. Buses are diverted to other areas of Texas.[193]<br><br>11:45 p.m.: First | | National Guard trucks carrying supplies to the Superdome did not arrive until almost noon on Friday, 9/2---3 and ½ days after Katrina struck.[203]<br><br>**During his tour of hurricane stricken areas, President Bush tells FEMA Director Brown, "Brownie, you're doing a heck of a job."[204]**<br><br>Bush's tour of Louisiana delays 3 tons of food ready for delivery by air to refugees.[205] |

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| | National Guard trucks arrive with supplies at the Superdome.[194]<br><br>President Bush acknowledges the failure so far of government relief efforts, saying "the results are not acceptable."[195]<br><br>House passes $10.5 billion for emergency relief, Bush signs it.[196]<br><br>A large convoy of relief supplies arrives at the New Orleans Convention Center.[197]<br><br>Commercial airlines begin flying people out of the city, and the Superdome begins to empty.[198]<br><br>An explosion at a chemical storage facility sends a column of acrid smoke into the sky-other scattered fires break out.[199] | | |

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| | Secretary Chertoff announces a total of 6,500 National Guard troops will arrive in New Orleans within 3 days; by day's end, nearly 20,000 National Guard troops are stationed in Louisiana and Mississippi.[200]<br><br>The Houston Astrodome is declared full, and Texas opens up two more centers for people displaced by Katrina. [201]<br><br>Gov. Blanco meets with President Bush, who proposes to assume control of the state's National Guard Forces.[202] | | |
| Sat, Sept. 3 | President Bush orders 7,200 more soldiers and marines to the Gulf Coast, and the National Guard sends an additional 10,000 as well.[206] | | **President Bush personally blames state officials for the Katrina response problems:** "[T]he magnitude of responding to a crisis over a disaster area that is larger than the size of Great Britain has created tremendous problems that have strained state and local capabilities. The result is that many of our citizens simply are not getting the help they need." |

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| | The last evacuees at the New Orleans' Superdome are evacuated.[207]<br><br>Firefighters battle two fires along the Mississippi River waterfront, where 50-foot flames engulfed an industrial district. [208]<br><br>The Army Corps of Engineers brings in pumps and generators from around the nation to help get New Orleans pumps back on line and bail out the city. [209]<br><br>FEMA says more than 25,000 residents have been evacuated out of the city of New Orleans.[210]<br><br>The U.S. Coast Guard says that since Katrina hit, it has rescued a total of 9,500 people. [211]<br><br>The New Orleans | | ➢ *Yet the National Response Plan (NRP) makes it clear that DHS has substantial Federal responsibilities in a disaster: "The Secretary of Homeland Security is responsible for coordinating Federal operations within the United States to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies. HSPD-5 further designates the Secretary of Homeland Security as the "principal Federal official" for domestic incident management."[215] Furthermore, the NRP adds that "Notification and full coordination with States occur, but the coordination process should not delay or impede the rapid mobilization and deployment of critical Federal resources."[216]*<br>➢ *Additionally, the NRP recognizes that DHS still has substantial responsibilities when there are catastrophic incidents where "The response capabilities and resources of the local jurisdiction (to include mutual aid from surrounding jurisdictions and response support from the State) may be insufficient and quickly overwhelmed. Local emergency personnel who normally respond to incidents may be among those affected and unable to perform their duties."[217]*<br><br>Mr. Chertoff says, "There has been, over the last few years, some specific planning for the possibility of a significant hurricane in New Orleans with a lot of rainfall, with water rising in the levees and water overflowing the levees."[218] |

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| | police report that 200 of their 1,500 officers have walked off the job in frustration, and two others have committed suicide. [212]<br><br>The U.S. Labor Department announces an emergency grant of up to $62 million US, to provide work for dislocated workers in the devastated parts of Louisiana - it's expected the grants will provide as many as 10,000 temporary jobs.[213]<br><br>Gov. Blanco rejects the White House proposal and asks the National Guard to focus on security.[214] | | |
| Sun, Sept. 4 | Health and Human Services Secretary Michael Leavitt says the death toll from the hurricane will be in the thousands.[219]<br><br>Water and air rescue efforts continue in | | |

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| | New Orleans; the U.S. Coast Guard said it has rescued more than 17,000 people, almost twice as many as it had saved in the previous 50 years combined, but that thousands of people remain stranded.[220]<br><br>A Eurocopter AS 332 Super Puma helicopter flown by a civilian company crashes during rescue operations in New Orleans. No evacuees are aboard, and the pilot and crew are rescued. [221]<br><br>New Orleans Mayor Ray Nagin announces plans to move traumatized police and firefighters out of the city so they can receive medical and psychological treatment. [222]<br><br>Carnival Cruise Lines announces it will cancel | | |

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| | cruises on three of its ships so they can be used to house about 7,000 Katrina victims.[223]<br><br>Governor Kathleen Blanco declares a state of public health emergency, and says the Louisiana death toll will likely be in the thousands.[224]<br><br>Gov. Blanco's staff rebukes the White House, remarking that: "they wanted to negotiate an organizational chart."[225]<br><br>A shelter in Biloxi, Miss., is closed after more than 20 residents fall ill, possibly with dysentery. [226]<br><br>Mayor Nagin begins offering five-day vacations to city emergency workers.[227]<br><br>President Bush visits a Red Cross center and | | |

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| | orders American flags around the world flown at half-staff until Sept. 20.[228] | | |
| Mon, Sept. 5 | Suburban Jefferson Parish, across the 17th Street Canal from the levee breach that flooded much of New Orleans, begins allowing residents to return temporarily to retrieve their belongings. [229]<br><br>The New Orleans police now say 500 of their officers are unaccounted for, and reinforcements arrive from around the United States. [230]<br><br>The U.S. Army Corps of Engineers finishes patching a levee breach on the 17th Street Canal in New Orleans and announce that they have begun pumping water out of the city's streets.[231] | | Mr Chertoff tells journalists that Hurricane Katrina was a "breathtaking surprise" and says it was "that perfect storm of a combination of catastrophes [that] exceeded the foresight of the planners, and maybe anybody's foresight."[238]<br><br>Mr Chertoff said that planners were prepared for an "overflow from the levee, maybe a small break in the levee" but "the collapse of a significant portion of the levee leading to the very fast flooding of the city was not envisioned."[239] Mr Mayfield disputes the comments of Mr Chertoff and Mr Brown: "They knew that this one was different. I don't think Mike Brown or anyone else in Fema could have any reason to have any problem with our calls... They were told... We said the levees could be topped."[240] |

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| | President Bush makes his second visit to the stricken region since Katrina struck, meeting with Louisiana Gov. Kathleen Blanco and other officials at the state's relief headquarters in Baton Rouge. [232]<br><br>Former presidents Bush and Clinton announce a fund for victims, similar to the one they spearheaded following the Asian tsunami. [233]<br><br>The U.S. military dispatches 4,700 more active-duty troops to join relief efforts by Tuesday, up from the 2,500 announced Saturday.[234]<br><br>British Petroleum says it has restarted oil production at some of its Gulf of Mexico facilities which had been shut due to the | | |

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| | hurricane.[235]<br><br>South Korea and Australia voice frustration that U.S. relief efforts have prevented them from rescuing their citizens.[236]<br><br>Gov. Blanco is surprised to learn of Mr. Bush's visit while preparing to leave for Houston.[237] | | |
| Tues, Sept. 6 | Mayor Nagin reissues the mandatory evacuation order.[241]<br><br>With Congress, President Bush announces an inquiry into the federal response and asks for $51.8 billion in relief aid.[242] | | |
| Wed, Sept. 7 | Mayor Nagin orders the New Orleans Police to begin removing residents by force.[243]<br><br>President Bush sends Vice President Cheney | | |

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| | to join "the blitz of administration officials visiting the region."[244] | | |
| Thurs, Sept. 8 | Gov. Blanco says equipment she requested from the federal government a week before had yet to arrive.[245]<br><br>In a short televised speech, the President remarks to hurricane survivors, "The government is going to be with you for the long haul."[246] | | |
| Fri, Sept. 9 | White House announces President Bush's intention to visit the region for a third time. | | |

[1] Jonathan Corum and Ben Werschkul, The New York Times, September 4, 2005. May be viewed at: http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_02.html.
[2] Spencer S. Hsu and Susan B. Glasser, "FEMA Director Singled Out by Response Critics," Washington Post, 6 September 2005.
[3] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[4] Jonathan Corum and Ben Werschkul, The New York Times, September 4, 2005. May be viewed at: http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_02.html.
[5] Brett Arends, "Brown pushed from last job: Horse group: Fema chief had to be 'asked to resign,'" Boston Herald, 3 September 2005.
[6] Andrew Zajac and Andrew Martin, "Top FEMA officials have scant experience in disaster management," Chicago Tribune, 6 September 2005.
[7] CNN Hurricane timeline, may be viewed at http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html.
[8] *Id.*
[9] *Id.*
[10] Florida Prepares for Katrina as Storm Strengthens (Update2), Bloomberg.com, August 26, 2005, may be viewed at : http://www.bloomberg.com/apps/news?pid=10000087&sid=aWcrw4zNhcGI&refer=top_world_news

| DATE | FACTS | AVAILABLE WARNINGS OR INFORMATION | FEDERAL GOVERNMENT FAILURES (italics highlight violations of guidelines and/or a failure to adhere to planning scenarios) |
|---|---|---|---|

[11] National Weather Service, National Hurricane Center, Tropical Prediction Center, - Hurricane KATRINA Advisory Archive- Discussion August 25, 2005, May be viewed at: http://www.nhc.noaa.gov/archive/2005/dis/al122005.discus.010.shtml.
[12] Andrew Zajac and Andrew Martin, "Top FEMA officials have scant experience in disaster management," Chicago Tribune, 6 September 2005.
[13] *Id.*
[14] CNN Hurricane timeline, may be viewed at : http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html.
[15] *Id.*
[16] *Id.*
[17] Office of the Governor, Louisiana, August 26, 2005, may be viewed at: http://gov.louisiana.gov/Press_Release_detail.asp?id=973.
[18] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[19] Timothy R. Brown. "Miss. Governor declares state of emergency as Katrina nears," Associated Press, 27 August 2005, < http://www.ledger-enquirer.com/mld/ledgerenquirer/news/local/12494352.htm> (13 September 2005).
[20] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[21] Sam Knight. "Katrina timeline: who knew what and when?," *The Times of London*, 7 September 2005, <http://www.timesonline.co.uk/article/0,,23889-1769493,00.html> (7 September 2005).
[22] Peter G. Gosselin and Alan C. Miller, "Why FEMA Was Missing in Action," Los Angeles Times, 5 September 2005.
[23] "DHS' Efforts to Enhance First Responders' All Hazards Capabilities Continue to Evolve," GAO 05-652, July 2005, p. 36-38.
[24] CNN Hurricane timeline, may be viewed at: http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html.
[25] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[26] *Id.*
[27] *Id.*
[28] Chris Joyner and Jack Mazurak, "Barbour declares state of emergency," The Clarion Ledger, 27 August 2005, http://www.clarionledger.com/apps/pbcs.dll/article?AID=/20050827/NEWS0110/50827005/1002.
[29] CNN Hurricane timeline, may be viewed at: http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html.
[30] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[31] *Id.*
[32] *Id.*
[33] "Katrina now Category 4 storm, Hurricane warning for Morgan City, Louisiana to Alabama-Florida border," CNN Online, 28 August 2005, http://www.cnn.com/2005/WEATHER/08/27/tropical.weather/
[34] 9/7/05 Times Online Timeline.
[35] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[36] *Id.*
[37] 9/7/05 Times Online Timeline.
[38] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[39] Sam Knight. "Katrina timeline: who knew what and when?," *The Times of London*, 7 September 2005, <http://www.timesonline.co.uk/article/0,,23889-1769493,00.html> (7 September 2005).
[40] http://www.whitehouse.gov/news/releases/2005/08/20050827-1.html
[41] Los Angeles Times, "Why FEMA Was Missing in Action," 5 September 2005.
[42] http://www.dhs.gov/dhspublic/theme_home2.jsp
[43] George Bush. "President's Radio Address," White House Radio, 27 August 2005, <http://www.whitehouse.gov/news/releases/2005/08/20050827.html> (13 September 2005).
[44] CNN Hurricane timeline, may be viewed at: http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html
[45] *Id.*
[46] *Id.*
[47] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html

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|---|---|---|---|

[48] Jonathan Corum and Ben Werschkul, The New York Times, September 4, 2005. May be viewed at: http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_02.html
[49] *Id.*
[50] *Id.*
[51] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[52] 9/7/05 Times Online Timeline.
[53] Jonathan Corum and Ben Werschkul, The New York Times, September 4, 2005. May be viewed at: http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_02.html
[54] 9/7/05 Times Online Timeline.
[55] *Id.*
[56] "Timeline: How the hurricane crisis unfolded," BBC News, 7 September 2005. [hereafter 9/7/05 BBC Timeline].
[57] Breaking News Archives, Times-Picayune, 28 August 2005, http://www.nola.com/newslogs/breakingtp/index.ssf?/mtlogs/nola_Times-Picayune/archives/2005_08.html#074657.
[58] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[59] Special Defense Department Briefing with Commander of Joint Task Force Katrina, DOD News, 1 September 2005, http://www.dod.gov/transcripts/2005/tr20050901-3843.html.
[60] National Guard briefing materials are available by contacting the Democratic Staff of the House Committee on Homeland Security.
[60] 9/7/05 Times Online Timeline.
[61] CNN.com, September 1, 2005—"FEMA chief: Victims bear some responsibility."
[62] CNN Hurricane timeline, may be viewed at: http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html
[63] 9/7/05 Times Online Timeline.
[64] *Id.*
[65] *Id.*
[66] Doug MacCash and James O. Byrne, "Catastrophic Storm Surge Swamps 9th Ward, St. Bernard Lakeview Levee Breach Threatens to Inundate City," Times-Picayune, 30 August 2005, http://www.nola.com/hurricane/t-p/katrina.ssf?/hurricane/katrina/stories/083005catastrophic.html.
[67] *Id.*
[68] CNN Hurricane timeline, may be viewed at: http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html
[69] *Id.*
[70] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[71] Jonathan Corum and Ben Werschkul, The New York Times, September 4, 2005. May be viewed at: http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_02.html
[72] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[73] *Id.*
[74] 9/7/05 Times Online Timeline.
[75] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[76] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[77] Spencer S. Hsu and Susan B. Glasser, "FEMA Director Singled Out by Response Critics," Washington Post, 6 September 2005.
[78] "Chertoff: Katrina scenario did not exist," CNN.com, 9 September 2005, http://www.cnn.com/2005/US/09/03/katrina.chertoff/
[79] Times-Picayune, "Washing Away," 23-27 June 2002, http://www.nola.com/hurricane/?/washingaway/
[80] "Shockingly Unprepared," Editorial, Los Angeles Times, 2 September 2005.
[81] "President Participates in Conversation on Medicare," White House Press Release, August 29, 2005, 10:06 am MST, http://www.whitehouse.gov/news/releases/2005/08/20050829-5.html (accessed 9/7/05).

| DATE | FACTS | AVAILABLE WARNINGS OR INFORMATION | FEDERAL GOVERNMENT FAILURES (italics highlight violations of guidelines and/or a failure to adhere to planning scenarios) |
|---|---|---|---|

[82] White House Photo Essays, http://www.whitehouse.gov/news/releases/2005/08/images/20050829-5_p082905pm-0125-515h.html (accessed 9/7/05)
[83] "President Participates in Conversation on Medicare," White House Press Release, August 29, 2005, 10:06 am MST, http://www.whitehouse.gov/news/releases/2005/08/20050829-5.html (accessed 9/7/05).
[84] "President Discusses Medicare," New Prescription Drug Benefits, White House Press Release, August 29, 2005, 2:40 pm PDT, http://www.whitehouse.gov/news/releases/2005/08/20050829-11.html (accessed 9/7/05).
[85] Ted Bridis. "FEMA Chief Sent Help Only After Storm Hit," 7 September 2005.
[86] *Id.*
[87] Copy of Memo from Michael Brown to Michael Chertoff, 29 August 2005. Available by contacting the Democratic Staff of the House Committee on Homeland Security.
[88] 9/7/05 Times Online Timeline.
[89] Farhad Manjoo, "Why FEMA Failed," Salon.com, 7 September 2005, http://www.salon.com/news/feature/2005/09/07/fema/print.html.
[90] "Chertoff: Katrina scenario did not exist," CNN.com, 9 September 2005, http://www.cnn.com/2005/US/09/03/katrina.chertoff/
[91] "Scenario 10: National Disaster- Major Hurricane," *Globalsecurity.org*, 10 July 04, <http://www.globalsecurity.org/security/library/report/2004/hsc-planning-scenarios-jul04_10.htm> (13 September 2005).
[92] "Scenario 10: National Disaster- Major Hurricane," *Globalsecurity.org*, 10 July 04, <http://www.globalsecurity.org/security/library/report/2004/hsc-planning-scenarios-jul04_10.htm> (13 September 2005).
[93] Richard A. Serrano and Nicole Gaouette, "Despite Warnings, Washington Failed to Fund Levee Projects," Lost Angeles Times, 4 September 2005.
[94] *Id.*
[95] *Id.*
[96] "Scenario 10: National Disaster- Major Hurricane," *Globalsecurity.org*, 10 July 04, <http://www.globalsecurity.org/security/library/report/2004/hsc-planning-scenarios-jul04_10.htm> (13 September 2005).
[97] "Scenario 10: National Disaster- Major Hurricane," *Globalsecurity.org*, 10 July 04, <http://www.globalsecurity.org/security/library/report/2004/hsc-planning-scenarios-jul04_10.htm> (13 September 2005).
[98] Katrina timeline, The Clroion Ledger, September 6, 2005. May be viewed at: **http://clarionledger.com/apps/pbcs.dll/article?AID=/20050906/NEWS0110/509060373**
[99] *Id.*
[100] Jonathan Corum and Ben Werschkul, The New York Times, September 4, 2005. May be viewed at: http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_02.html
[101] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[102] Fast Facts: Hurricane Katrina Timeline, Associated Press, Fox News, September 3, 2005. May be viewed at: http://www.foxnews.com/story/0,2933,168413,00.html
[103] Jonathan Corum and Ben Werschkul, The New York Times, September 4, 2005. May be viewed at: http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_02.html
[104] *Id.*
[105] CNN Hurricane timeline, may be viewed at: http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html
[106] *Id.*
[107] Jonathan Corum and Ben Werschkul, The New York Times, September 4, 2005. May be viewed at: http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_02.html
[108] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[109] *Id.*
[110] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[111] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[112] Adam Nossiter, "Crisis Grows As Flooded New Orleans Looted," Associated Press, 31 August 2005, http://news.yahoo.com/news?tmpl=story&u=/ap/20050831/ap_on_re_us/katrina_new_orleans.
[113] Jonathan Corum and Ben Werschkul, The New York Times, September 4, 2005. May be viewed at: http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_02.html
[114] Doug MacCash and James O. Byrne, "Catastrophic Storm Surge Swamps 9th Ward, St. Bernard Lakeview Levee Breach Threatens to Inundate City," Times-Picayune, 30 August 2005, http://www.nola.com/hurricane/t-p/katrina.ssf?/hurricane/katrina/stories/083005catastrophic.html.
[115] Meet the Press, Chertoff Interview with Tim Russert, 4 September 2005, http://www.msnbc.msn.com/id/9179790/.

| DATE | FACTS | AVAILABLE WARNINGS OR INFORMATION | FEDERAL GOVERNMENT FAILURES (italics highlight violations of guidelines and/or a failure to adhere to planning scenarios) |
|---|---|---|---|

[116] President Commemorates 60th Anniversary of V-J Day, White House Press Release, 30 September 2005, 9:04 am PDT, http://www.whitehouse.gov/news/releases/2005/08/20050830-1.html (accessed 9/7/05).
[117] http://news.yahoo.com/news?tmpl=story&u=/050830/480/capm10208301856.
[118] Tony Pugh and Ron Hutcheson, "Bush returns to DC to oversee relief for Katrina," Knight Ridder Newspapers, August 30, 2005.
[119] "Washington moves to help Katrina's victims," Associated Press, 30 August 2005, http://www.cnn.com/2005/WEATHER/08/30/katrina.washington.ap/.
[120] CNN Hurricane timeline, may be viewed at: http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html
[121] Jonathan Corum and Ben Werschkul, The New York Times, September 4, 2005. May be viewed at: http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_02.html
[122] National Response Plan, Catastrophic Incident Annex, CAT-1
[123] National Response Plan, Catastrophic Incident Annex, CAT-3
[124] "Scenario 10: National Disaster- Major Hurricane," *Globalsecurity.org*, 10 July 04, <http://www.globalsecurity.org/security/library/report/2004/hsc-planning-scenarios-jul04_10.htm> (13 September 2005).
[125] Katrina timeline, The Clroion Ledger, September 6, 2005. May be viewed at: **http://clarionledger.com/apps/pbcs.dll/article?AID=/20050906/NEWS0110/509060373**
[126] *Id.*
[127] *Id.*
[128] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[129] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[130] Jonathan Corum and Ben Werschkul, The New York Times, September 4, 2005. May be viewed at: http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_02.html
[131] *Id.*
[132] *Id.*
[133] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[134] CNN Hurricane timeline, may be viewed at: http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html
[135] *Id.*
[136] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[137] *Id.*
[138] *Id.*
[139] Jonathan Corum and Ben Werschkul, The New York Times, September 4, 2005. May be viewed at: http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_02.html
[140] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[141] Peter Applebome, "A Delicate Balance is Undone in a Flash, and a Battered City Waits," New York Times, September 4, 2005.
[142] Breaking News Archives, Times-Picayune, 31 August 2005, http://www.nola.com/newslogs/breakingtp/index.ssf?/mtlogs/nola_Times-Picayune/archives/2005_08.html
[143] Scott Gold, "Trapped in Arena of Suffering," Los Angeles Times, 1 September 2005.
[144] National Response Plan, Catastrophic Incident Annex, CAT-3
[145] "Scenario 10: National Disaster- Major Hurricane," *Globalsecurity.org*, 10 July 04, <http://www.globalsecurity.org/security/library/report/2004/hsc-planning-scenarios-jul04_10.htm> (13 September 2005).
[146] "Scenario 10: National Disaster- Major Hurricane," *Globalsecurity.org*, 10 July 04, <http://www.globalsecurity.org/security/library/report/2004/hsc-planning-scenarios-jul04_10.htm> (13 September 2005).
[147] Spencer S. Hsu and Susan B. Glasser, "FEMA Director Singled Out by Response Critics," Washington Post, 6 September 2005.
[148] Scott Gold, "Trapped in Arena of Suffering," Los Angeles Times, 1 September 2005.
[149] National Response Plan, Catastrophic Incident Annex, CAT-1
[150] 9/7/05 Times Online Timeline.

| DATE | FACTS | AVAILABLE WARNINGS OR INFORMATION | FEDERAL GOVERNMENT FAILURES (italics highlight violations of guidelines and/or a failure to adhere to planning scenarios) |
|---|---|---|---|

[151] "As South drowns, Rice soaks in N.Y.," New York Daily News, 2 September 2005.
[152] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[153] Joseph B. Treaster, "Local Officials Criticize Federal Government Over Response," New York Times, 2 September 2005.
[154] *Id.*
[155] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[156] Jonathan Corum and Ben Werschkul, The New York Times, September 4, 2005. May be viewed at: http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_02.html
[157] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[158] *Id.*
[159] *Id.*
[160] CNN Hurricane timeline, may be viewed at: http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html
[161] *Id.*
[162] Sniper fire halts hospital evacuation, Gunmen fire at medical workers and patients at Charity Hospital, CNN News, Thursday, September 1, 2005. May be viewed at: http://www.cnn.com/2005/WEATHER/09/01/katrina.hospital.sniper/
[163] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[164] Bill Murphy and Leigh Hopper, "Stadium calls halt to taking refugees," The Houston Chronicle, 1 September 2005, **http://www.chron.com/cs/CDA/ssistory.mpl/topstory2/3334057**
[165] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[166] *Id.*
[167] *Id.*
[168] *Id.*
[169] Joseph B. Treaster, "Local Officials Criticize Federal Government Over Response," New York Times, 2 September 2005.
[170] "The big disconnect in New Orleans," CNN.com, 2 September 2005 (describing statements made on 1 September 2005), http://www.cnn.com/2005/US/09/02/katrina.response/.
[171] *Id.*
[172] *Id.*
[173] Joseph B. Treaster, "Local Officials Criticize Federal Government Over Response," New York Times, 2 September 2005.
[174] Dan Froomkin, "A Dearth of Answers," Washington Post, 1 September 2005.
[175] "Scenario 10: National Disaster- Major Hurricane," *Globalsecurity.org*, 10 July 04, <http://www.globalsecurity.org/security/library/report/2004/hsc-planning-scenarios-jul04_10.htm> (13 September 2005).
[176] "Scenario 10: National Disaster- Major Hurricane," *Globalsecurity.org*, 10 July 04, <http://www.globalsecurity.org/security/library/report/2004/hsc-planning-scenarios-jul04_10.htm> (13 September 2005).
[177] Press Conference With Officials from the Department of Homeland Security, Justice Department, Defense Department, the National Guard Bureau, U.S. Coast Guard and FEMA, September 1, 2005, http://www.dhs.gov/dhspublic/display?content=4779.
[178] "The big disconnect in New Orleans," CNN.com, 2 September 2005.
[179] *Id.*
[180] *Id.*
[181] Joseph B. Treaster, "Local Officials Criticize Federal Government Over Response," New York Times, 2 September 2005.
[182] Fox News Sunday, Chertoff Interview with Chris Wallace, 5 September 2005, http://www.foxnews.com/story/0,2933,168472,00.html
[183] Spencer S. Hsu and Susan B. Glasser, "FEMA Director Singled Out by Response Critics," Washington Post, 6 September 2005.
[184] The big disconnect in New Orleans," CNN.com, 2 September 2005.
[185] CNN.com, September 1, 2005—"FEMA chief: Victims bear some responsibility."
[186] "The big disconnect in New Orleans," CNN.com, 2 September 2005.
[187] National Response Plan, p. 9.

| DATE | FACTS | AVAILABLE WARNINGS OR INFORMATION | FEDERAL GOVERNMENT FAILURES (italics highlight violations of guidelines and/or a failure to adhere to planning scenarios) |
|---|---|---|---|

[188] National Response Plan, Catastrophic Incident Annex, CAT-1.
[189] "As South drowns, Rice soaks in N.Y.," New York Daily News, 2 September 2005.
[190] Ted Bridis. "FEMA Chief Sent Help Only After Storm Hit," 7 September 2005.
[191] Katrina timeline, The Clarion Ledger, September 6, 2005. May be viewed at: **http://clarionledger.com/apps/pbcs.dll/article?AID=/20050906/NEWS0110/509060373**
[192] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[193] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[194] Katrina timeline, The Clarion Ledger, September 6, 2005. May be viewed at: **http://clarionledger.com/apps/pbcs.dll/article?AID=/20050906/NEWS0110/509060373**
[195] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[196] *Id.*
[197] Katrina timeline, The Clarion Ledger, September 6, 2005. May be viewed at: **http://clarionledger.com/apps/pbcs.dll/article?AID=/20050906/NEWS0110/509060373**
[198] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[199] *Id.*
[200] Jonathan Corum and Ben Werschkul, The New York Times, September 4, 2005. May be viewed at: http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_02.html
[201] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[202] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[203] Clarion Ledger, "Katrina Timeline," 6 September 2005, http://clarionledger.com/apps/pbcs.dll/article?AID=/20050906/NEWS0110/509060373.
[204] Spencer S. Hsu and Susan B. Glasser, "FEMA Director Singled Out by Response Critics," Washington Post, 6 September 2005.
[205] Michelle Krupa, "Bush visit halts food delivery," Times-Picayune, 3 September 2005, http://www.nola.com/weblogs/print.ssf?/mtlogs/nola_Times-Picayune/archives/print076556.html.
[206] *Id.*
[207] Katrina timeline, The Clarion Ledger, September 6, 2005. May be viewed at: **http://clarionledger.com/apps/pbcs.dll/article?AID=/20050906/NEWS0110/509060373**
[208] CNN Hurricane timeline, may be viewed at: http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html
[209] *Id.*
[210] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[211] *Id.*
[212] *Id.*
[213] *Id.*
[214] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[215] National Response Plan (NRP) page 9
[216] National Response Plan, Catastrophic Incident Annex CAT-4.
[217] *Id.*
[218] Sam Knight. "Katrina timeline: who knew what and when?," *The Times of London*, 7 September 2005, <http://www.timesonline.co.uk/article/0,,23889-1769493,00.html> (7 September 2005).
[219] Katrina timeline, The Clroion Ledger, September 6, 2005. May be viewed at: **http://clarionledger.com/apps/pbcs.dll/article?AID=/20050906/NEWS0110/509060373**
[220] CNN Hurricane timeline, may be viewed at: http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html
[221] *Id.*
[222] *Id.*
[223] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[224] *Id.*
[225] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[226] *Id.*

| DATE | FACTS | AVAILABLE WARNINGS OR INFORMATION | FEDERAL GOVERNMENT FAILURES (italics highlight violations of guidelines and/or a failure to adhere to planning scenarios) |
|---|---|---|---|

[227] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[228] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[229] CNN Hurricane timeline, may be viewed at: http://www.cnn.com/SPECIALS/2005/katrina/interactive/timeline.katrina/frameset.exclude.html
[230] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[231] 9/7/05 BBC Timeline.
[232] Hurricane Katrina timeline, CBC News Online, Updated September 4, 2005, may be viewed at: http://www.cbc.ca/news/background/katrina/katrina_timeline.html
[233] *Id.*
[234] *Id.*
[235] *Id.*
[236] *Id.*
[237] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[238] 9/7/05 Times Online Timeline.
[239] *Id.*
[240] *Id.*
[241] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[242] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[243] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[244] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[245] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).
[246] Jonathan Corum and Ben Werschkul. "Draining New Orleans," *New York Times on the Web*, 11 September 2005, <http://www.nytimes.com/packages/html/national/2005_HURRICANEKATRINA_GRAPHIC/index_03.html> (12 September 2005).

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, time and time again here on the floor of the House I hear speeches: ''We will never forget 9/11; we will better prepare and defend America.''

But the most basic lesson of September 11, where we tragically lost so many first responders in the collapse of the towers, was that they lacked secure interoperable communications. They could not talk and communicate with those first responders, and many died needlessly. We have not learned that most basic of lessons.

In fact, President Bush this year zeroed out Federal assistance to local communities for secure interoperable communications. How quickly some have forgotten, yet they say it will never happen again.

Well, Hurricane Katrina was not a terrorist attack, but the Federal response was worse and degraded from the capabilities that we had on 9/11. On that day, FEMA was a high-functioning, independent, professionally run agency. Today, it is subsumed into this gigantic morass of the homeland security bureaucracy, downgraded to subagency level with a political hack as its director, and most of the professional staff has resigned and gone on to run State management agencies around the country. There are still some good professionals there, but the leadership, appointed by the White House, and the fact it was subsumed in the bureaucracy at the insistence of the Republican majority and the White House, they took away its independent agency status.

We had a vote on the floor to restore its independent agency status. We predicted these problems, but they opposed that amendment. Now they want to investigate themselves. Will the other side of the aisle fess up, like the White House never does, that they were wrong to follow the lead of the White House to downgrade this agency, to politicize it, subsume it in a huge bureaucracy, and that we are less capable than we were on 9/11 to respond to these types of disasters? I think not.

Mr. Speaker, we need an independent agency outside of this highly partisan body. They will not admit to those mistakes. There were certainly mistakes made at the local level, and they will probably highlight those, and those should be rectified, too. But all mistakes should come out, the failings of the Federal Government, the State government, and the local governments, with an independent, nonpartisan commission. That would be greatly preferable to this coverup that is going to go on here.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Marietta, Georgia (Mr. GINGREY), a hardworking member of the Committee on Rules.

Mr. GINGREY. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I rise in strong support of House Resolution 437. I think we are completely doing the right thing for the right reasons.

I have heard the other side of the aisle argue that what is the hurry, you are rushing to create an oversight committee and let us wait a couple of months. I want to point out to my friends on the other side of the aisle that we are still in the hurricane season. In fact, we are just getting into the hurricane season, and we need to get this investigation going as soon as possible. It is very important that we not wait. We have a 5-month opportunity to study this problem and find out exactly where the responsibilities lie.

The other side of the aisle also is suggesting that this is a Republican majority investigating a Republican administration. I point out we were not focusing just on the Federal aspects of this, as they would like us to do, but we are also focusing on the local and State aspects of this. There are Democrats and Republicans all up and down the line. This is not a partisan thing. This is a way to do it. This is what Congress has a responsibility to do and has done 41 times over the last 30 or 40 years. I could name any number of instances. My colleagues on the other side of the aisle know that is true.

The creation of an outside independent commission, as they call it, they are calling for doing that and spending an additional $5 million to $10 million. We do not need to do that. We have the staff within this Congress on both sides of the aisle, both in the majority and on the minority, and hopefully we would not spend more than $500,000 to get this work done and get it done in a bipartisan fashion. That is why we call it the Select Bipartisan Committee to Investigate the Preparation for and the Response to Hurricane Katrina. I am fully in support of that.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, for so many reasons my colleagues on this side of the aisle have articulated, this resolution should be rejected. Because it is neither bipartisan in terms of its authority, nor bipartisan in terms of its power, nor bipartisan in terms of its subpoena power. That will all rest with the majority.

The question that must be answered is how is it that FEMA, which 5 years ago was a world-class agency that was being praised by Republicans and Democrats alike, by local officials, by governors, by mayors, by the international community, who were coming and visiting and taking lessons from FEMA, how in 5 years was that agency so incredibly hollowed out that it could not respond to Hurricane Katrina?

This President and this administration made some horrible decisions about putting political hacks and their cronies in charge of the agency that is in charge of the safety of the people of the United States, whether it is western fires, earthquakes, floods, tornadoes or hurricanes. He appointed political hacks. Is he going to investigate that himself, as he says?

This Congress, powerful Members of the Senate and the House, made decisions about using FEMA as a honey pot to take resources out of and divert them elsewhere. The Committee on Appropriations chairmen of both houses, the leadership, the Republican leadership of both houses, are they going to investigate that themselves?

That is like asking Enron to investigate corporate ethics, baseball to investigate steroids, DICK CHENEY to investigate energy policy. It just cannot happen, and the American people know that. That is why, when they are asked on this question, 75 percent of the American people want a 9/11 Commission. They want a 9/11 Commission because they saw that the 9/11 Commission was the only way that the citizens of this country were going to get the answers, not the answers the politicians wanted them to get, and that is what this bipartisan, phony committee is about. They want to give you the answers they want you to get. The citizens want the answers to the questions that they want to ask.

The power in our democracy is with the citizens, and the citizens want a citizens' committee. They want a citizens' committee to answer these questions because the questions are going to have to be asked of a Republican President, a Republican Congress, a Democratic mayor, a Democratic governor, a Republican governor and that simply will not be able to be done.

The President has said he takes responsibility. The question that must be asked is: Did he act responsibly as the President of the United States to protect the people of this country? So far, the question is a resounding, no.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, I thank the ranking member, the gentlewoman from New York (Ms. SLAUGHTER), for yielding me this time and commend the members of the Committee on Rules for their important work on this subject, particularly the gentleman from Florida (Mr. HASTINGS) who is the author of the legislation, along with the gentleman from New Jersey (Mr. MENENDEZ), the chairman of our caucus, on legislation which will bring truth to this situation, an independent commission, modeled after 9/11, respected by the American people.

Following the tragedy of 9/11, the American people expected and deserved

the truth. People of New York and New Jersey were strong advocates for such a commission. The people in Louisiana and Mississippi and the gulf region are displaced. They are trying to put their lives back together. They have lost their homes, their jobs, their livelihoods, their communities. They really do not have time to lobby Congress for an independent commission.

But our country is grateful to the 9/11 families because they not only gave us that commission to review that terrible tragedy that befell our country, they gave us a tradition of transparency and finding the truth and holding people accountable and hoping to do so in a way that prevents future loss of life.

□ 1130

We endanger the American people when we ignore the truth. So on behalf of the people in the region, I plead with my colleagues in this body to reject any sham committee. Supposedly bipartisan; not so. Supposedly bicameral; not so. One thing we know, it is a vehicle to whitewash, to whitewash, and not have a true look into what went wrong.

There was a natural disaster, a terrible natural disaster in the gulf coast States. It was compounded by a manmade disaster because the Federal response of FEMA fell so very, very short. And FEMA, now its Director has resigned, but FEMA is fraught with problems systemically throughout it.

That does not mean that many, many people who work for FEMA and many people, our first responders, police and fire, health care providers in the area and volunteers from every walk of life did not rise to the occasion. They certainly did, and we commend them for the sacrifice they were willing to make to rescue others in the time of the immediate recovery. But there are so many unanswered questions; and instead of having a sham, why can we not have a real commission to look into this?

So the choice on the floor today, we have heard all of this discussion over and over. The fact is that we should be spending our time figuring out how we are going to help the people of the region rebuild their communities, to create jobs, to educate their children, to rid themselves of the toxic, literally toxic, environment, and that is the situation that they are in there. Instead, we are wasting the public's time on a subject that is unworthy of this tragedy, and it did not have to be.

I certainly respect the congressional role of oversight. We have called for it over and over again, whether it was the war in Iraq or the price gouging at the pump of gasoline for America's consumers, whether it is Abu Ghraib or Guantanamo. Name it. There are so many subjects that this Congress has been delinquent in its duty in doing oversight. So I fully support congressional oversight by the committees of jurisdiction.

In order to expedite help to the region, I suggested to the Speaker that we have a truly bipartisan committee that could streamline how we would go forward. At the time, I intended it just to be on the positive side, and that was early, when Katrina was just hitting, and then when we saw things go wrong, we added the charge that we would see what went wrong. So the idea of this Congress having a role in terms of oversight in a bipartisan special committee is one that I supported. I suggested it.

But what the Republicans came back with was really a slap in the face to the people who were affected in the region. We owe them the truth. Why is this Congress afraid of the truth? Over and over again, Iraq, name it, price at the pump, why is this Congress afraid of the truth? Sometimes it is really important, as we try to find our common ground, we stand our ground where we cannot find that common ground, but we always have to come down in favor of the people, to yield on points. Because we are here to get a job done. Maybe not exactly the way we would want to get it done, but get a job done. So now, today, the Republicans are putting up an obstacle to doing just that.

So I urge my colleagues to honor the sacrifice, the situation, that has affected the people in the region by at least telling them the truth and vote against this committee today, to vote against this committee, to say come back to the drawing board when they want to have honesty in what we are doing. But, first and foremost, we must have a truly independent commission, again, in the manner of the 9/11 Commission that took testimony, that issued a report, that gave transparency and openness to the process and gave some level of truth to the American people.

Because the people in the gulf States, many of them affected are poor and economically disadvantaged and not as sophisticated, perhaps, as some of the people stricken with grief in the New York/New Jersey area at the time of 9/11, and in Pennsylvania and in the Pentagon. Because these people are of a different economic status and because they are living in shelters and the rest and not really able to speak for themselves to the Congress of the United States, we, the House Democrats, will speak for them in asking for the truth and appealing to our Republican colleagues for us to work together in a completely nonpartisan way to help meet their needs.

I know that some Members have visited the region, certainly those affected. The gentleman from Mississippi (Mr. TAYLOR) spoke with such eloquence on the floor yesterday. Senator LANDRIEU, in the Senate last week, brought the Nation to tears with her presentation on what she saw in her beloved State of Louisiana. And the gentleman from Louisiana (Mr. JEFFERSON) has told us firsthand of what he has seen there. The gentleman from Mississippi (Mr. THOMPSON), our ranking member on the Committee on Homeland Security, spoke from authority in standing on the committee but experience as a Mississippian. They know because they see firsthand.

I could only see secondhand, joining the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Texas (Mr. AL GREEN), the gentleman from Texas (Mr. GENE GREEN), going to Houston to meet with the victims of Katrina in the Astrodome and also in the George R. Brown Convention Center. We saw children, little children, adorable little babies that we could hold in our arms, and 90-year-old great grannies, all of them, not the little babies, they did not speak for themselves, but their older siblings said, ''We want to go home.''

They praised the hospitality, the warmth, the generosity of the people of Houston. And they are to be commended. As I said when I was in Houston, I do not know of any city in America that could have risen to the occasion so quickly and so compassionately as Houston. Mayor White, Judge Eckels, the Commissioner of Harris County; Representative Noriega, so many people in the community came together to help the victims of Katrina. But still, with all of the respect that they extended to their guests, with all the health care, with all the care and feeding, still, of course, there is no place like home.

So let us find out how we can bring these people home. And a good way to have them come home and have confidence in the future that, should another hurricane strike, and we know that it will, that the precautions will have been taken, the accountability will be assigned, and that the people will be protected. We can do that by finding the truth. We can find the truth with the gentleman from Florida (Mr. HASTINGS), the gentleman from New Jersey's (Mr. MENENDEZ) commission, Senator CLINTON leading the way in the Senate on this important issue, and we can do it by rejecting this committee.

I stand open and welcome to any cooperation with the Republicans when the Speaker is ready to cooperate on true bipartisanship, true openness, and true accountability to the American people.

With that, I just close again to say that our hopes and prayers are always with the people of the region. It is our resolve that they will be made whole as soon as possible, and that has to be a bipartisan commitment.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

I ask for a ''no'' vote on the previous question so I can amend the rule and allow the House, instead of H. Res. 437, to consider H.R. 3764, which creates an independent 9/11-like commission to investigate the events involving Hurricane Katrina. I offered this amendment in the Committee on Rules last night, but, sadly, it was rejected.

I want to reiterate that 76 percent of Americans in a recent ABC/Washington Post poll preferred that a commission of outside experts, similar in nature to the 9/11 Commission, and, in fact, I wish for the same people, to investigate the devastating events surrounding Hurricane Katrina, and that is not just Democrats that were asked. Sixty-four percent of Republicans in that same poll said they, too, supported an independent commission to investigate the government's preparedness and response effort.

Please vote ''no'' on the previous question so we can authorize an independent commission that will not be influenced by partisan politics instead of a Republican-controlled committee investigating the failings of a Republican-controlled administration. Too many people's lives were turned upside down because of the failure of governmental officials to adequately prepare for and respond to the impact of Hurricane Katrina. Let us not fail them a second time.

I urge a ''no'' vote.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we deal with this great challenge, one cannot help but think back to the days following one of the most tragic events in our Nation's history, that being, of course, the attacks on the World Trade Center, flight 93 going down in Pennsylvania and, of course, the plane hitting the Pentagon. We all know that, following that tragedy, Democrats and Republicans came together. They came together committed to ensuring that we would never see the kind of terrorist threat that happened on September 11 hit the United States or our allies or anyone in the world again. And that really embarked us upon this massive global War on Terror, and that has been the focus of the Federal Government. We know that the top priority on September 11, 2001, became this bipartisan goal of trying to deal with the global War on Terror.

Mr. Speaker, I am very proud of the Democrats in this House who have come together in a bipartisan way to work with Republicans in our shared goal of winning the global War on Terror. It is an important struggle, and it is one which many say will last beyond our lifetimes, but I am convinced that Democrats and Republicans will continue to work together to ensure that we win that global War on Terror.

We know that 2½ weeks ago we faced another kind of disaster. It was a natural disaster that hit our fellow Americans, our fellow citizens, on the gulf coast. And we know that, as we sit here today, another hurricane, Hurricane Ophelia, continues to pose a threat in the Carolinas. And I will tell the Members, as I stand here at this moment, Mr. Speaker, I live constantly with the prospect of a massive earthquake hitting the largest, most important State in the Union, which I am proud to represent here.

We in California deal with the threat of fires on a regular basis. I represent the Angeles National Forest, and that threat is a very serious one. And in the wake of those fires following that, we, of course, have terrible mudslides which impact tremendous numbers of people.

We have gone through disasters in the past. Obviously, as President Bush has said, this is the worst natural disaster in our Nation's history, Hurricane Katrina. But we have faced many, many struggles. In California, one of the most prominent was the Northridge earthquake on January 16 of 1994. I know my friend from San Francisco, the distinguished minority leader, suffered the Loma Prieta quake.

And I will say that, having gone through all of this, Mr. Speaker, it is absolutely absurd, it is absurd, to believe that any Member of this House, that any Member of this House would not want to get to the truth of exactly what happened in the case of Hurricane Katrina.

□ 1145

Now, earlier this week, President Bush came forward and said that he takes full responsibility for the Federal Government's problems when it came to the preparation for and the response to Hurricane Katrina. Just yesterday, Governor Blanco, the Democratic Governor of Louisiana, said that she takes responsibility for what took place in her State.

Now, Mr. Speaker, we have a Republican President and a Democratic Governor coming forward and saying they take responsibility for their roles in the governments that they serve, the Federal Government and the State government.

The gentleman from Illinois (Speaker HASTERT) has come forward saying that it is very important for us to work in a bipartisan way. He has tried to work with the minority leader to make sure that, in appointing this select committee, we will have a chance to work in a bipartisan way. Speaker HASTERT has just called for members of the Committee on Appropriations to go to the gulf coast to look at this situation and to report back to us, because the very important responsibility of oversight right now that the Committee on Appropriations has over the $60 billion-plus that we, in a bipartisan way, have appropriated to deal with this, needs to be addressed. So this notion that there is not a bipartisan commitment to get to the bottom of this is absolutely ludicrous.

I want to make sure that if my State faces an earthquake, a fire, a mudslide that we are able to have the best response possible. I will tell my colleagues that this bipartisan committee is something that I think can play a very important role in ensuring that for all of us who face the prospect of a disaster in our States that we will be able to address it in a better way.

Mr. Speaker, I am a proud institutionalist. I know that is not a popular thing to say; but I serve on the Committee on Rules, and by virtue of that, I think it makes me an institutionalist. This is my 25th year serving here, and I am proud of the role that I have been able to play in trying to address very important institutional concerns, and we have been able to address many issues in a bipartisan way.

Now, I will acknowledge that, on occasion, the Committee on Rules can be a very partisan place; but on occasion we also can be very bipartisan. We just reported out a rule that enjoyed strong bipartisan support dealing with Coast Guard reauthorization, and passage of rules like that are noncontroversial, they do not get attention, and those are things that we have worked on. In fact, I would argue that we do more things coming out of even the Committee on Rules in a bipartisan way than we do the things that we do that are very, very strident and partisan. But if you look at other committees around this place, Mr. Speaker, such as the Committee on Transportation, the Committee on Energy and Commerce, the Committee on Financial Services, you can go right down the line, Democrats and Republicans come together to address major public policy concerns that are out there.

Now, Mr. Speaker, everyone wants to make sure that no one suffers again as the people have along the gulf coast. I do feel for our colleague MARY LANDRIEU in the other body, and the gentleman from Mississippi (Mr. TAYLOR); but I also think it is important for us to note that in the other body, our colleague TRENT LOTT lost his home. We have seen tremendous loss from people like the gentleman from Louisiana (Mr. JINDAL) on our side. So the point is that this is a disaster which has impacted Democrats and Republicans, and that is why I believe that it is incumbent upon us.

Because article I, section 8 of the U.S. Constitution makes it very clear that we have the responsibility for congressional oversight, oversight of the executive branch; and this bipartisan select committee, Mr. Speaker, will focus not just on the Federal Government. It will focus on State government, on local governments, on even private entities that have been involved in this process.

Accountability is something that an independent commission will not have anything to do with. The 9/11 Commission was not accountable at all. We are

accountable as the elected representatives of the American people to the American people. And I think that it is very clear that moving quickly is the right thing to do. The reason that I believe that it is important for us to move quickly is that, as I said, Hurricane Ophelia is at this moment posing a threat to the Carolinas, and there are other disasters on the horizon.

I believe that Democrats and Republicans should come together. The Speaker, again, has reached out to the Democratic leader and very much wants to have appointments made, and Democrats will be able to ask any question that they want; they will be able to participate in the process of bringing witnesses before the committee. Again, everyone wants to make sure that we take the steps to ensure that this never happens again.

Mr. Speaker, I urge my colleagues to support this rule. I urge my colleagues to support the underlying legislation which will establish this very important committee so that we can address this question and ensure that the American people will not go through what we have seen happen in the last several weeks.

The amendment previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 439, THE RULE FOR H. RES. 437 THE SELECT COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

AMENDMENT TO H. RES. 439 OFFERED BY REP. SLAUGHTER (NY)

Amendment in nature of substitute:

Strike all after the resolved clause and insert:

''*Resolved,* That immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3764) to establish a congressional commission to examine the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath and make immediate corrective measures to improve such responses in the future. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.''

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 222, nays 193, not voting 18, as follows:

[Roll No. 471]

YEAS—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Wu
Wynn

NOT VOTING—18

Barton (TX)
Beauprez
Bishop (UT)
Doggett
Doolittle
Hinchey
Istook
Jindal
Jones (OH)
Melancon
Nadler
Rogers (MI)
Rothman
Schwarz (MI)
Solis
Tanner
Weiner
Woolsey

□ 1213

Mr. SCOTT of Virginia and Mr. BACA changed their vote from ''yea'' to ''nay.''

Mr. BARTLETT of Maryland changed his vote from ''nay'' to ''yea.''

Stated for:

Mr. SCHWARZ of Michigan. Mr. Speaker, on rollcall No. 471 I was inadvertently detained. Had I been present, I would have voted "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 193, not voting 19, as follows:

[Roll No. 472]

AYES—221

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Wu
Wynn

NOT VOTING—19

Barton (TX)
Beauprez
Bishop (UT)
Hinchey
Istook
Jindal
Jones (OH)
Lewis (GA)
Melancon
Miller (FL)
Murtha
Nadler
Rogers (MI)
Rothman
Shays
Tancredo
Tanner
Weiner
Woolsey

□ 1225

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHAYS. Mr. Speaker, on rollcall No. 472 I was inadvertently detained. Had I been present, I would have voted "aye."

Mr. MILLER of Florida. Mr. Speaker, I missed rollcall vote No. 472 on September 15, 2005. This was a suspension vote on agreeing to the resolution H.J. Res. 439—a resolution to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina.

If present, I would have voted rollcall vote No. 472, Establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina—"aye".

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3684

Mr. FLAKE. Madam Speaker, I ask unanimous consent that the name of the gentleman from Tennessee (Mr. WAMP) be removed as a cosponsor of my bill, H.R. 3684.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Arizona?

There was no objection.

## 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 later today.

## KATRINA EMERGENCY TAX RELIEF ACT OF 2005

Mr. MCCRERY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3768) to provide emergency tax relief for persons affected by Hurricane Katrina, as amended.

The Clerk read as follows:

H.R. 3768

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Katrina Emergency Tax Relief Act of 2005".

**SEC. 2. DESIGNATION AS EMERGENCY REQUIREMENT.**

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

**TITLE I—GENERAL TAX RELIEF PROVISIONS**

**SEC. 101. EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.**

Clause (i) of section 1033(a)(2)(B) of the Internal Revenue Code of 1986 shall be applied by substituting "5 years" for "2 years" with respect to property which—

(1) is located in an area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina, and

(2) is compulsorily or involuntarily converted as a result of such hurricane,

but only if substantially all of the use of the replacement property is located in any such area.

**SEC. 102. SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS FOR RELIEF EFFORTS RELATED TO HURRICANE KATRINA.**

(a) IN GENERAL.—Except as otherwise provided in subsection (b), qualified disaster contributions shall not be taken into account for purposes of subsections (b) and (d) of section 170 of the Internal Revenue Code of 1986.

(b) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170 of such Code—

(1) INDIVIDUALS.—In the case of an individual—

(A) LIMITATION.—Any qualified disaster contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in paragraph (1) of section 170(b) of such Code) over

the amount of all other charitable contributions allowed under such paragraph.

(B) CARRYOVER.—If the aggregate amount of qualified disaster contributions made in the contribution year (within the meaning of section 170(d)(1) of such Code) exceeds the limitation of subparagraph (A), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

(2) CORPORATIONS.—In the case of a corporation—

(A) LIMITATION.—Any qualified disaster contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b) of such Code) over the amount of all other charitable contributions allowed under such paragraph.

(B) CARRYOVER.—Rules similar to the rules of paragraph (1)(B) shall apply for purposes of this paragraph.

(c) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 of such Code as does not exceed the qualified disaster contributions made during the taxable year shall not be treated as an itemized deduction for purposes of section 68 of such Code.

(d) QUALIFIED DISASTER CONTRIBUTIONS.—For purposes of this section, the term ''qualified disaster contribution'' means any charitable contribution (as defined in section 170(c) of such Code)—

(1) made during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) of such Code (other than an organization described in section 509(a)(3) of such Code) for relief efforts related to Hurricane Katrina, and

(2) with respect to which the taxpayer has elected the application of this section.

In the case of a partnership or S corporation, the election under paragraph (2) shall be made separately by each partner or shareholder.

**SEC. 103. MILEAGE RATE FOR CHARITABLE PURPOSES RELATED TO HURRICANE KATRINA.**

(a) MILEAGE RATE FOR CHARITABLE PURPOSES RELATED TO HURRICANE KATRINA.—Notwithstanding subsection (i) of section 170 of the Internal Revenue Code of 1986, in the case of the use of a vehicle described in subsection (f)(12)(E)(i) of such section for provision of relief related to Hurricane Katrina, the standard mileage rate for purposes of such section shall be 70 percent of the standard mileage rate for business purposes prescribed by the Secretary for purposes of chapter 1 of such Code which is in effect on the date of the contribution.

(b) APPLICATION.—Subsection (a) shall apply only with respect to contributions made before January 1, 2007.

**SEC. 104. EXCLUSION OF CERTAIN CANCELLATIONS OF INDEBTEDNESS.**

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount which (but for this section) would be includible in gross income by reason of the discharge (in whole or in part) of qualified nonbusiness debt of a qualified individual by an applicable entity (as defined in section 6050P(c)).

(b) QUALIFIED NONBUSINESS DEBT.—For purposes of this section, the term ''qualified nonbusiness debt'' means any indebtedness other than indebtedness incurred in connection with a trade or business.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term ''qualified individual'' means any natural person who was a resident (as of August 28, 2005) of, or who owned real property (as of the date of such discharge) in, any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(d) EXCEPTION FOR REAL PROPERTY OUTSIDE DISASTER AREA.—Subsection (a) shall not apply to any discharge of indebtedness to the extent that real property constituting security for such indebtedness is located outside of the area described in subsection (c).

(e) DENIAL OF DOUBLE BENEFIT.—The amount excluded from gross income under subsection (a) shall be applied to reduce the tax attributes of the taxpayer as provided in section 108(b) of the Internal Revenue Code of 1986.

(f) APPLICATION.—This section shall not apply to discharges after December 31, 2006.

**SEC. 105. SPECIAL RULES FOR MORTGAGE REVENUE BONDS.**

(a) IN GENERAL.—In the case of financing provided with respect to a qualified Hurricane Katrina recovery residence, subsection (d) of section 143 of the Internal Revenue Code of 1986 shall be applied as if such residence were a targeted area residence.

(b) QUALIFIED HURRICANE KATRINA RECOVERY RESIDENCE.—For purposes of this section, the term ''qualified Hurricane Katrina recovery residence'' means any residence if such residence is located in an area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(c) APPLICATION.—Subsection (a) shall not apply to financing provided after December 31, 2007.

**SEC. 106. SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.**

Paragraphs (1) and (2)(A) of section 165(h) of the Internal Revenue Code of 1986 shall not apply to losses described in section 165(c)(3) of such Code which are attributable to Hurricane Katrina. In the case of any other losses, section 165(h)(2)(A) of such Code shall be applied without regard to the losses referred to in the preceding sentence.

**SEC. 107. ADDITIONAL EXEMPTION FOR HOUSING HURRICANE KATRINA DISPLACED INDIVIDUALS.**

(a) IN GENERAL.—In the case of taxable years of a natural person beginning in 2005 and 2006, for purposes of the Internal Revenue Code of 1986, taxable income shall be reduced by $500 for each Hurricane Katrina displaced individual of the taxpayer for the taxable year.

(b) LIMITATIONS.—

(1) DOLLAR LIMITATION.—The reduction under subsection (a) shall not exceed $2,000, reduced by the amount of the reduction under this section for all previous taxable years.

(2) INDIVIDUALS TAKEN INTO ACCOUNT ONLY ONCE.—An individual shall not be taken into account under subsection (a) if such individual was taken into account under such subsection by the taxpayer in any prior taxable year.

(c) HURRICANE KATRINA DISPLACED INDIVIDUAL.—For purposes of this subsection, the term ''Hurricane Katrina displaced individual'' means, with respect to any taxpayer for any taxable year, a natural person who—

(1) was (as of August 28, 2005) a resident of any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina,

(2) is displaced from the person's residence located in the area described in paragraph (1), and

(3) is provided housing free of charge by the taxpayer in the principal residence of the taxpayer for a period of 60 consecutive days which ends in such taxable year.

Such term shall not include the spouse or any dependent of the taxpayer.

**SEC. 108. SPECIAL RULE FOR DETERMINING EARNED INCOME.**

(a) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year of such taxpayer which includes August 28, 2005, is less than the earned income which is attributable to the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 of the Internal Revenue Code of 1986 may, at the election of the taxpayer, be determined by substituting—

(1) such earned income for the preceding taxable year, for

(2) such earned income for the taxable year which includes August 28, 2005.

(b) QUALIFIED INDIVIDUAL.—For purposes of this section, the term ''qualified individual'' means any individual who was (as of August 28, 2005) a resident of any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

(c) EARNED INCOME.—For purposes of this section, the term ''earned income'' has the meaning given such term under section 32(c) of such Code.

(d) SPECIAL RULES.—

(1) APPLICATION TO JOINT RETURNS.—For purpose of subsection (a), in the case of a joint return for a taxable year which includes August 28, 2005,

(A) such subsection shall apply if either spouse is a qualified individual,

(B) the earned income which is attributable to the taxpayer for the preceding taxable year shall be the sum of the earned income which is attributable to each spouse for such preceding taxable year, and

(C) the substitution described in such subsection shall apply only with respect to earned income which is attributable to a spouse who is a qualified individual.

(2) UNIFORM APPLICATION OF ELECTION.—Any election made under subsection (a) shall apply with respect to both section 24(d) and section 32 of such Code.

(3) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213 of such Code, an incorrect use on a return of earned income pursuant to subsection (a) shall be treated as a mathematical or clerical error.

(4) NO EFFECT ON DETERMINATION OF GROSS INCOME.—For purposes of the Internal Revenue Code of 1986, gross income shall be determined without regard to any substitution under subsection (a).

**SEC. 109. SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.**

With respect to taxable years beginning in 2005 or 2006, the Secretary of the Treasury, or his delegate, may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose dependency exemptions or child credits or experience a change of filing status by reason of temporary relocations after Hurricane Katrina or by reason of the receipt of hurricane relief. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

**SEC. 110. WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.**

(a) IN GENERAL.—For purposes of section 51 of the Internal Revenue Code of 1986, a Hurricane Katrina employee shall be treated as a member of a targeted group.

(b) HURRICANE KATRINA EMPLOYEE.—For purposes of this section, the term ''Hurricane Katrina employee'' means any individual who, on August 28, 2005, had a principal place of abode in a Hurricane Katrina disaster area.

(c) SPECIAL RULES FOR DETERMINING CREDIT.—For purposes of applying subpart F of part IV of subchapter A of chapter 1 of such Code to wages paid or incurred to any Hurricane Katrina employee—

(1) section 51(c)(4) of such Code shall not apply, and

(2) except in the case of an employee of the employer (within the meaning of section 51 of such Code) on August 28, 2005, or an employee initially hired after such date, section 51(i)(2) of such Code shall not apply.

(d) APPLICATION OF SECTION.—This section shall apply only to wages (within the meaning on section 51(c) of such Code) paid or incurred to any individual who—

(1) is being hired for a position the principal place of employment of which is located in a Hurricane Katrina disaster area, and

(2) who begins work for the employer during the 2-year period beginning on August 29, 2005.

(e) HURRICANE KATRINA DISASTER AREA.—For purposes of this section, the term ''Hurricane Katrina disaster area'' means any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

## TITLE II—PENALTY FREE USE OF RETIREMENT FUNDS IN THE CASE OF NATURAL DISASTERS

**SEC. 201. PENALTY FREE WITHDRAWALS FROM RETIREMENT PLANS UPON FEDERAL DECLARATION OF NATURAL DISASTER.**

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

''(G) DISTRIBUTIONS FROM RETIREMENT PLANS UPON FEDERAL DECLARATION OF NATURAL DISASTER.—

''(i) IN GENERAL.—Any qualified disaster-relief distribution.

''(ii) AGGREGATE LIMITATION.—The aggregate amount of payments or distributions received by an individual which may be treated as qualified disaster-relief distributions for any taxable year shall not exceed the excess (if any) of —

''(I) $100,000, over

''(II) the aggregate amounts treated as qualified disaster-relief distributions with respect to such individual for all prior taxable years.

''(iii) AMOUNT DISTRIBUTED MAY BE REPAID.—

''(I) IN GENERAL.—Any individual who receives a qualified disaster-relief distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was made, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

''(II) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an eligible retirement plan (as so defined) other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified disaster-relief distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

''(III) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to subclause (I) with respect to a qualified disaster-relief distribution from an individual retirement plan, then, to the extent of the amount of the contribution, the qualified disaster-relief distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

''(IV) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution for purposes of this clause, an eligible deferred compensation plan (as defined in section 457(b)) maintained by an employer described in section 457(e)(1)(A) shall be treated as a qualified retirement plan.

''(iv) QUALIFIED DISASTER-RELIEF DISTRIBUTION.—For purposes of this subparagraph, the term 'qualified disaster-relief distribution' means any distribution—

''(I) to an individual who has sustained a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina and who has a principal place of abode immediately before the declaration in a qualified disaster area, and

''(II) which is made during the 1-year period beginning on the date such declaration is made.

''(v) QUALIFIED DISASTER AREA.—For purposes of this subparagraph, the term 'qualified disaster area' means any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.''.

(b) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—Paragraph (4) of section 402(c) of such Code (relating to eligible rollover distribution) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by inserting at the end the following new subparagraph:

''(D) any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G)).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) of such Code is amended by striking ''or'' at the end of subclause (III), by striking ''and'' at the end of subclause (IV) and inserting ''or'', and by inserting after subclause (IV) the following new subclause:

''(V) the date on which a period referred to in section 72(t)(2)(G)(iii)(II) begins (but only to the extent provided in section 72(t)(2)(G)), and''.

(2) Section 403(b)(7)(A)(ii) of such Code is amended by inserting ''sustains a loss as a result of a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina (but only to the extent provided in section 72(t)(2)(G)),'' before ''or''.

(3) Section 403(b)(11) of such Code is amended by striking ''or'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', or'', and by inserting after subparagraph (B) the following new subparagraph:

''(C) for distributions to which section 72(t)(2)(G) applies.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions received after August 28, 2005.

**SEC. 202. INCOME AVERAGING FOR DISASTER-RELIEF DISTRIBUTIONS RELATED TO HURRICANE KATRINA.**

(a) IN GENERAL.—In the case of any qualified disaster-relief distribution (within the meaning of section 72(t)(2)(G) of the Internal Revenue Code of 1986) from a qualified retirement plan (as defined in section 4974(c) of such Code) to a qualified individual, unless the taxpayer elects not to have this section apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

(b) SPECIAL RULES.—

(1) APPLICATION TO GOVERNMENTAL SECTION 457 PLANS.—In determining whether any distribution is a qualified disaster-relief distribution (as so defined) for purposes of this section, an eligible deferred compensation plan (as defined in section 457(b) of such Code) maintained by an employer described in section 457(e)(1)(A) of such Code shall be treated as a qualified retirement plan (as so defined)

(2) CERTAIN RULES TO APPLY.—Rules similar to the rules of subparagraph (E) of section 408A(d)(3) of such Code shall apply for purposes of this section.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term ''qualified individual'' means an individual who has sustained a loss as a result of the major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina and who has a principal place of abode immediately before the declaration in a Hurricane Katrina disaster area.

(d) HURRICANE KATRINA DISASTER AREA.—For purposes of this section, the term ''Hurricane Katrina disaster area'' means any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

**SEC. 203. RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES CANCELLED DUE TO HURRICANE KATRINA.**

(a) RECONTRIBUTIONS.—

(1) IN GENERAL.—Any individual who received a qualified distribution may, at any time during the 6-month period beginning on the day after the disaster declaration date, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) of such Code, as the case may be.

(2) TREATMENT OF REPAYMENTS.—

(A) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is

made pursuant to paragraph (1) with respect to a qualified distribution from an eligible retirement plan (as so defined) other than an individual retirement plan (as defined in section 7701(a)(37) of such Code), then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified distribution in an eligible rollover distribution (as defined in section 402(c)(4) of such Code) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

(B) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to a qualified distribution from an individual retirement plan (as so defined), then, to the extent of the amount of the contribution, the qualified distribution shall be treated as a distribution described in section 408(d)(3) of such Code and as having been transferred to the eligible retirement plan (as so defined) in a direct trustee to trustee transfer within 60 days of the distribution.

(b) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED DISTRIBUTION.—The term ''qualified distribution'' means any distribution—

(A) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii), 403(b)(11)(B), 457(d)(1)(A)(iii), or 72(t)(2)(F) of the Internal Revenue Code of 1986,

(B) received after February 28, 2005, and before August 29, 2005, and

(C) which was to be used to purchase or construct a principal residence in a Hurricane Katrina disaster area, but which was not so purchased or constructed.

(2) DISASTER DECLARATION DATE.—The term ''disaster declaration date'' means the date on which the President designated the area as a Hurricane Katrina disaster area.

(3) HURRICANE KATRINA DISASTER AREA.—The term ''Hurricane Katrina disaster area'' means any area which is determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

**SEC. 204. LOANS FROM QUALIFIED PLANS IN CONNECTION WITH HURRICANE KATRINA.**

(a) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4) of the Internal Revenue Code of 1986) to a qualified individual (as defined in section 202(c)) made after the date of enactment of this Act and before the date which is 1 year after the disaster declaration date (as defined in section 203(b)(2))—

(1) clause (i) of section 72(p)(2)(A) of such Code shall be applied by substituting ''$100,000'' for ''$50,000'', and

(2) clause (ii) of such section shall be applied by substituting ''the present value of the nonforfeitable accrued benefit of the employee under the plan'' for ''one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan''.

(b) DELAY OF REPAYMENT.—In the case of a qualified individual (as defined in section 202(c)) with an outstanding loan on or after August 26, 2005, from a qualified employer plan (as defined in section 72(p)(4) of the Internal Revenue Code of 1986)—

(1) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) of such Code for any repayment with respect to such loan occurs during the period beginning after August 29, 2005, and ending before August 30, 2006, such due date shall be delayed for 1 year,

(2) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

(3) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, such period shall be disregarded.

**SEC. 205. PROVISIONS RELATING TO PLAN AMENDMENTS.**

(a) IN GENERAL.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A), and

(2) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) AMENDMENTS TO WHICH SECTION APPLIES.—

(1) IN GENERAL.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued by the Secretary of the Treasury or the Secretary of Labor under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary of the Treasury may prescribe.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), subparagraph (B) shall be applied by substituting the date which is 2 years after the date otherwise applied under subparagraph (B).

(2) CONDITIONS.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

**TITLE III—EXTENSION OF CERTAIN PROVISIONS TO FLORIDA AND OTHER AFFECTED AREAS**

**SEC. 301. EXTENSION OF CERTAIN PROVISIONS TO FLORIDA AND OTHER AFFECTED AREAS.**

(a) IN GENERAL.—The following provisions shall be applied as if they did not include the phrase ''individual or individual and public'':

(1) Section 101 of this Act (relating to extension of replacement period for nonrecognition of gain).

(2) Section 104 of this Act (relating to exclusion of certain cancellations of indebtedness), but only if the discharge is on account of Hurricane Katrina.

(3) Section 105 of this Act (relating to special rules for mortgage revenue bonds), but only with respect to residences damaged as a result of Hurricane Katrina.

(4) Section 106 of this Act (relating to suspension of certain limitations on personal casualty losses).

(5) Section 107 of this Act (relating to additional exemption for housing Hurricane Katrina displaced individuals).

(6) Sections 108 and 109 of this Act (relating to special rule for certain family related benefits), but only with respect to individuals dislocated from their residence by reason of Hurricane Katrina.

(7) Title II of this Act (relating to penalty free use of retirement funds in the case of natural disasters) and section 72(t)(2)(G) of the Internal Revenue Code of 1986 (as added by section 201 of this Act).

(b) CLARIFICATION OF SCOPE OF PROVISIONS RELATING TO CHARITABLE CONTRIBUTIONS.—The provisions of sections 102 and 103 shall apply to relief efforts related to Hurricane Katrina whether or not such efforts are carried out in an area directly impacted by Hurricane Katrina.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. MCCRERY) and the gentleman from Louisiana (Mr. JEFFERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. MCCRERY).

Mr. MCCRERY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of the Katrina Emergency Tax Relief Act of 2005. I want to thank my colleagues on both sides of the aisle for their work and support in moving this critical legislation quickly to the House floor. In particular, I want to thank the members of the Committee on Ways and Means, the gentleman from Louisiana (Mr. JEFFERSON), the gentleman from New York (Mr. RANGEL), and all the members of the Louisiana delegation for their continued assistance in crafting hurricane-related legislation.

This bill is the Committee on Ways and Means' second installment of providing targeted relief for individuals and families hurt by Hurricane Katrina. These tax provisions are aimed at easing the financial burdens of people of the region as they begin to rebuild their lives.

The bill also address the generosity of many Good Samaritans across the country who have opened up their homes to individuals and families displaced by the hurricane. H.R. 3768 would provide a special $500 income tax deduction for those who are providing temporary housing. In addition, the Katrina Emergency Tax Relief Act encourages cash donations to help victims by relaxing some restrictions regarding how much charitable contribution can be deducted on an individual's tax return.

H.R. 3768 continues the efforts of this Congress to bring immediate relief to these individuals and families devastated by Hurricane Katrina.

□ 1230

Madam Speaker, last week, the members of the Committee on Ways and Means on both sides of the aisle acted quickly, and the House passed the TANF Emergency Response and Recovery Act. That bill will provide aid by cutting down red tape and bringing more Federal dollars to the affected areas through the Temporary Assistance for Needy Families program, with the welfare program.

The Committee on Ways and Means continues to look at programs within

our jurisdiction and how they might be used to assist those affected by Hurricane Katrina. I expect that we will bring to the House floor additional legislation in the coming weeks. We know that the people and businesses of New Orleans and the gulf coast areas hit by Katrina will rebuild, and we are committed to helping them do that.

Today, Congress will vote on much-needed tax relief for the affected areas. I urge my colleagues to support this legislation so we can quickly work with our colleagues in the Senate and further demonstrate that this Congress stands ready to help those most affected by Hurricane Katrina.

Madam Speaker, I reserve the balance of my time.

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

First, I want to thank the gentleman from Louisiana (Mr. MCCRERY), my friend and colleague, for joining me in introducing this important piece of legislation. I also want to thank the gentleman from California (Mr. THOMAS), the chairman of the committee, and the gentleman from New York (Mr. RANGEL), our ranking member, for their swift action in bringing this bill to the floor, as well as the members of the Committee on Ways and Means.

I also would be remiss if I failed to thank both the Republican and Democratic staff of the committee for their extraordinary bipartisan effort to put this tax package together in such a timely way.

Madam Speaker, the Katrina Emergency Tax Relief Act of 2005 provides much-needed aid and comfort to the victims of Hurricane Katrina and the many thousands of good Samaritans who have opened their arms, wallets and homes to provide food, clothing, shelter and medical care and other necessities to the thousands of Americans who have been uprooted in the wake of this horrible storm.

As we have all seen, while Hurricane Katrina was indiscriminate in the destruction it wrought, the unprecedented property damage, human toll and economic loss fell disproportionately on the backs of our poorest and most vulnerable citizens.

A disproportionate share of the damage in my hometown of New Orleans was meted out on parts of our great city that were already extraordinarily economically disadvantaged. The poverty, disability and economic disenfranchisement in these areas in no small way were factors in the extraordinary loss of life and property experienced by my constituents.

For this reason, I am grateful that the bill we consider today provides important relief to these vulnerable families.

First, families who have been displaced in the wake of Hurricane Katrina are held harmless against the loss of critical economic security and benefits. Damage caused by the hurricane has displaced hundreds of thousands of individuals, who are temporarily living with family, friends or good Samaritans.

Under current law, a prolonged change in their living situation could affect their eligibility for various tax benefits. The proposal allows individuals the option of using their 2004 income tax returns to calculate their child credit and the Earned Income Tax Credit on their 2005 tax returns. This special rule applies to individuals who lived in areas eligible for individual assistance from the Federal Government as a result of the disaster as of August 28, 2005.

The proposal also grants the U.S. Treasury Department authority to ensure that taxpayers do not lose dependency exemptions or child credits for 2005 due to temporary relocations.

In many areas of the gulf coast devastated by Hurricane Katrina, including my hometown of New Orleans, the EITC is a vitally important part of many families' economic security. This bill ensures the continuing eligibility of the thousands of families displaced by Katrina.

Second, the legislation ensures that the victims of Hurricane Katrina are able to account fully for the losses they have suffered in the aftermath of the hurricane. Moreover, it exempts the value of forgiven mortgages and other debt from taxable income. These two very important provisions demonstrate compassion by prohibiting the IRS from kicking these families when, for many of them, they are at the lowest points in their lives.

Madam Speaker, this Act also provides an added measure of financial security to the many victims of this storm by providing them with added flexibility to access the savings they have set aside in 401(k) plans and individual retirement accounts without the usual penalties. In a time when so many have lost jobs and, consequently, their paychecks, denying or penalizing access to their savings is inappropriate, and this bill recognizes that.

As I have said repeatedly over the past 2 weeks, the recovery, reconstruction and revival of the gulf coast region, and particularly New Orleans, will require an unprecedented Federal commitment.

The bill we will pass today takes two important steps toward that recovery.

First, the bill expands the availability of low-interest mortgages for the building and purchasing of homes in the affected areas. We all understand that the most solid foundation for the economic security of our Nation's families is homeownership. By lifting some of the restrictions on the use of mortgage revenue bonds, this bill will help to build a solid economic foundation for the families whose lives have been turned upside down by Hurricane Katrina.

In addition, the Katrina Emergency Tax Relief Act also provides targeted incentives for returning businesses and new businesses to employ the thousands of hardworking Americans who have been displaced or lost jobs to Hurricane Katrina. By encouraging businesses to hire workers from the affected areas, this bill takes another very important step toward our uniform goal of rebuilding and resettling New Orleans and other areas tragically struck by the hurricane.

Finally, Madam Speaker, the legislation we consider today recognizes the important contributions that goodhearted and generous Americans have made to the recovery effort. By increasing the value of the charitable deductions and providing relief to the thousands of Americans who have opened their homes to my constituents who have lost theirs, this bill is an important expression of gratitude from this Congress to the American people for rising to the challenge of Hurricane Katrina in truly extraordinary ways.

Madam Speaker, the efforts of my colleagues in providing the relief we need in the gulf coast has been unparalleled to any I have witnessed during my tenure in Congress. For that, I am extraordinarily grateful. However, we still have a long row to hoe before we have achieved the full recovery that I know we all want. I look forward to working with each of you in the coming weeks and months as we rise to the challenge of ensuring that, like the Phoenix of myth and fable, New Orleans rises from the devastation of Hurricane Katrina as a bright, shining model of American ingenuity and opportunity.

Madam Speaker, I reserve the balance of my time.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), a distinguished member of the Committee on Ways and Means.

Mr. FOLEY. Madam Speaker, I want to particularly thank the gentleman from Louisiana (Chairman MCCRERY) and the gentleman from California (Chairman THOMAS) and others for their collaborative efforts in helping the victims of Katrina. It has been a horrific time for America to witness on TV what those fine folk in Mississippi, Alabama, Florida and Louisiana have endured.

It really brings out the best in America, the character, the courage, the ability to help their neighbor, and here on the floor, we are providing relief by virtue of the Tax Code.

I want to specifically thank the gentleman from Florida (Mr. SHAW) and the gentleman from Florida (Mr. MARIO DIAZ-BALART), our colleagues who brought to the committee a very urgent need of helping Floridians as well.

The three States that were dramatically impacted have been visualized on TV, but Katrina did start off the coast of Florida, off the Bahamas and made its way through southern Florida, Dayton, Broward Counties. They suffered significant damage. The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), our colleague, as well lent a

hand in trying to see that our constituents were brought whole in this effort as well.

The chairman was specific in providing targeted relief for those that were directly impacted by the storm, and we applaud that. No tax relief measure should be a grab bag for others to dip into simply because they thought they were close to a proximity of damage.

In this bill, we establish criteria that there is significant and real damage, not perceived, not illusory, but real damage. Forgiveness of debt if, in fact, your home has been decimated and you have to discharge the mortgage obligation, relieving that would be a gain under the Tax Code for a person that has not only lost their home, had their mortgage foreclosed but is being considered by the IRS for gain on that asset simply because they got a forgiveness of debt.

Ability to reach into your IRA for the specific use in this emergency. The IRA is an important asset for future financial strengthening of all persons' assets. So we do not let people just go into the account, but it is strictly provided for on the case of emergency.

So I applaud this bill. The gentleman from Louisiana (Mr. JEFFERSON), my colleague, I know has suffered himself personally. We are delighted that we worked in a bipartisan spirit to bring about relief for the very people that have suffered so much.

Mr. JEFFERSON. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), a distinguished member of the Committee on Ways and Means.

(Mr. CARDIN asked and was given permission to revise and extend his remarks.)

Mr. CARDIN. Madam Speaker, let me thank the gentleman from Louisiana (Mr. JEFFERSON) for his leadership in focusing what we can do to help the victims of Katrina. I want to thank the gentleman from Louisiana (Mr. MCCRERY) for his leadership on the committee.

This is exactly what we need to do. Obviously, all of us were devastated by what happened with Katrina and the failure of our government to respond in a timely and effective way, and people who were vulnerable paid a very heavy price.

What this bill does is try to deal with the problems of the victims of Katrina by looking at our Tax Code. Our first priority today must be to help those who were devastated by Katrina, and this bill looks at the Tax Code to find ways in which we can be helpful. I applaud the specific provisions that are in it because I think it will help.

To deal with the practical problems such as residency, people who now live in different parts of the country would not comply with the technical requirements in our Tax Code on residency, which is required to take advantage of some of the tax provisions. This bill provides the needed relief.

Our colleague, the gentleman from Louisiana (Mr. JEFFERSON), talked about the Earned Income Tax Credit, a very important tool to help low-wage families in this Nation. This bill will make sure that those who are entitled to that relief, who were affected by Katrina, will continue to be able to receive that help.

Along with the forgiveness of loans which is taking place, if we do not pass this bill, there could be tax consequences to that.

We provide incentives in this bill for individuals who have opened up their homes to take in those who are now without a home, and we provide full deductibility for personal casualty losses, as we should.

For job opportunity, we expand the Work Opportunity Tax Credit, as we should do, and we now make it easier for individuals to be able to give cash donations to the victims of Katrina.

Bottom line, Madam Speaker, is this bill takes care of some of the practical problems that our Tax Code could not anticipate as a result of Katrina, and I want to thank the leadership on both sides of the aisle for expediting the process to bring this bill forward so that we can try, in a constructive way, to make it easier for those who were victimized by this horrible hurricane.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART), another distinguished member of the Committee on Ways and Means.

Ms. HART. Madam Speaker, I thank the chairman and also the gentleman from California (Chairman THOMAS) and the gentleman from New York (Ranking Member RANGEL) and my colleagues of the Committee on Ways and Means for finding some creative and very practical ways to help the victims of Hurricane Katrina.

Since it was one of the deadliest disasters, or the deadliest disaster, in U.S. history, it has left countless individuals without the most basic needs, and the American people's response has been historic, with millions being donated in time and money, nearly $800 million already donated privately to the relief effort on top of government assistance.

Unfortunately, despite this outpouring, the people in the communities in Louisiana, Mississippi and Alabama still need help. H.R. 3768 will help these families rebuild their lives in a number of different ways.

One, it will encourage even more private help from individuals. It encourages more cash donations by individuals by allowing them to deduct more of the contributions that they give.

It will also encourage more deductions by corporations. Under current law, they can only deduct 10 percent of those donations. That is waived under this bill.

It increases the opportunity for people to provide more physical help by increasing the reimbursement rate for mileage for those who actually will spend their gasoline getting to places to help, ways that people can get involved personally.

Also, those who have had savings, who are going to need to tap it, who have been victims, are assisted in accessing their own money. It was mentioned earlier that people can access their IRAs without the penalty that they currently would have for accessing that money before their retirement. It is important for us to allow these victims access to whatever they can get, whatever assets they can get to help them get their lives back on track sooner.

I think it is the least that we can do to address some very simple but very practical issues via this bill.

Mr. JEFFERSON. Madam Speaker, I reserve the balance of my time.

Mr. MCCRERY. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on Ways and Means.

Mr. THOMAS. Madam Speaker, I thank the gentleman for the time.

I just want to remind Members, as we move forward with yet another piece of legislation which has taken a little longer to craft because it becomes more structural in dealing with the Tax Code, as we had indicated when we came back from our summer district work period, we will probably have another piece of legislation which will deal with more additional structural assistance that takes a little longer to craft dealing with the reconstruction portion of assistance.

I took the time at the microphone this morning to indicate to my colleagues how frustrating this process has been.

□ 1245

More than a week ago, this House moved swiftly, in a bipartisan way, to simply open up the pipeline that had money already in it as direct assistance to individuals under the targeted assistance for families, or the TANF program. That bill moved off the floor of the House without even a recorded vote, and it has not yet been taken up by the Senate.

The procedure of putting a hold on legislation, which is an individual or a group of Senators' way of stopping the process, has been exercised by Members of the Senate. And I want to indicate to people how outrageous that procedure is on a bill which should have been moved last week to assist people. I take the time on this floor to say this particular legislation, a bit more structured, we had an extra week to think it out, being moved again on a bipartisan basis should not be subject to a hold in the Senate.

If the Senate cannot get its act together to move legislation, then simply allow the House's bipartisan effort to go forward. These people need help. That area needs help. The House has moved in a bipartisan way and the Senate has obstructed the movement of

needed legislation by allowing even in normal times the somewhat unseemly procedure of holds by individuals or groups of Senators, but on this legislation it is unconscionable.

Mr. JEFFERSON. Madam Speaker, I am pleased to yield 3 minutes to my colleague and friend, the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Madam Speaker, I want to thank the members of the Committee on Ways and Means for bringing this to the floor. As you know, south Mississippi, south Louisiana suffered a catastrophe of biblical proportions; and there is really no other way to describe it. A 30-foot wall of water hit south Mississippi, resulting in the breaking of the floodgates in New Orleans.

Whole communities, the city of Waveland, it is pretty fair to say no longer exists. The city of Bay Saint Louis, probably 80 percent of the people in that town lost their homes. In portions of Harrison County, in Pass Christian and Biloxi, there are entire blocks leveled, with one person not able to distinguish the parts of furniture from his house with the parts of furniture from another.

I consider myself a deficit hawk. I have voted against almost every tax bill that came to this floor because I did not want to see the deficit go up by the $2 trillion it has. This is different. I felt that those bills took care of the wealthiest Americans. I think this bill takes care of the neediest Americans. It is truly a step in the right direction when we have so much to do.

One of the fights that the gentleman from Louisiana (Mr. MCCRERY) and all of us from the affected area will have is to help those people who could never have conceived they would flood with their insurance needs. They had wind insurance. They are now being told it did not cover a flood, and places that had never flooded in recorded history of the Europeans coming to America flooded. They are being left out in the cold. We have to find a way to help them.

There is going to be, based on the Florida experience, a number, probably in the tens of thousands of people, who will be told by FEMA that their house has been 51 percent destroyed and, by regulation, it has to be bulldozed. And then it is complicated by, I am told, based on the Florida experience, the insurance companies who will go to them and say FEMA says there is only 51 percent destruction, so we are only going to give you 51 percent of what you thought your premium was. So if you had a $100,000 house, it is bulldozed; but you only get $51,000 in payment. We have to fix that. We cannot let that happen again. There are too many hard-working people who are looking to Congress for leadership.

I do not say this often, because I did vote for the war in Iraq and I share in the responsibility for every one of those Americans who were wounded there and everyone who died there, but on a daily basis we hire Iraqis to clean the streets, just to give them something to do and give them a chance at life. On a daily basis we are fixing sewer lines in Iraq. On a daily basis we are building schools in Iraq. We need to do for our fellow Americans what we so willingly do for the Iraqi people.

So I thank the committee for this great step in the right direction. It is such a, quite frankly, small step on such a monumental journey that we have to take; but it is at least a step in the right direction, and thank you for doing it.

Mr. MCCRERY. Madam Speaker, I can assure the gentleman from Mississippi that I agree with his remarks, and there will be more coming from this Congress.

Madam Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH), another member of the Committee on Ways and Means.

(Mr. HAYWORTH asked and was given permission to revise and extend his remarks.)

Mr. HAYWORTH. Madam Speaker, I thank my colleague from the Committee on Ways and Means for yielding me this time.

Members of this House from States directly affected by this natural disaster have come to this floor and spoken eloquently and movingly of the needs their constituents have. Just as a natural disaster does not distinguish partisanship, so too has this House moved forward to deal effectively and, yes, as a consequence of the Tax Code and the nature of what we do, methodically and sequentially to deal in a thoughtful and compassionate manner with what we confront as a people and as a Nation.

By the same token, Madam Speaker, Americans from coast to coast and beyond have opened their hearts, opened their homes, and opened their pocketbooks to help their fellow Americans in need. And as these are the worst of times for so many affected by this natural disaster, in many ways the best of America comes through with this compassionate impulse to help others. Fittingly and properly, many of the actions we take in this legislation are targeted directly at the people whose lives have been changed and affected by this storm, but also we take into account the generosity of fellow Americans and, in dealing with the Tax Code, a couple of provisions that we need to emphasize that affect people not only who call the gulf coast home but help those around the Nation.

Briefly, the fact that we are providing tax relief for housing assistance to dislocated persons; the fact that we are encouraging cash donations by individuals and by corporations, and moving in a way to encourage yet more giving by the incredibly compassionate people known as Americans is something that should be lauded and something that I believe will go a long way in Americans helping Americans and this House, as a collective body, reaching out to help those Americans most in need.

Mr. JEFFERSON. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I thank the gentleman for yielding me this time and for his courtesy in permitting me to speak on this proposal. I applaud what the committee has done, moving forward with specific tax relief that is going to make a difference for people in this devastated area.

I am hopeful that this will signify the start of a creative effort on the part of a number of committees, people on both sides of the aisle, to figure out ways that we can have assistance that is commensurate with the challenge and, in fact, employs some of the techniques that we have used in other parts of the world.

Some of us visited the tsunami-ravaged area days after that devastation, and we saw on the ground people in Indonesia, in Sri Lanka, and in Thailand that were being put to work virtually overnight with a cash-for-work program that had people doing essential labor-intensive work that made the community better so that the recovery could proceed.

I would hope the creativity, ingenuity, and bipartisan spirit demonstrated by the Committee on Ways and Means on these important provisions could be extended to other committees, other parts of our organizational efforts here to have a program so that every able-bodied person in the three States who wants to be able to work restoring their community is given that opportunity. It will be far cheaper in the long run than employing expensive contracts from people out of State, and it will give people a sense of ownership and involvement, and it will get money circulating in those devastated local economies.

Madam Speaker, I am hopeful that we will be able to use the creativity to bring other people together for a planning effort that involves the people in Mississippi, in Alabama, and in New Orleans, because we are going to be putting at least another $100 billion on the ground. We ought to make sure that this is not just a monument for rapid Federal reaction. It should be a model, for the very first time on this scale, taking this blank slate and working with the people who had their lives turned upside down, and making them full partners in putting the pieces back together.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. WICKER), a distinguished member of the Committee on Appropriations.

Mr. WICKER. Madam Speaker, I thank my friend for yielding me this time.

Madam Speaker, forces have been marshaled from across the Nation and, indeed, from around the globe to assist in the relief and recovery from Hurricane Katrina. But the biggest asset in

this effort is not the Federal Government; it is the generosity of our fellow citizens. From the corner lemonade stands to the corporate board rooms, people are opening their hearts, homes, churches, and their pocketbooks to assist in the relief efforts. Donations continue to pour in to countless nongovernmental organizations and to the faith community as we begin to take stock in the breadth of Katrina's destruction.

According to the 2004 generosity index, based on IRS statistics, Mississippi is the most charitable State in the country. Now we find ourselves in need of charity. It is something we take great pride in back home, that we are the leader in generosity; and with that in mind, I am thankful to see that the provisions of H.R. 3724, the charitable donation legislation I introduced last week, have been included in the relief package.

Under current law, the amount of individual or corporate deductions is now capped. This bill includes provisions to lift those caps for Katrina-related donations. In doing so, we are unleashing the awesome power of the American public and our capacity to care for our own.

This past weekend, I was part of a caravan of trucks and vans loaded with supplies from north Mississippi to several churches in the ravaged portions of my State. While I saw the pain on the faces of those who had lost so much, I also saw a determination that is strong among our people. We are already working hard on recovery and rebuilding, spurred on by the compassion and generosity of so many Americans. This bill will help provide individuals affected by this tragedy with the charitable assistance they need.

Mr. JEFFERSON. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL), a distinguished member of the Committee on Ways and Means and whose family has donated generously to our food relief efforts in the affected area.

□ 1300

Mr. EMANUEL. Madam Speaker, I would like to thank both my colleagues who serve on the Ways and Means Committee who are from Louisiana and the affected area.

As you look at the overall part of this bill, both from the charitable piece to also helping the families, whether that is on debt forgiveness, dislocation as relates to building a home, and also their own family income or casualty loss, finally the Tax Code is beginning to reflect America's values: When something happens to an American, all Americans pull together to help those individuals affected restore their lives, rebuild their communities, and get back on with their own lives.

I want to isolate a particular part of this bill which deals with the Earned Income Tax Credit. I have introduced a bill with Senator OBAMA in the Senate that would fast-track the Earned Income Tax Credit and child credit and other educational credits to affected individuals. There is a precedent for this. During 9/11, the United States Congress fast-tracked the authority and allowed the Secretary of Treasury to get to affected families during 9/11 the child credit. In the same way, we should get to the Earned Income Tax Credit, the child credit, as well as educational credits like the Hope Scholarship to affected individuals on a fast-track basis so they, as a family, can get their lives restored, families who have children, families who work.

These are all for individuals who have worked and who have paid their taxes, ensuring that they get the benefits and credits that are due to them. It would lock in and ensure that the Secretary of Treasury would fast-track and get those resources to these families and allow them to establish themselves again and get their income moving again.

One of the most important things we are going to talk about in another tax bill is helping businesses get their feet on the ground. The Earned Income Tax Credit, the child credit, other educational credits help families get their feet on the ground, going again, and operating as a family.

Today's provisions, whether it is Earned Income Tax Credit, whether it deals with the forgiven debt, whether it deals with the charity, whether it deals with deductibility for personal casualty, it reflects all of our values that we as Americans act as one in a time of need.

I compliment both of my colleagues from Louisiana, my colleagues from Mississippi, and others in Alabama from affected areas working on this legislation, the bipartisanship here, and hope that would spread to other parts of this Congress as we work on other pieces of legislation. I hope to work with them in the future on the legislation that Senator OBAMA and I introduced so we can not only help families use the 2004 tax that they submitted, their tax forms, but also that we now direct the Secretary of Treasury to fast-track those checks so those families can actually get moving.

Mr. MCCRERY. Madam Speaker, I would compliment the gentleman from Illinois for his thoughts on speeding relief to the people most in need; and, of course, the bill before us today does take some steps toward protecting those who are on the EITC already, to make sure that changed circumstances that they might encounter as a result of the disaster do not affect their eligibility for those checks. We are doing that in this legislation, but the gentleman makes an excellent point about the need for those checks to arrive in a speedy manner. I look forward to discussing that with the gentleman.

Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, I thank the gentleman from Louisiana (Mr. MCCRERY), the gentleman from Louisiana (Mr. JEFFERSON), and I rise in support of this bill, but I would like to make a cautionary point. I have been a long advocate of the charitable points in this bill, and I think they are very important. After 9/11, however, what we saw was charitable giving diverted from people all over America into New York City.

If the giving is not sacrificial above and beyond what you already give, there are going to be children who are hungry, people without homes, people who cannot get the drug addiction assistance, juveniles who cannot find a place to go, people who cannot get immunized all over America as the money just pours into one region. Sometimes the unintended consequences of giving a preferential advantage in charitable giving over others can drive this trend even more.

As I have talked to different groups in my district who have poured down into this region, this is not a 3-month project or a 2-day project, this is going to be 7 to 9 years as they reorient their mission programs as they try to do this. We need to make sure that the broader Charitable Giving Act is passed as well so that we do not dry up charities around the country and other people who are hurting in other areas are abandoned.

I strongly favor all the incentives in this bill, I believe we absolutely need to do it in this region, but we also need to make sure that the same charitable options are there for the rest of the country, where they are not getting $60 billion of assistance and probably $200 billion more that is desperately needed. Because if you are hungry, if you are hurting, it is the same no matter what city you are in, and we need to make sure this charitable giving applies to the whole Nation, not just here. I am strongly in support of this, but I hope we can move an additional bill so we do not have an unintended consequence coming out of this bill.

Mr. JEFFERSON. Madam Speaker, I yield myself the balance of my time. I again want to thank my colleague from Louisiana (Mr. MCCRERY) and others who have worked so carefully on this bill. This has been an important debate, an important discussion about where this Congress is going and how it is helping out and the generosity of this Congress as we tackle these important issues and the difficult issues back home.

To those who say this is not a huge step forward, I should say to them that it is huge for the people who are involved. We take to heart the remarks made by Mr. EMANUEL, the bill that he and Mr. OBAMA are pushing to get this relief out fast. I think it is very important.

This is a huge step, but it simply is not the last step. It is far from the last step in providing relief to our region. We want this Congress to walk along

with us as we make one step after another toward realizing the vision of restoring our area and rebuilding it to a new, better, higher place.

I look forward to this walk with this Congress over the next months and years. I hope that we will stay engaged as fully as we are in these early days throughout this lengthy process.

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

Mr. MCCRERY. Madam Speaker, I yield myself the balance of my time.

I would be remiss if I did not thank the Bush administration, the Department of Treasury and the IRS for administratively doing a great many things that they could do without legislation to make sure that the needs of the victims of Hurricane Katrina are met vis-a-vis the Tax Code. I want to thank the administration for their important work on this subject as well.

I also want to reiterate my thanks to the gentleman from Louisiana (Mr. JEFFERSON) for working so closely with me and my staff to craft these very important individual tax provisions that, thanks to the leadership on both sides of the aisle, we have been able to bring to the floor in such a speedy manner.

Lastly, I would thank the chairman of the Committee on Ways and Means for lending the full support of his staff to this effort over the past couple of weeks. That will continue for some time to come.

I urge all Members to support this important legislation and get this needed relief to individuals who were affected by Hurricane Katrina.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Louisiana (Mr. MCCRERY) that the House suspend the rules and pass the bill, H.R. 3768, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MCCRERY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3768, the bill just passed.

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

There was no objection.

## ESTABLISHING THE SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

Mr. DREIER. Madam Speaker, pursuant to House Resolution 439, I call up the resolution (H. Res. 437) to establish the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 437

*Resolved,*

**SECTION 1. ESTABLISHMENT.**

There is hereby established the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina (hereinafter referred to as the ''select committee'').

**SEC. 2. COMPOSITION.**

(a) The select committee shall be composed of 20 members appointed by the Speaker, of whom 9 shall be appointed after consultation with the Minority Leader. The Speaker shall designate one Member as chairman.

(b)(1) The Speaker and the Minority Leader shall be ex officio members of the select committee but shall have no vote in the select committee and may not be counted for purposes of determining a quorum.

(2) The Speaker and the Minority Leader each may designate a leadership staff member to assist in their capacity as ex officio members, with the same access to select committee meetings, hearings, briefings, and materials as employees of the select committee and subject to the same security clearance and confidentiality requirements as staff of the select committee.

**SEC. 3. INVESTIGATION AND REPORT.**

The select committee is authorized and directed to conduct a full and complete investigation and study and to report its findings to the House not later than February 15, 2006, regarding—

(1) the development, coordination, and execution by local, State, and Federal authorities of emergency response plans and other activities in preparation for Hurricane Katrina; and

(2) the local, State, and Federal government response to Hurricane Katrina.

**SEC. 4. PROCEDURE.**

Rule XI of the Rules of the House of Representatives, including the items referred to in paragraphs (1) and (2), shall apply to the select committee:

(1) Clause 2(j)(1) of rule XI (guaranteeing the minority additional witnesses).

(2) Clause 2(m)(3) of rule XI (providing for the authority to subpoena witnesses and documents).

**SEC. 5. JOINT OPERATIONS.**

The chairman of the select committee, in conducting the investigation and study described in section 3, shall consult with the chairman of a Senate committee conducting a parallel investigation and study regarding meeting jointly to receive testimony, the scheduling of hearings or issuance of subpoenas, and joint staff interviews of key witnesses.

**SEC. 6. STAFF; FUNDING.**

(a)(1) To the greatest extent practicable, the select committee shall utilize the services of staff of employing entities of the House. At the request of the chairman in consultation with the ranking minority member, staff of employing entities of the House or a joint committee may be detailed to the select committee to carry out this resolution and shall be deemed to be staff of the select committee.

(2) The chairman, upon consultation with the ranking minority member, may employ and fix the compensation of such staff as the chairman considers necessary to carry out this resolution.

(b) There shall be paid out of the applicable accounts of the House $500,000 for the expenses of the select committee. Such payments shall be made on vouchers signed by the chairman and approved in the manner directed by the Committee on House Administration. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on House Administration.

**SEC. 7. DISSOLUTION AND DISPOSITION OF RECORDS.**

(a) The select committee shall cease to exist 30 days after filing the report required under section 3.

(b) Upon dissolution of the select committee, the records of the select committee shall become the records of any committee designated by the Speaker.

The SPEAKER pro tempore. Pursuant to House Resolution 439, the gentleman from California (Mr. DREIER) and the gentlewoman from New York (Ms. SLAUGHTER) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER).

GENERAL LEAVE

Mr. DREIER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 437.

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

There was no objection.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this debate that we are beginning here is about a very clear choice that is before us. Will we take the responsibility delegated to us as Members of the People's House by the framers of our Constitution to ask the hard questions, admit our mistakes and improve our Nation's government for the benefit of all? Or will we rely on proxies to do our work for us because we have judged ourselves incapable of carrying out our constitutional duty to ensure that we are providing for the general welfare, which is what the preamble of the Constitution clearly states we have a responsibility to do.

I, for one, believe as James Madison, the father of our Constitution, did, that the Constitution vests this responsibility with us. I am ready to accept the challenge as a Member of the House of Representatives. I believe that we have already started this work.

Last night, in the Committee on Rules, many of my Democratic colleagues asked excellent questions. The gentlewoman from New York (Ms. SLAUGHTER), my friend from Rochester, asked very thoughtful and important questions that need to be raised. I noted that the gentlewoman from Sacramento, California (Ms. MATSUI) similarly asked some very, very good questions that should be posed to those dealing with the preparation for and the aftermath of Hurricane Katrina.

Just yesterday the governor of my State, Pete Wilson, and I should say the former governor of my State, Pete Wilson, testified. I do know very well that we have a new governor. His name

is Arnold Schwarzenegger, I should say for the RECORD. But Pete Wilson testified before the Senate Committee on Homeland Security and Governmental Affairs. It was a hearing that they held on recovering from Hurricane Katrina, and he did this to share his experience and very valuable lessons that he learned from dealing with many, many very, very difficult challenges, disasters that we faced in California, earthquakes, fire, mudslides, the devastation that we faced.

I will tell Members that Pete Wilson handled every single one of those challenges in his 8 years as governor extraordinarily well, and we learned tremendously from the tragedies that we faced in those instances.

□ 1315

As he said, obviously while nowhere near the scale of Hurricane Katrina, and we all know that Hurricane Katrina has been described as the worst natural disaster to ever hit our country, some of the things that were faced in California, there were terrible California floods in January of 1997 that resulted in eight deaths, the evacuation of 120,000 people, relocation of 55,000 people to 107 shelters, damage or destruction of 30,000 residences and 2,000 businesses, and total damage estimates at about $2 billion. That in 1997.

I talked earlier today, during the rule considering the establishment of this committee, about the Northridge earthquake in 1994, and it resulted in 51 deaths and injured over 9,000 people, left 22,000 people homeless.

The interesting thing, as we look at these figures, is we all know that they pale in comparison to the tragedy of Hurricane Katrina. But, Madam Speaker, I will tell the Members that these were learning experiences for us. One of the things that was most impressive to me and one of the things that we have already found here to be very beneficial was the fact that the private sector has stepped forward and is in many ways doing things the government cannot do. And I think it is often joked about the fact that the private sector is there, ready to meet a need, a need that the government in no way could meet.

We know that for an emergency response like that we faced, clearly the government had to step in. When I say government, I am talking about the local government, the State government, and the Federal Government as well. The Federal Government, obviously, is not the first. It is really the last step. We know that State and local governments have the responsibility to make those recommendations to the Federal Government and then bring them in. We also know that at virtually all these levels of government, we have heard the leadership, from President Bush when it comes to the Federal Government, to Governor Blanco in Louisiana, state that things were not handled as well as they could have been; and both President Bush and Governor Blanco, Republican and Democrat, have taken responsibility for dealing with this situation.

I mentioned the fact that we learned things, and I mentioned the private sector. And one example that I like to point to, and I have got this right here, is in the 1994 Northridge earthquake, we had the Santa Monica Freeway collapse over La Cienega Boulevard. The Santa Monica Freeway is the most traversed interstate in the country. A quarter of a million vehicles a day go on the Santa Monica Freeway right over the La Cienega off-ramp. And the earthquake took place in January of 1994, and I happened to be by there, and one of the police officers let me go up, and I actually took a chunk of the Santa Monica Freeway. This has been sitting in my living room out in California for a long period of time. Most people think it is a piece of the Berlin Wall, but it is actually from the Santa Monica Freeway. We can see the rebars here, and this is obviously the freeway itself. And when it collapsed, we saw Southern California, clearly the most populous spot in the Nation, come to a standstill because of the importance of Interstate 10, the Santa Monica Freeway there.

Some projected that it would take as much as a year or 2 years to repair this freeway that had collapsed over La Cienega Boulevard. And Governor Wilson stepped up to the plate and did everything that he could to provide incentives to ensure that it got completed. He wrote a piece on this the day before yesterday in The Wall Street Journal in which he referred to the fact that people said it would take a long period of time.

They looked and established this contract with the Myers Company and they were told that they would have a $200,000 fine for every day beyond what they had contracted for if they did not complete it, but they got a $200,000 bonus, Madam Speaker, for every day that they got this completed earlier than had been projected.

As I said, some predicted it would take a year or 2 years to complete this. Madam Speaker, in 66 days the Santa Monica Freeway reopened, working 24 hours a day, 7 days a week.

This is the kind of incentive that we need to put in place to ensure that they deal with this circumstance. And, ironically, Interstate 10 is the exact same route that is going into New Orleans that collapsed following Hurricane Katrina and the breaking of the levees.

So I think that we have the ability to respond, to deal with this, and the United States Congress is in a position to make sure that we look at encouraging the most creative ways to address this challenge, look in a bipartisan way at these problems.

And we have set guidelines. We have got deadlines. But, obviously, if it is necessary, those can be moved if it is essential. But we have a desire to ensure that, as an institution, we come together as the elected representatives of the American people to do our job. And I am convinced that we are going to have the ability to do that, and we look forward to seeing Members of both political parties join this very important effort, and I am convinced that they will be able to look at all levels of government and the private sector and get to the bottom of that.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, high talk from the majority follows the abysmally low performance of the Federal organizations that they oversee and that our people trusted to protect them in their hour of need. And today we are told it is our constitutional duty to find out why the government was so unable to protect life here at home during and after Hurricane Katrina.

I would like to remind our friends on the other side that one of our constitutional duties as representatives of the will of the people is actually to represent the will of the people of the United States. So let the record show that as of today, according to the Republican leadership, the will of the American people no longer matters.

The fact that 76 percent of the citizens of our Nation want an independent commission to investigate the Katrina disaster does not mean a thing. The fact that over 60 percent of Republicans want an independent commission does not register with them either. Apparently, the people of the United States are to be patted on the head and told, Do not worry. We will find out what happened here.

The fact that thousands of men, women, and children are dead; the fact that hundreds of thousands more have become evacuees in the richest country in the world shows that we do not have everything under control. The fact that we cut corners and underfunded those responsible for maintaining the levees that protected New Orleans by tens of millions of dollars only so that later thousands of lives would be needlessly lost, tens of billions of dollars would have to be spent cleaning up the mess left behind shows that we do not have anything under control. That is really a case of being penny wise and pound foolish.

And now, to show how seriously it takes its constitutional responsibility to get the government back on track, to show that it is not interested solely in rhetoric but also in results, the majority has seen fit to create a partisan political body, which we all know will care more about the political survival of the leadership than the actual survival of the people.

How do we know this? Because the committee put forth by the majority is intentionally designed to be partisan. It has a Republican majority. It includes subpoena power controlled by the majority. And the scope of the investigation will be the whim of the

leadership of the majority. The idea of having a truly bipartisan commission to investigate the tragedy was never seriously entertained. If it was, joint subpoena power would exist in this bill, as would joint control of the committee's operation, scope, and direction.

Instead of this, platitudes promising cooperation and shared power have filled this hall, leaving no room for a resolution calling for either a truly bipartisan committee or, what would be infinitely better, the creation of an independent commission which will actually eliminate politics from what will otherwise be an incredibly politicized investigation.

All of this is obvious to nearly every observer, and yet the leadership tells the Democrats if we are objecting to their Republican-first agenda, we, the Members of the minority, are being partisan. Apparently, in the wake of disaster comes hypocrisy.

Along with its assurances of a fair and honest investigation of the failures of the Federal response to Katrina, assurances which are the product of wishful thinking as opposed to a sincere review of recent history, the majority puts forth empty arguments in favor of this bill.

We created the Department of Homeland Security and FEMA, so only we can investigate it, they argue. That means that this leadership also helped to create the systemic problems which caused DHS and FEMA to fail. What exactly is their incentive to publicize their lack of vision and errors in judgment?

As the gentleman from California (Mr. GEORGE MILLER) said earlier today, it would be like nominating Enron to investigate stock fraud because they helped to perfect it, and it would not make much sense.

But the gentleman from California (Mr. DREIER) told us this morning that none of this matters. It would be absurd, he says, to think that any Member of this body would not want to get to the bottom of the failures. Madam Speaker, more absurd things happen in this House all the time. For example, some might say that appointing a man with absolutely no experience in emergency management to head the Federal Emergency Management Association was absurd, and yet nobody challenged that appointment until it was far too late.

Madam Speaker, I do not mean to say that the chairman and his colleagues do not care about improving our national preparedness for a future emergency, because I know that they do; but the fact that political pressures have in the past and will again in the future distort and in some cases destroy investigations of government failings when the investigations are carried out by us, this is so obvious that it should be beyond question.

The only real question left before us today is why does the majority find an independent commission to investigate the tragedy so objectionable? Would any of them like to claim here that the 9/11 Commission was a mistake? They all voted for it. Should we reject the findings of that body? Should we here and now state that because it was not run by those managing the government on September 11, 2001, for that reason, what it discovered was illegitimate? Is there anyone here who would like to state for the record that the creation of the 9/11 Commission was an abdication and denial of our constitutional responsibility as Members of the House of Representatives?

Not one Member of this body would make such a claim, and yet the majority makes this claim about the creation of a similar body to investigate what happened on the gulf coast.

There is only one explanation for it. Dare I say this absurd stance is control. The majority wants to keep the investigation under its control so it can make sure that the answers that the committee produces toe the party line. Thinking about crass political considerations when Americans are dying and are homeless, that, and only that, is an abdication of our constitutional responsibilities as Members of this Congress.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, before I yield time to my friend from Pasco, I would just like to say over the last 24 hours I have been hearing about this ABC/Washington Post poll to which my friend from Rochester has regularly referred, and I have actually taken the opportunity to look closely at the poll itself.

We all know that when one looks at a public opinion poll, it depends on how the question is asked. We continue to hear that 76 percent of the American people support an independent commission and they do not want Congress to take this action. Actually, I looked at the poll itself, and I would like to enlighten my friend from Rochester, if I might. Question No. 19 says: ''The Republican leaders of Congress have called for a full-scale congressional investigation of the government's hurricane preparedness and response effort. Apart from this investigation, would you support or oppose an investigation by an independent commission like the one that investigated the 9/11 attacks?'' Seventy-six percent support that. Well, of course. Who would not support that? Who would not be supportive of that notion? But we continue that somehow the American people oppose having Congress do its job and they only want this independent commission of unelected people to do their job.

Then one has to look at Question No. 18 just before that. And I hesitate to raise this, but the fact that this public opinion poll has been continually utilized as the bible when it comes to consideration of our legislative proposal here, Question No. 18 says: ''Do you think Democrats who criticize the way the Bush administration has handled the hurricane response mainly want to find out what went wrong or mainly want to use the issue for political advantage?'' And, Madam Speaker, 60 percent said that Democrats want to use this issue for political advantage rather than trying to get at what went wrong.

I would have never brought this up, Madam Speaker, had I not heard that 76 percent of the American people are opposed to having Congress do its job and instead want an independent commission.

Madam Speaker, I yield 3 minutes to the very distinguished gentleman from Pasco, Washington (Mr. HASTINGS), subcommittee chairman from the Committee on Rules and the chairman of the Committee on Standards of Official Conduct.

□ 1330

Mr. HASTINGS of Washington. Madam Speaker, I thank the chairman for yielding me this time.

Madam Speaker, I rise today in support of House Resolution 437 to establish a select bipartisan committee to investigate the preparation for and the response to Hurricane Katrina.

Madam Speaker, Congress has an important constitutional role to play in providing oversight to the executive branch and Federal agencies. But more importantly, Congress has a responsibility to the people we represent to investigate the preparation and response efforts to Hurricane Katrina and make recommendations on how we can better prepare and respond to disasters in the future.

Madam Speaker, some of my colleagues on the other side of the aisle oppose the idea of a bipartisan congressional committee held accountable to the people and by the people who elect us. But, Madam Speaker, a bipartisan investigative committee held directly accountable by the people is exactly what is needed

Because we never know when or where the next disaster will strike, it is vital that Congress move swiftly to investigate how local, State, and Federal governments, along with the private relief agencies, can better communicate with one another and coordinate the relief efforts. America must be better prepared to handle disasters in the future.

Madam Speaker, I am saddened that hours after Hurricane Katrina rescue and recovery efforts began, lawmakers were publicly pointing fingers rather than focusing on how to help the victims. Clearly, clearly in hindsight there are things that could have been done better. Only now that victims have been rescued and their immediate basic needs are being met is it appropriate that an investigation of what happened begin.

There is no question that Hurricane Katrina caused great devastation, the magnitude of which becomes more evident every day. But, Madam Speaker,

one of America's greatest strengths is our long-standing tradition of pulling together in times of need.

I am proud that in my home State of Washington, which is located 2,500 miles from Louisiana and the gulf coast, families are reaching out to help those affected. Communities are collecting food, clothing, and cash donations. For example, Washington apple growers have contributed truckloads of world-class apples to people living in Mississippi and the other hard-hit areas and throughout America. Families are opening up their homes, businesses are employing dislocated workers, citizens are traveling to the gulf coast region to help with recovery and rebuilding efforts, and schools are teaching children who have been displaced from their schools, homes, and friends.

America has been challenged by natural disasters in the past, and we will no doubt be challenged by disasters in the future. Only by Republicans and Democrats working together in a bipartisan fashion will the best interests of our Nation prevail.

Madam Speaker, there is much to be learned from this disaster. We must examine what worked, what did not, and what we need to do to be better prepared. The primary focus of this bipartisan investigative committee should be that we should begin to prepare for the disasters ahead and not to assign blame. I, therefore, urge my colleagues to support House Resolution 437.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR), a man who knows of what he speaks.

Mr. TAYLOR of Mississippi. Madam Speaker, I recently heard the gentleman who represents Hollywood speaking about how it is somehow fair that the only Member of this body that I know of who was there on Ground Zero, who rode with the National Guard to distribute food because FEMA so thoroughly screwed up, who realizes that if it were not for the United States military doing FEMA's job for them, people would have starved to death, people would have died of dehydration, hospitals would not have gotten needed medical supplies, that I will not be allowed to subpoena witnesses.

So as a Member of this body who was elected by as good a margin as anyone else here, I do object that I could not ask for a witness, that I could not subpoena a witness to deliver the message that needs to be delivered about the lessons learned in Mississippi. We do not need to make the same mistakes when the next hurricane hits.

The bottom line is FEMA did make horrible mistakes that came very close to costing people their lives. FEMA could have avoided millions of dollars in unnecessary aerial replenishment of people that we could get trucks to, because they insisted on one point of delivery in a county where very few people still had cars that were running and those that had cars that ran could not get gasoline.

FEMA could have sent thousands of people on their way to their families in other parts of the State, but did not bring gasoline in for them. There are a number of mistakes that we never need to make again as a Nation. And I would hope that I would have the opportunity to subpoena some of the people that need to speak on this. It does not need to be Bush-bashing; it does not need to be anybody-bashing. It needs to be an honest account of what happened.

But how can we do that when one of the people that was at Ground Zero cannot ask questions of witnesses, cannot subpoena witnesses? Is that really fair? Does that really get to the solution of the problem? I do not think so. I think our Nation works best when we work together, and a 9/11-type commission composed of whoever needs to be subpoenaed is what we need to do.

At the end of the day, I am going to vote for a commission no matter how bad, because something is better than nothing; but the American people deserve for us to do it right.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

Let me just respond to a couple of points. First of all, under consideration of the establishment of this select committee, we will be operating under the standard rules of the House. The standard rules of the House allow not individuals, but allow a committee to come together and determine who is subpoenaed. And I will tell my colleagues that I know with absolute certainty that the people who are providing the leadership of this committee will clearly want to be in consultation with the Democrats, with members of the minority to ensure that any witness who could help get to the bottom of this problem, to the root of this problem is called before the committee.

And I will tell my colleagues why. I do not represent Hollywood, California, by the way, I should say for the record; I represent areas around Hollywood in suburban Los Angeles, an area that has been impacted by a wide range of disasters.

I think it is absolutely reprehensible to believe that any Member of this House, Democrat or Republican, would want to do anything that would jeopardize the ability to find out exactly what happened leading up to Hurricane Katrina and exactly what happened in the aftermath of Hurricane Katrina. So I can assure my colleagues that I am convinced that everyone is determined to do that.

I should say that, as I sat down, one of my staff members reminded me that I mentioned this poll from The Washington Post and ABC that is the model, I guess, that we are following for the establishment of this committee; and even though it said that 60 percent of the American people believe that the Democrats would use this issue for political advantage rather than trying to get to the root of this problem, I do not believe it for one minute. I hesitate to say that the American people are wrong, but I will tell my colleagues this: I do not believe that the American people are right when they claim, to a number of 60 percent, that Democrats do not want to get to the root of this problem, which is what they have said in this much-hailed ABC News-Washington Post poll.

Mr. TAYLOR of Mississippi. Madam Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Madam Speaker, given the gentleman's desire to see that we get to the bottom of this, given that the gentleman is elected by a majority of the people from California, and given that I am elected by a majority of people in the most affected area, does the gentleman not think it would be fair that I would have the same right, as someone from the affected area, to subpoena witnesses as the gentleman from the west coast of this country would have?

Mr. DREIER. Madam Speaker, reclaiming my time, I will say that that is exactly what exists. The rules of the House that apply for the subpoena process for other committees in the House will apply similarly for this new select committee that is charged with dealing with this circumstance.

Madam Speaker, I am happy to yield 2 minutes to the gentleman from Lafayette, Louisiana (Mr. BOUSTANY), another individual who was victimized by Hurricane Katrina.

Mr. BOUSTANY. Madam Speaker, I thank the chairman for yielding me this time.

Madam Speaker, I rise in strong support of the resolution to create a bipartisan, bicameral congressional committee to investigate the local, State, and Federal response and preparation to Hurricane Katrina. As a member of the Louisiana delegation, I am not interested in polls. I want prudent deliberation, and I want substantive action.

Congress has the obligation and duty to conduct a thorough investigation to provide the American people with answers. The investigation must be expeditious and thorough, without interfering with the recovery efforts. The idea of an independent commission is not the best option.

It is the responsibility of Congress to look at the Federal agencies this body created to respond to disasters. It is the responsibility of Congress to identify the deficiencies and correct them.

As a result of the 9/11 Commission, Congress responded with legislation based on their recommendations. Now is the time for Congress to provide scrutiny on how the law was implemented.

A separate so-called independent commission would simply be a redundant step. The American people demand prompt answers and solid solutions to the bureaucratic and legal hurdles that were impediments to the response to Hurricane Katrina. I personally experienced these.

As a member of the Louisiana delegation, I also believe that the Members

from impacted regions must have a participating voice in the investigation to provide firsthand knowledge of frustrations and impediments that our offices confronted. It is urgent that deficiencies in command, control, communication, and response be corrected. A bipartisan, bicameral congressional committee for oversight and investigation is the first step.

I urge my colleagues to support this resolution so that Congress can exercise its duty and obligation to the American people.

Ms. SLAUGHTER. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Madam Speaker, I rise in strong opposition to this partisan resolution that spits in the face of the American people's call for a robust inquiry that is independent of politics.

Yesterday's report by the 9/11 Commission provides data to back up what every American learned by watching the government's dismal response to Hurricane Katrina: that 4 years after 9/11, our Nation is still not prepared to respond to a major crisis, in this case a disaster that had been predicted, gameplayed in an exercise run by FEMA, and which we knew about 24 hours in advance.

As the relief and recovery process continues and the rebuilding process begins, the American public must have complete confidence that their government is up to the task. Unfortunately, the Republicans have chosen to play politics and flaunt the will of the American people by instead proposing a select committee that is not bipartisan, that will not have an equal number of Democrats and Republicans, and will not have bipartisan subpoena power.

Let us be honest. How can the American people trust this Congress to not only investigate this administration but also Congress itself? Because the actions of the Congress are definitely one of the things that needs to be investigated. The Republican Congress was responsible for cutting the budget of FEMA and the funding for the levees around New Orleans. An outside evaluation of Congress's actions is needed, not an internal review.

Can the American public all of a sudden expect the Congress to investigate this administration after 4 years of basically no congressional oversight? Yes, the rules of the House have been used to stifle honest, robust inquiry. This is the Republican Congress that has not conducted true oversight hearings into the decision to go to war in Iraq, the lack of a success strategy in Iraq, the outing of a CIA operative, among many others.

So we can stick our heads in the sand and pretend the government has handled the recovery well and basically do nothing, or we can appoint a truly independent commission to help avoid these mistakes in the future. The vast majority of the American public supports the establishment of an independent, bipartisan commission so that the inquiry focuses on the facts instead of getting bogged down in partisan politics.

That is why the gentleman from Florida (Mr. HASTINGS) and I introduced legislation to establish an independent, bipartisan commission modeled after the successful 9/11 Commission to investigate the government's response to Hurricane Katrina and make recommendations for reforming the Nation's disaster response system.

The commission would be charged with evaluating what the government could have done to avoid the mistakes that exacerbated the crisis faced by hundreds of thousands of Americans along the gulf coast and caused untold loss of life. I mean, how is it possible, for example, that 4 years after September 11, our local first responders still do not have interoperable communications systems that can talk with each other as they carry out their lifesaving work? That is why the commission would have the full authority to question the government officials, examine government documents, and hold public hearings.

Finally, I want to remind my colleagues that despite overwhelming public support, it took months to overcome White House opposition and establish a 9/11 Commission, basically only getting the President and the Republican Congress to that point by dragging them along, kicking and screaming. We have heard all the same lame excuses we heard today as we did when we were trying to establish the 9/11 Commission.

Today, there is unanimous agreement that the commission had the courage to ask the tough questions that Congress did not and that developed reforms that, if implemented, would make our Nation safer. That is what we need to do. Let us create an independent commission. Let us not deceive the American people through this committee that will do absolutely nothing to get to the bottom of the problem.

□ 1345

Mr. DREIER. Madam Speaker, I have listened to these terms: ''sticking our head in the sand''; ''ignoring the problem.'' I have no idea what anyone is talking about when they say things like that. It is absolutely absurd to believe that any Member of this institution does not want to do everything possible to ensure that we find out what happened leading up to Hurricane Katrina and what has happened since Hurricane Katrina has hit.

Because we, at this moment, live with the threat of Hurricane Ophelia off the Carolinas, so we are moving as expeditiously as possible to get this bipartisan committee put together, where the committee itself will determine how someone is subpoenaed, just as is the case with every committee.

I hope very much that the gentleman from Mississippi is appointed to serve as a member of this select committee. He obviously has strong feelings. He has made it very clear that, as someone who was victimized by Hurricane Katrina, he should in fact be able to subpoena; and I can assure him, under the standing rules of the House, as a member of the committee, if the minority leader chooses to appoint him to that committee, he will be able to participate in determining who testifies before that committee.

So we are in this together, Madam Speaker, whether Members like it or not.

Again, I do not believe that Washington Post poll that the Democrats want to use this for political gain. I believe the Democrats, along with Republicans, want to find out exactly what has created this challenge at all levels of government and even in the private sector, with which we are contending at this point.

Madam Speaker, I yield such time as he may consume to the gentlemen from Florida (Mr. SHAW).

Mr. SHAW. Madam Speaker, reading the resolution, it simply says that there is hereby established a select bipartisan committee to investigate the preparation for and the response to Hurricane Katrina.

There is so much we can learn, so many missteps, but so many things that were done right. And I think it is time for us to come together.

I have served in this body now 25 years; and in that 25 years, a little over half of it was under a Democrat House and Democrat leadership, Tip O'Neill, Jim Wright, three Speakers in all on the Democrat side. And I can tell you, the ratio of this committee, we would have just rejoiced in getting 9 out of the 20 spots during that period of time. I think it is tremendously fair, and I think the Speaker has been very fair in what he has talked about.

Now anyone in this House that would suggest that any Member of this House or any Member of either party would whitewash or push something under the rug that could mean the life and death of the American people or the destruction of property because it is politically expedient, I just cannot imagine that. I cannot imagine that possibly happening.

There is going to be good people appointed to this committee, and they are going to be people that really care. And I think after they look at it and after this report comes out, the American people will have faith once again in their Government.

You know, criticism has always been made suggesting that Congress cannot have oversight over the laws that we pass ourselves. What do we do every day? We do that in committees every day. We have hearings. I do not care whether it is a Ways and Means Committee, the Appropriations Committee,

Transportation Committee, whatever committee we are talking about, we are constantly examining and reexamining the laws that we have passed and the laws that have been passed by previous Congresses. That is our job. That is what we are supposed to do. And for us to suggest or for me to suggest that we need to push this off to some independent body and not do it ourselves does not make a whole lot of sense.

And, by the way, one of the recommendations that came out of the independent body from 9/11 was to put FEMA under Homeland Security. Now everybody is clamoring, saying that was a mistake. I think it was a mistake, and I think we need to very closely examine what we are doing.

We need to do something else, too. We have appropriated an awful lot of money to be spent down in that area, and we are going to appropriate a lot more. I think the President estimated that it could be $200 billion. And we have to watch and see how that money is being spent.

We saw FEMA make some big mistakes in the past down in Miami/Dade County, where they were paying for funerals last year where there was not a hurricane. They were paying for funerals where there was not even a corpse. They were paying for all kinds of things, and that area should have been actually taken out of the disaster relief area when it was passed.

So this the committee has a big, big job; and it should be done in the Congress. I do not want an oversight committee, independent of the Congress, not elected people, that are overseeing it and seeing how this money is being spent, $200 billion of American taxpayers' money.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Madam Speaker, Democrats want to make sure that we help the victims of Katrina first; secondly, we want to make sure that there is oversight on the money that we are spending, a lot of money; and, thirdly, we want to have an oversight, meaningful, in depth, honest, searching, courageous as to why the Federal Government was so inept in its response and so late.

The good news is that the men and the women of the National Guard, the Coast Guard and other elements of the Federal Government are now acting so courageously and effectively. That is what we want, and that is why we oppose this bill which would create a partisan congressional committee to investigate the inept Federal response to Katrina. Because we believe it is imperative to establish an independent commission modeled on the highly regarded 9/11 Commission.

I will ask my friend who chairs the Rules Committee, who used to come to this floor on a regular basis and say, when Democrats were in the majority, why will you not allow us to consider an alternative? Are you afraid that the majority of this House will say, yes, a commission is the right way to go? Are you afraid that you cannot keep your Members in line? Are you afraid and therefore do not give us an amendment, do not give us a motion to recommit with instructions?

What is the fear? It is the fact that you are so focused on not having meaningful oversight, of keeping it in-house, of not having independence, that you do not allow us and the American public's representatives to have that alternative considered on the floor.

Ladies and gentlemen, oppose this resolution and continue to demand an independent commission, just as the American people want. We did it with 9/11. We can do it with Katrina. We can do the work that the people expect us to do. Vote against this resolution.

Madam Speaker, let no one be mistaken about why Democrats oppose this legislation.

We oppose this bill—which would create a partisan congressional committee to investigate the inept Federal response to Hurricane Katrina—because we believe it is imperative to establish an independent commission modeled on the highly regarded 9/11 Commission.

We are not alone.

In fact, a Washington Post-ABC news poll revealed this week that 76 percent of Americans support an independent commission.

Some Republicans support such a commission, as well.

Just this week, the Republican Senator VITTER of Louisiana—whose constituents were directly affected by this devastating hurricane—expressed his support for a commission.

Yet, Madam Speaker, this Republican majority today has denied Democrats the opportunity to even consider the bill offered by Mr. HASTINGS, which would create such an independent commission to investigate the local, State and Federal response.

Let's be clear: There is not bipartisanship coming from the other side of the aisle regarding the creation of real oversight.

The Speaker and Senate majority leader announced this proposal without even consulting Democrats.

The reality is, if this Republican majority were charged with investigating the actions of a Democratic administration, there is no doubt in my mind that its oversight would be real and vigorous.

But as the columnist David Broder pointed out recently: "Majority Republicans see themselves first and foremost as members of the Bush team—and do not want to make trouble by asking hard questions."

This majority has refused to conduct oversight over this administration during the last 4 years.

Why should we believe that it is prepared to fulfill its constitutional responsibilities now? We have no basis for believing that. And, that is why an independent commission is needed.

I urge my colleagues to vote against this bill.

Mr. DREIER. Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, calling this partisan Republican scheme "bipartisan" reminds me of those tinhorn dictators who attempt to mask their authoritarian regimes by calling their countries "democratic.

We need an independent citizens commission like the 9/11 Commission to explore the failures of every level and every branch of Government. The administration and its House Republican cohorts oppose this independent citizens commission just as they opposed the 9/11 Commission and just as the administration erected roadblocks to that Commission's work at every turn.

I say to them: Save the stonewall to rebuild the levees. With thousands stranded, this administration would not lead, and now it wants its buddies in the Congress to lead the cover-up.

As with the formation of the 9/11 Commission, if enough Americans get informed and demand a genuine, independent investigation, we can end this Republican charade.

Our safety demands real accountability. With such incompetence and indifference, what reason is there to believe that what we have witnessed might not happen in our own backyard, that the fate of those we saw in New Orleans would not be the fate of other people, be they poor folks in the Rio Grande Valley from hurricane, flooding or any other disaster, be it human-caused or natural or both? Without knowing objectively what, why, and how the rescue mission failed, there is no way to ensure that the horror that we have seen would not be repeated in our own communities.

There is nothing to prevent these folks from having all of the congressional investigations, all of the budget hearings that they want to have. What we are asking for today is that you not have a sham "bipartisan" commission. You bring in the citizens from around the country and have the kind of independent inquiry that led to a best-selling book, by the 9/11 Commission.

We owe it to the dead, to the displaced, to all who could become the next victims of a catastrophe to support a true and genuine, independent inquiry.

Mr. DREIER. Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL), a member of the Homeland Security Committee and ranking member of the First Responder's Committee.

Mr. PASCRELL. Madam Speaker, and so it continues. This is a partisan, counterfeit commission if I have ever seen one proposed today, and I have two simple questions: Will the administration escape accountability again? And the second question is this: Will the administration get away with another failure?

Please note the word "escape". In fact, if you look in the Bible, the Old Testament, Leviticus, chapter 16, verse 8, we find the origin, the etymology of the word scapegoat, the goat that departs.

In scripture, you had two goats. One was sacrificed for our sins; the other escaped, was let go. That is from the English word scapen, the Old English, a form of escape.

So, Brownie, he was sacrificed, and yesterday all of his minions resigned, all of these people that were hired. We better have an objective review of what happened. We better have an objective view, or else we are never going to get to the truth.

This is the most redactive, the most secretive administration in the history of the United States. It has nothing to do with political partisanship either. None whatsoever.

We have seen it repeatedly. This is the administration that can show negligence, ineptitude, and dangerous arrogance without ever enduring the burden of even limited liability. Policy disasters abound, yet culpability is never encountered.

□ 1400

No one who has followed the workings of this body believes that a commission made up of apologists will ever hold the administration accountable for anything.

This is far too important for business as usual. I implore my colleagues to vote against the bill, to demand the creation of a truly independent commission. It worked 4 years ago. It will work now.

I do not think there is anything wrong with this. And when you talk about the ability to subpoena, the majority will have the right to oversee whether we can subpoena particular people. This is phony. All we ask for is to let us come together. We agree we need to send help down there. We are doing our best, both sides of the aisle.

Let us have an independent review of what has happened and what is going on. We are talking about people's lives here.

Mr. DREIER. Madam Speaker, coming together is what this is all about. This is a bipartisan committee that has been proposed by the Speaker, and we look forward to seeing those minority Members who are going to be part of this process.

Madam Speaker, I yield 2 minutes to the gentleman from Miami, Florida (Mr. LINCOLN DIAZ-BALART), the very distinguished chairman of our Subcommittee on Budget and Process Reform.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is a curiosity to see how our friends on the other side of the aisle have now discovered, it seems like they discovered the Mediterranean today when they say that independent commissions in their view, so-called independent commissions, are not political.

It is not by chance, Mr. Speaker, that the first article of the United States Constitution created the Congress, article I created the Congress. Among the duties of the Congress, constitutional duties of the Congress, is the responsibility of oversight.

When a so-called independent commission is created, we have to ask ourselves, who funds the independent commission? Congress, created by the first article of the Constitution with the duty of oversight.

Who appoints, Mr. Speaker, the so-called independent commissions? Congress or if Congress authorizes the President, the President authorizes. The decision is ours. Ours is the duty under the Constitution to investigate. Ours is the duty to carry forthwith oversight.

What we are doing today is trying to do our duty in creating a bipartisan committee of this House with the solemn obligation of investigating this tragedy, this ongoing tragedy that is going on now in the gulf States, and to do so as soon as possible.

I am proud of the fact that the House is bringing forth this measure today, proud to support it; and I ask all of my colleagues to do so as well.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I want to address the House on this subject that is before us today. I have served in the Congress for 30 years, the first 19 in the majority, the last 11 in the minority, so I have seen life from both sides. And let me tell you, today is one of the low moments.

We have just experienced a national tragedy that has caused immeasurable pain to countless Americans, and yet here in the House of Representatives, nothing seems to have changed. The House is not rising above raw partisanship even in a time of national tragedy.

Republicans are saying, well, we should just trust them because they have created something they are calling bipartisan. Well, the right way to create something that is bipartisan is for the two parties to talk. Instead, the Republicans met among themselves without talking to the Democrats and have proposed this select committee on a take-it-or-leave-it basis.

The majority cannot define bipartisanship for the minority. The majority has to make the real effort and be willing to do some work, maybe hard work with the minority to achieve bipartisanship.

Well, why are we suspicious? They did not talk to us. The committees in the House and the Senate that have oversight jurisdiction were starting to hold hearings and suddenly the Republican leadership said, well, we are going to have a House-Senate committee. And suddenly it is not a House-Senate committee; it is a select committee.

Well, look at the record how Republicans have done oversight. Have we really looked at how the White House used the intelligence, as faulty as it was, that was the basis for going to war in Iraq? No, we have not had hearings on that. We have not looked at that.

Has the House looked at the question of the outing of a CIA agent by people in the White House in order to punish her husband who was critical of the Iraq war? No, no hearings on that.

The actuary working for this administration withheld from Congress on the costs of the Medicare prescription drug bill. Should we not try to find out what happened? Both Republicans and Democrats were denied the facts before we voted on the bill. No, nothing on that.

We had more hearings when the Republicans were in charge and there was a Democratic administration on whether President Clinton misused his Christmas card list for political purposes. That meant 7 or 8 days of hearings. But we cannot get hearings on these important subjects. And now we are told there is a bipartisan committee, a select committee, that is going to look into this matter.

Well, if you really wanted bipartisanship, I say to my Republican friends who run the House, you need to at least talk to the Democrats and make an effort. But when you do not make an effort and you have a record of abusing the power that you have in running this institution and ignoring the oversight responsibilities on really important matters in order to protect a Republican administration from possible embarrassment, we have no confidence whatsoever that we are going to get to the facts of what went wrong in dealing with Hurricane Katrina.

We need to rise above this raw partisanship and join together, if not on an independent commission which I think makes the most sense, at least on a committee that is equally divided, with the powers equally divided, where the intent is to work together. But we looked at what is being proposed, and the only conclusion that many of us can reach is that this is going to be a committee to pretend to do an investigation but not find out the truth.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, following Hurricane Katrina there are many questions that must be answered. To answer them this body should create a bipartisan commission of experts to investigate the failures and flaws of the system just like we did after 9/11, which I would like to remind my colleagues led to enactment of legislation that helped this country protect itself because the process had integrity.

The enacting and recommended legislation also received bipartisan support. The purpose of a 9/11-like independent commission is not to fix blame, but to fix a problem. And what we are debating today is not sufficient because if it were truly bipartisan, it would be bipartisan from this point of origin. And the beginnings of this commission, or the beginnings of this select committee, do not bode well for what was intended as a bipartisan effort by both Democrats and Republicans to find out

what happened and what needs to be done.

Rather than debate a bipartisan commission, what we are debating today will amount to nothing more than a whitewash because of the long list of items that my colleague from California (Mr. WAXMAN) just mentioned. From the intelligence failures to the true cost of the prescription drug bill, all these missed opportunities were left purposefully and consciously, not looked into, not asked into. If you do not think you have a problem, you will not fix a problem.

Mr. Speaker, hundreds have died, thousands have lost everything, billions will be spent rebuilding the infrastructure and people's lives. The stakes are simply too high not to know what went wrong.

Look what happened today in the New York Times. Michael Brown, the former head of FEMA, talked about where the Louisiana Governor failed, but also talked about where Secretary Chertoff failed. Brown's statement can probably be discounted somewhat as sour grapes, but recent stories by KnightRidder and others raised serious questions. KnightRidder raised questions about whether Mr. Chertoff delayed the Federal response. Memos were written to him, and according to a Presidential directive, he had authority and control and did not act for over 36 hours and was nowhere to be found.

While everyone has blamed Mr. Brown, it was Mr. Chertoff who was responsible for managing the national response plan according to the Presidential directive.

At the same time, an independent commission could monitor the contracts awarded during the reconstruction. Already a disturbing trend has emerged of awarding no-bid contracts, reconstruction contracts, to politically connected firms.

USA Today points out many of these companies have been fined millions of dollars for overbilling the government during hurricane rebuilding efforts and other government projects. In fact, one company is fined a $3.2 million fine for what they overcharged during Hurricane Hugo. So the same cronyism that led to Mr. Brown's appointment is now guiding the awarding of contracts to the rebuilding of New Orleans.

We need a 9/11-type commission, an independent commission, that basically takes the facts where they lead them, has the integrity of this body and the American people and the confidence so they can recommend the changes. Because after 4 years from September 11, what we saw and over the last 3 weeks is not the best of America in the sense of government's response. We saw the best of America from the American people, and we now need a commission to make sure that we finally fix our response for when a natural disaster or other type of disaster hits this country. We need a bipartisan 9/11-style commission.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I never rise on this floor addressing the question of Hurricane Katrina without thanking all of the enormous outpouring from Americans of charity and concern, particularly commenting on my city and my State that have welcomed now almost 245,000 survivors into the State of Texas and now close to 100,000-plus in Houston, in my congressional district and other congressional districts in the area.

One of the first things I did in visiting those survivors in the Astrodome was to apologize on behalf of the Federal Government. Each meeting I subsequently went to and each time I was able to touch a survivor or hear their story of pain, I again apologized for the complete collapse and ineffectiveness of our ability to deploy in advance of Hurricane Katrina, to be able to be on the ground with resources whether they be the National Guard or the military or FEMA or anyone else that might have contributed to the saving of lives or, in fact, providing the survivors with a pathway out of Mississippi or Alabama or New Orleans.

So I accept and respect the apology and the acceptance of responsibility by the President, by the Governor and anyone else who chooses to do so, because the Federal Government is a safety net; and I think Americans understand that. But, Mr. Speaker, moving checkers on a checker board is not, in fact, a solution to our problem. So we cannot make, if you will, anew something that is broken.

The idea of a commission similar to the 9/11 Commission speaks volumes for the accuracy and the responsibility that so many elected officials have spoken about. Be reminded that the 9/11 Commission working in a bipartisan fashion, equal numbered in population, if you will, reflecting different views, was able to bring out the dirty laundry but also the good points. They reminded us that one of the key elements of failure in 9/11 was the lack of interoperability. As a member of the Homeland Security Committee of the Congress, I believe a 9/11-type Commission for Hurricane Katrina would pay tribute to the survivors and deceased alike and provide America with the necessary truth!

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

□ 1415

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentlewoman for yielding me time.

My heart and the hearts of those I represent are with all who have been devastated by Hurricane Katrina. We know a bit about what it is like to have devastating loss in a flood. The City of Grand Forks flooded in 1997. Fifty-seven thousand people were evacuated, but the Federal response was immediate and lives were saved. Here, the Federal response failed and lives were lost. We need to know why.

This is about learning what happened so it never happens again; and no Republican controlled, no congressional, partisan hearing process could ever get to the bottom of it. We need an independent commission. It literally is a matter of life and death, no partisan whitewash. We need an independent commission so we learn what happened so it never happens again. Lives are at stake.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentlewoman from New York for the time.

The citizens of Louisiana, Mississippi and Alabama deserve nothing less than the citizens of New York and New Jersey and Connecticut, those in Pennsylvania and our own Pentagon who received an independent commission, one that was heralded for its results and for its independence and its ability to work together. It served as both healing the Nation and bringing people together.

The citizens of those States, the residents of the city of New Orleans deserve the same as the great City of New York. The citizens who were stranded in the Superdome or in the convention center deserve nothing less than what this Nation received with an independent commission.

The spouses of so many of our Members, who have not been recognized at all, deserve nothing less than to make sure the efforts that have gone on already and the answers that everybody seeks are provided by an independent commission, an independent commission blessed by both the gentleman from Illinois (Mr. HASTERT) and the gentlewoman from California (Ms. PELOSI), coming together in the way that we should as a country.

We all stand prepared to work together. The citizens of Louisiana and Mississippi and the great City of New Orleans deserve nothing less.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the United States of America has gone through the worst natural disaster in our Nation's history. Time and time again, we have been hearing people say that. It is unimaginable what people have gone through. I have to admit I cannot imagine the suffering. I have seen it on television, I have heard it reported by my colleagues on both sides of the aisle who have been victimized themselves, but it is impossible, it is impossible to imagine how horrible this has been.

We do know one thing, both President Bush, Republican, and the Democratic governor of Louisiana, Governor Blanco, said that mistakes were made

leading up to Hurricane Katrina and mistakes were made in the aftermath of Hurricane Katrina. Everyone has acknowledged that.

We have an opportunity, we have an opportunity to come together, as we have in previous disasters, and deal with it, meet our constitutionally mandated responsibility for oversight of the executive branch to investigate and look at what happened at all levels of government, local government, State government, the Federal Government, even the private sector. We have a chance, Mr. Speaker, now to do that.

That is exactly what the gentleman from Illinois (Speaker HASTERT) has proposed, working with our colleagues in the other body, to come together with a committee that will allow Members of both political parties to raise any question that they want, to allow this committee to have the authority to subpoena witnesses, bring them forward. I have to say that it is very obvious to me that this is our chance to do it.

We are dealing with a hurricane right now in the Carolinas. We are dealing with other potential disasters on the horizon. I believe I have a responsibility to the people whom I represent, I have a responsibility to all the American people, just as we all do, to make sure that the problems that we faced leading up to and in the aftermath of Hurricane Katrina never happen again.

Mark my words, everyone, Democrat and Republican alike, wants to ensure that we are able to address those concerns. That is exactly what the establishment of this commission will do.

I am perplexed, Mr. Speaker, with the arguments that I have heard from my colleagues on the other side of the aisle. They want to increase their level of participation, they want to be able to get to the bottom of this, and yet they are saying let us give up our responsibility under article 1, section 8 of the Constitution that charges us with this duty.

This is our responsibility. This is a very important part of the reason the American people elected us as representatives, to come here and do their bidding, to do their job, to make sure that we find the answers to these very important questions.

I hope that we will be able to have that sense of solidarity, and so I am saying on behalf of the gentleman from Illinois (Speaker HASTERT), I know that he looks forward to having our colleagues on the other side of the aisle appointed, along with those who he will appoint to serve on this very important committee, and with that, with our quest of trying to ensure that we never go through what we have gone through in the past several weeks, I urge support of this very important resolution.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of H. Res. 437, establishing a select bipartisan committee to investigate the preparation and response for Hurricane Katrina.

We have all spent much of the past two weeks witnessing and examining the aftermath of this catastrophic disaster. It has become increasingly clear that local, State, and Federal Government agencies failed to meet the needs of the residents of Louisiana, Mississippi, and Alabama. Now it's this Congress's job to figure out why, and to make sure we as a country are better prepared for the future.

First and foremost, our thoughts and prayers go out to the hurricane's victims, their families, and their friends. The loss of life, of property, of livelihoods and dreams has been enormous. And we salute all Americans who have stepped to the plate to help in any way they can.

Congress has a responsibility to conduct oversight, but at this stage, the oversight needs to conduct oversight in a manner that does not interfere with rescue and relief efforts. Many questions need to wait; no one wants to take people away from the massive job at hand.

But I also think some issues can and should be looked at now. Members want to begin doing oversight, and the American people are demanding it as well.

The formation of a bipartisan select committee, composed of Members from the numerous House committees that bear responsibility for various aspects of our Nation's failure to respond to this disaster, would enable this Congress to take a thoughtful.

Whatever the threat, Katrina has forced officials across America to take another look at disaster plans that may not be as solid as they previously thought.

It has forced officials across America to take another look at the laws and regulations governing disaster response to identify ways to cut bureaucratic red tape in order to respond as quickly as possible.

This is not the time to attack or defend government entities for political purposes. This is a time to do the oversight we're charged with doing. Our goal should be to investigate aggressively what went wrong and what went right. We'll do it by the book, and let the chips fall where they may.

It's hard not to point fingers and assign blame in the aftermath of tragedy. I understand human nature, and I understand politics. But I think most Americans want less carping and more compassion. I think most Americans want a rational, thoughtful, bipartisan review of what went wrong and what went right. I think most Americans want to know we'll be better prepared the next time.

It remains difficult to understand how government could respond so ineffectively to a disaster that was predicted for years, and for which specific dire warnings had been issued for days. If this is what happens when we have advance warning, I shudder to imagine the consequences when we do not. If ever there were a time for leaders at all levels of government to come together and review and coordinate their emergency plans, it's now.

Some people are suggesting that only an independent body could properly investigate the Katrina tragedy. I think that point of view diminishes this House and the Members of this House. The voters didn't send us here to appoint commissions to do our jobs for us.

All over this country Americans are digging deep and making sacrifices. If we can't lead this Country then let's at least follow their lead and stand up and do our job.

Mr. HONDA. Mr. Speaker, I rise in strong opposition to House Resolution 437, legislation that proposes to establish a partisan committee to investigate the Bush Administration's clumsy response to Hurricane Katrina. This Congress has a proven history of lax oversight of the Administration, and I do not believe it can be trusted in this case to undertake a truly independent and probing inquiry.

Like most Americans, I welcomed the resignation of FEMA director Michael Brown. He proved himself grossly under-qualified for the important job of FEMA chief, the key position for coordinating governmental response to domestic catastrophes. His previous professional experience with the Arabian Horse Association proved inadequate training for the awesome challenges any FEMA chief can expect to face. Mr. Brown's appointment to this critical position, when compared to his woeful qualifications, reveals a disturbing willingness to place cronyism over competence.

Mr. Brown's unjustifiable appointment to FEMA is not the only outrage in the Katrina tragedy. President Bush himself has acknowledged his own failure and that of the entire Bush Administration. As the floodwaters rose and the cries went out from stranded victims, George Bush seemed not to notice. Only when his handlers realized the gravity of the situation—days after federal action could have pre-empted untold numbers of deaths—did the President rouse himself from the vigors of ranch life and deign to respond. This he did by cutting his five-week vacation short by two days, and dipping the wing of Air Force One as he jetted by.

The American people witnessed the Bush Administration negligent response to Hurricane Katrina, and they want a full account of the political and systemic shortfalls that contributed to the inept and late federal response. That is why so many Americans oppose a partisan committee like the one proposed in this legislation. In fact, 71 percent of the public said that the proposed congressional investigation would "get bogged down in politics" rather than "focusing on the facts."

Such skepticism is well-founded. The Republican majority of this Congress consistently refuses to ask tough questions of the Administration or hold it responsible for its misguided policies and outright dishonesty. The Congress, for example, did not probe the Administration's faulty rationale for war with Iraq, unlawful disclosure of a CIA agent's identity, deceptive cost estimates for its prescription drug proposal, and unethical dealings with energy lobbyists. Having turned a collective blind eye to these wrongdoings, there is no reason to believe that Congress will suddenly reverse course and put national interests above their political loyalty to President Bush.

A recent poll revealed that 76 percent of Americans support the creation of an independent commission akin to the one formed by Congress after the September 11 terrorist attacks. My Democratic colleagues and I have proposed just such a commission to examine the conduct of the Federal Government, including the Congress, before, during, and immediately after Hurricane Katrina swept through the Gulf Coast region.

Many in Washington, DC prefer a partisan inquiry into the Federal Government's response to the worst disaster in a Nation's history, but my constituents have been clear: the government's response was appalling and

they want a full and independent investigation. They want to know the truth, so that in the future, such tragedies are minimized and responded to with speed, skill, and experience.

Mr. LEVIN. Mr. Speaker, this is a very important debate for our country. I cannot imagine anything more important to the American people than an independent investigation of why the response to Hurricane Katrina fell so short of expectations. We need a full accounting of what went wrong at all levels of government so such failures don't happen again.

I support the appointment of a non-partisan, independent commission—modeled after the successful 9/11 Commission—to investigate the response to Hurricane Katrina. An independent commission is the only way to get to the bottom of this. The commission would look into every aspect of the preparation and response to Hurricane Katrina, and let the chips fall where they may. The American people have made it clear this is what they want as well. A new Washington Post/ABC poll found that 76 percent of the public supports the creation of an independent commission. The Leadership of the House badly misreads the public mood when it disregards the clear wishes of the American people for a non-partisan investigation. We need to look at our government's weaknesses and correct them.

I oppose the straightjacket procedure under which the House is considering this legislation. The Majority calls this a ''Select Bipartisan Committee,'' but the legislation was drafted behind closed doors with no input from Democrats. This is bipartisanship? The Leadership of the House will not even allow Democrats the opportunity to offer a substitute and have a straight up-or-down vote on it. Is the Majority's position so weak that it cannot withstand a debate?

I don't think the American people are going to have much patience for partisanship on this issue. They want answers and a measure of public accountability, not a partisan whitewash. There are hard questions to be asked about the slow, disorganized, and woefully inadequate response to a natural disaster that left a major U.S. city uninhabitable.

The proposal before the House calls for a House investigation that would be completely controlled by the Republican party. Republicans would outnumber Democrats on the Committee 11 to 9. There would be no bipartisan subpoena power. With all due respect, this would be an investigation in name only. It would have no credibility with the American people. You can't have a comprehensive and fair investigation when the people controlling that investigation have a vested interest in the outcome.

I urge the House to reject this unfair procedure and reject the very partisan investigation it seeks to establish.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H. Res. 437, which would establish a partisan committee to investigate the Hurricane Katrina preparation and response. I agree with the vast majority of the American people, who favor an independent commission of experts similar to the 9/11 Commission.

Perhaps the American people, like me, are skeptical of the investigative integrity of the Republican Majority. After all, these are the same people who took more than 140 hours of testimony to investigate whether the Clinton White House misused its holiday card database but less than five hours of testimony about prisoner abuse in Iraq. The Downing Street Memo has sent shockwaves through the world and confirmed our worst fears about the Iraq war sham, but mum's the word from Republicans in Congress. You also won't find a single committee hearing about Valerie Plame, no-bid Halliburton contracts, or U.S. citizens being imprisoned without a trial.

However, now they say that we should trust them to do a thorough investigation and not hide any damaging evidence regarding the woefully inadequate response to Katrina. Given their history, I think the American people deserve better than an empty promise. It is an insult to the thousands of dead, the victims of rape at the Convention Center, the people who waited five days for buses that never came and so many others who suffered needlessly, to suggest that one year before an election, this Republican Congress is going to pursue indictments not only of their President, but of themselves.

After all, the senior Members of Congress who would populate this Committee are the same ones who advocated moving FEMA into the Homeland Security Department, zealously pursued the downsizing of disaster prevention and response programs, starved wetlands restoration and Army Corps of Engineers funding, and presided over rising poverty rates that make Americans all the more vulnerable.

These foxes have already systematically dismantled the henhouse, sat idly by while the hens suffered, and now want to appoint a committee of foxes to find out what went wrong. I vote no on this ridiculous proposal.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 439, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) was on his feet.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3649. An act to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

## COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 440 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 889.

□ 1424

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 consideration of the bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

H.R. 889, the Coast Guard and Maritime Transportation Act of 2005, authorizes funding levels for the Coast Guard in fiscal year 2006 and makes several changes to current law related to the Coast Guard and to the maritime transportation system.

This bill is the result of a bipartisan effort; and I greatly appreciate the efforts of the bill's original co-sponsors, the gentleman from New Jersey (Mr. LOBIONDO), the subcommittee chairman; the gentleman from Minnesota (Mr. OBERSTAR), the full committee ranking member; and the gentleman from California (Mr. FILNER), the subcommittee ranking member.

This bill provides the Coast Guard with the necessary resources and authorities to protect the safety and security of lives and property on U.S. waters.

H.R. 889 authorizes a funding level of nearly $8.7 billion for the Coast Guard for fiscal year 2006. This authorization level includes an amount of $1.6 billion to accelerate the delivery of new vessels and aircraft as part of the deepwater program. The Coast Guard's legacy fleet is deteriorating at an unacceptable rate, endangering the safety of the Coast Guardsmen on board and the general public.

We must provide the Coast Guard with these new assets, and I urge my colleagues to support full funding for this program this year and in future years.

As this body's only licensed mariner and the representative of the State that includes more than half of this Nation's coastline, I recognize the importance of making certain that the Coast Guard has the tools necessary to carry out its many and varied missions.

Earlier this year, the Coast Guard responded to a major oil spill in my

State and in the district of subcommittee chairman, the gentleman from New Jersey (Mr. LOBIONDO). While the Coast Guard has recently received a great deal of attention for its important homeland security missions, we must be mindful of the requirements of the Coast Guard's equally important traditional missions.

Mr. Chairman, all of us recognize the exceptional work done by the Coast Guard, often under dangerous conditions in Alaska and all around this Nation.

Mr. Chairman, as I am reminded with the Katrina hurricane, the outstanding agency that worked the best and did their job with honor and dignity was the United States Coast Guard. I am very proud to be affiliated with them, and I urge the strong support of this legislation.

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

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

As the gentleman from Alaska (Mr. YOUNG) indicated, this legislation is in the great spirit of our committee, a bipartisan product. We worked together long and hard to bring to the House a reauthorization of the Coast Guard.

I commend the gentleman from New Jersey (Chairman LOBIONDO), the chairman of the subcommittee, for his dedication, his commitment to the Coast Guard, and for not only legislative reasons but for personal reasons. The gentleman has a long history with the Coast Guard.

I concur with the gentleman from Alaska (Chairman YOUNG). Flashing across television screens, across the country since the onslaught of Hurricane Katrina has been the extraordinary accomplishment of the U.S. Coast Guard in responding to the needs of citizens stranded, devastated by the storm.

Some 32 years ago, I took the opportunity to spend a day with the 8th Coast Guard district commandant and his staff and reviewed the entire range of operations of district 8 in their 26-State area of responsibility, not just New Orleans or the gulf. It is 26 States up to Mississippi, Ohio, Missouri, Illinois, the river system for which that district has jurisdiction.

The men and women of the Coast Guard are extraordinarily dedicated, skilled, professional, committed to their work. I walked through every stage of their preparation for the homeland security responsibilities that the Coast Guard carries out, as well as the aids to navigation, search and rescue, drug interdiction, immigration responsibilities that the 8th Coast Guard district shoulders and carries out so effectively.

On Saturday, August 28, aircraft from air stations in New Orleans, Houston and Mobile flew over the destroyed gulf coast and over New Orleans. They immediately began lifting survivors, transporting them to safety and calling for reinforcements. But as the devastating scope of the disaster became known, every Coast Guard air station around the U.S. began sending aircraft and extra air crews to support the rescue operations.

The Coast Guard had equipment 24 hours a day on scene. Cutters and crews were brought in.

□ 1430

The buoy tenders were necessary. All aids to navigation were just blown to smithereens: either sunk, devastated, smashed, or some of them blown way inland. The Coast Guard had to go back and redeploy all those aids to navigation.

The air station for the Coast Guard in New Orleans was flooded. Its roof, or a great deal of the roof at any rate, was peeled back. The Coast Guard Air Facility Mobile had damage to their roof, lost their operation space, their maintenance space, power, and telephone communications. Station Gulfport of the Coast Guard was destroyed. The Integrated Support Command in New Orleans was flooded and destroyed. Buoys and aids to navigation throughout the region of the gulf just smashed, and pushed way off station in most cases.

The vessel traffic service radar in Burwick Bay was destroyed. The Coast Guard even had to evacuate their eighth district headquarters in New Orleans and move to Saint Louis. Nonetheless, the Coast Guard rescued 6,500 people. 6,500 people. Rescue swimmers, and we saw this on our screens, were dropped from helicopters to collect people from houses, to maneuver around power lines, hack through attic roofs with axes, and endure foul and contaminated water. One helicopter crew saved 150 people in one shift; another 100 people in a single shift.

The Coast Guard saw that the storm was coming. They have prepared for it year after year after year, for this or any kind of storm. Training for the Coast Guard is not just an exercise on paper nor on computers, as I saw as I walked through each of the stations at District 8. It is real life, day to day. And because of that professionalism, the chairman and I both argued on this floor 3 years ago that the Coast Guard should not be put in the Department of Homeland Security. It ought to be kept in its status within the Department of Transportation with a considerable degree of latitude to carry out their responsibilities. Unfortunately, our commonsense counsel was not heeded in the shaping of the Department of Homeland Security.

The Coast Guard, nonetheless, overcame bureaucracy to respond to the needs of people in sharp contrast to the disarray of FEMA, which left Americans startled, stunned, disgusted and, ultimately, the President in a position to recall his director of FEMA and to redirect operations and bring a new leader in. We did not see any of that with the Coast Guard. In fact, the Coast Guard was asked to dispatch an admiral to take over and run the rescue operations in the gulf.

We keep adding responsibilities to the Coast Guard, but we do not provide them with sufficient personnel, equipment, and funding; and that is what this legislation will do. It will authorize $8.7 billion for the upcoming fiscal year for the Coast Guard. Of that amount, $5.6 billion is for operating expenses; $1.9 billion for the acquisition, construction and improvement program, part of which is the Integrated Deepwater System to replace their cutters and their aircraft, to keep older ships and aircraft operating; $24 million for research and development; $35.9 million to remove and alter bridges that are obstructions to safe navigation; and $12 million to clean up environmental and pollution problems at Coast Guard facilities.

When I was elected to Congress and took office in 1975 and served on the Merchant Marine and Fisheries Committee and on the Subcommittee on Coast Guard and Maritime Transportation, along with the gentleman from Alaska (Mr. YOUNG), who preceded me by a term, that is where we developed our friendship and relationship over these many years. There were 35,000 officers and enlisted personnel in the Coast Guard in that year. Today, and in the intervening years, we have added 27 new functions for the Coast Guard, but there are only now 40,000 Coast Guard personnel. They have increased only 5,000 in the last 31 years. Yet we expect the Coast Guard to carry out all these 27 new functions, plus their historic functions, with this rather limited personnel and limited budget.

We make a big step forward today by increasing the funding, providing substantially for the acquisition of equipment that the Coast Guard needs and, hopefully, to support the personnel that they require to carry out their functions.

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

Mr. YOUNG of Alaska. Mr. Chairman, I want to thank the gentleman from Minnesota for his comments.

This budget, although it appears large, is not large enough. The reality is, and I was just sitting here and thinking about it, that the Forest Service budget is $7 billion, and they do not produce anything. They do not save any lives, and they spend $7 billion for what, I do not know. But just to give some comparisons, this really should be more. This is the biggest increase we have ever had, but it should be more for the duties we have given the Coast Guard.

The Coast Guard has 27 new challenges and duties we require of them through this Congress, and only 5,000, I believe, more personnel in the deal; and they have never been funded correctly.

Mr. Chairman, I yield the balance of my debate time to the gentleman from New Jersey (Mr. LOBIONDO), and pending that I ask unanimous consent that

the gentleman be permitted to control this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

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

I want to thank Chairman YOUNG for his attention and leadership on this issue. I want to thank the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from California (Mr. FILNER). I think this is one committee and one area where we are probably a role model for the rest of the Congress to look at in terms of the way we have come together in a bipartisan way to recognize the needs and form a consensus and conclusion.

Chairman YOUNG outlined some of the basics of the bill, the $8.7 billion that we are authorizing. He talked a little bit about Operation Deepwater, and I want to sort of reemphasize a little of that. We are asking for $1.6 billion for the Deepwater System, which will result in the complete recapitalization of the Coast Guard. If there were ever a time and a need for it, it is now.

While we have not talked about homeland security that much in the wake of Katrina, the Coast Guard's primary mission has been that of maritime anti-terrorism and homeland security. They are not able to conduct that mission with assets that are failing on a more regular basis, and every day Coast Guardsmen must deal with the reality and the possibility of asset failures that put the safety of the personnel and the success of their missions in jeopardy.

This is an opportunity for us, in an authorization bill, to clearly state how important we think it is for the Coast Guard to have the right assets to go along with the extraordinary training and dedication they are bringing to the mission. This is a very good step forward, and I would urge all my colleagues to support this legislation.

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

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. FILNER), the ranking member on the Subcommittee on the Coast Guard and Maritime Transportation.

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding me this time and for all his expertise, his help, and his mentoring on these and other transportation issues for so long. I thank the gentleman from New Jersey (Mr. LOBIONDO) for his leadership on the subcommittee, and of course, the chairman, the gentleman from Alaska (Mr. YOUNG), on the full committee.

Mr. Chairman, I agree with the gentleman from New Jersey (Mr. LOBIONDO) when he said this is a committee that is working well together. The collegiality, the input that is provided from our side is greatly appreciated, and the mutual respect is evident. So we thank the Chair of both the subcommittee and the full committee for that.

Mr. Chairman, I have never been more proud of the men and women that serve in the United States Coast Guard than in recent weeks. What we have seen are valiant men and women stepping up to the plate and saving thousands of Americans from the destructive flood waters brought by Hurricane Katrina. The Coast Guard, whose motto is ''Semper Paratus,'' always ready, was prepared and ready to respond to this storm. Before levees ever broke, the Coast Guard was flying additional helicopters and extra air crews to the gulf region. Once the storm hit, their air crews and boat crews were operating 24 hours a day to save their fellow citizens.

The best decision that the President has made in the past 2 weeks was to place Vice Admiral Thad Allen in charge of the emergency response to the Katrina disaster. To the Coast Guard, being prepared to respond to a disaster is not just a paper exercise to sit on a shelf when the big one hits. Being prepared is something they do every day. They develop relationships with State and local government officials. They know who in the private sector can help provide resources quickly to respond, and they make decisions quickly so they can implement an effective response.

What we know to date of Katrina is that the Coast Guard has saved over 12,000 lives with their air resources and over 11,000 lives were saved by boats and other surface resources. They evacuated over 9,000 people to hospitals. When the storm passed, they remained on the scene helping to clean up the mess and protect the environment. In New Orleans, they are coordinating the cleanup of 15 significant oil spills. The Coast Guard is helping to coordinate the removal of sunken ships and barges.

Mr. Chairman, the Coast Guard has responded with all of the resources at their command to this disaster. It is time for the House of Representatives to respond to the Coast Guard by ensuring they have the resources they need to carry out their missions in the coming year and to continue to help American citizens, whether it is a disaster on the scale of Katrina or in a boating accident, to which they respond thousands of times.

H.R. 889 authorizes a total of $8.7 billion for the Coast Guard in the coming fiscal year. It includes $5.6 billion for operating expenses and almost $2 billion for acquisition, construction, and improvement. Funding for the Integrated Deepwater System is increased above the President's request to make sure this vital system stays on schedule.

I want to thank Chairman YOUNG and Subcommittee Chairman LOBIONDO for including my request for $39 million to establish an additional helicopter interdiction tactical squadron, or HITRON, on the west coast. Currently, the Coast Guard operates only one HITRON squadron out of Jacksonville, Florida. We need another on the west coast to protect the eastern Pacific Ocean and interdict vessels attempting to smuggle drugs into the United States. The east coast squadron has interdicted over $6 billion in drugs to date, and I think we can do even more on the west coast.

So I thank the Chair for working on this bill so cooperatively. I thank the Coast Guard for not only responding to Katrina but for the work they do every day in all of our districts, whether it is search and rescue, cleaning up oil spills, interdicting drugs, or enforcing our fishery laws.

Mr. Chairman, I hope every one of my colleagues votes for this bill.

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

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. CARNAHAN).

□ 1445

Mr. CARNAHAN. Mr. Chairman, I want to thank the leaders and Members on both sides of the aisle who have worked together to bring this bill to the floor today.

I rise in support of our Nation's Coast Guard and the heroic men and women who serve our country with distinction.

The Coast Guard and Maritime Transportation Act is an important authorization for our country and for our citizens, as we have seen so vividly in the last few weeks. From protecting our natural resources to providing maritime security and national defense, the Coast Guard's duties are broad in scope, and the performance of those duties has never been more important. The authorizations in this bill for operations, acquisitions, and maintenance of the fleet seek to serve our constituents by allowing the Coast Guard to protect citizens along America's waterways, including the Mississippi River district I represent in Missouri, and especially now in the gulf coast.

I would particularly like to take this moment to thank the Coast Guard unit at the Port of St. Louis and all the units in the Coast Guard District 8, covering 26 States, that were headquartered in New Orleans that have temporarily been moved to St. Louis. In St. Louis, the unit led by Commander Susan Engelbert, Coast Guard personnel, and auxiliary volunteers up and down the Mississippi mobilized with unprecedented speed and purpose to assist those communities devastated by Katrina. These men and women conducted search and rescue missions under extreme and dangerous conditions and often risked their lives, just as they have done in countless hurricanes and floods across our country.

In the gulf, in the last 2 weeks of constant work and sweat, those Guard personnel helped make things safer and more secure. With little sleep or rest, they performed their duties helping their fellow Americans in their time of need. Commander Engelbert said it best when she stated how proud she was of the men and women of the U.S. Coast Guard's Port of St. Louis: They saved lives. They made a difference.

For their dedication and their actions, they deserve our thanks. The U.S. Coast Guard is a shining example of how well a Federal agency can perform with its flexibility, speed, and expertise. I urge my colleagues to support this vital authorization bill.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Chairman, I rise in strong support of the Coast Guard and Maritime Transportation Act of 2005, a bill that will provide the men and women of the Coast Guard with equipment and tools that they need to monitor and protect our coastal waters.

In keeping with our efforts to improve the Federal Government's ability to prevent and respond to potential mass incidents, whether caused by terrorists, an act of nature, or human error, H.R. 889 will maintain the Coast Guard's traditional mission of water safety while also improving its ability to contribute to our Homeland Security. To that end, H.R. 889 includes provisions from the Delaware River Protection Act, a bill Representatives LOBIONDO, CASTLE, ANDREWS, SAXTON, and I co-authored in the aftermath of the November 2004 oil spill in the Port of Philadelphia.

The Athos I oil spill caused an estimated $200 million in damages, injured wildlife, and temporarily impeded trade and traffic. It served as a costly reminder that the Port of Philadelphia contributes significantly to our region's economy and that we cannot afford, for economic and environmental reasons, to put it in harm's way.

Under this legislation, strong but necessary steps will be taken to prevent a similar incident in the future. However, we cannot stop there. We must consider other activities in our ports and waterways that might impact the region. That is why I am grateful to the gentleman from New Jersey (Mr. LOBIONDO) for including at my request a provision requiring the Coast Guard to conduct a vulnerability assessment of a proposal to turn an LNG, liquefied natural gas, peak shaving plant into an LNG import terminal in my district in Port Richmond, Philadelphia.

Since coming to Congress, I have been committed and outspoken about implementing innovative solutions to our Nation's energy needs by promoting more efficient use of traditional sources of energy as well as making substantial new investments in discovering and bringing to market new energy resources. I support improved efficiency standards and enforcement of environmental standards so we can reduce consumption of foreign oil; and I led an effort on this floor to accelerate the research, development, and deployment of new energy technologies. These are critical steps we must take to ensure our Nation's access to the energy that we need to power the 21st century.

There is no doubt that LNG can play a role in efforts to diversify sources of energy and supplement our national gas supply and production. However, due to the inherent volatility of LNG, there is concern that LNG tankers and storage locations will be marked as a potential target by terrorists. Their presence on the Delaware also raises the risk of another major spill occurring in the river. There is no doubt that an incident of an LNG tanker would be devastating to the people of Philadelphia, a city home to 1.2 million people, as well as those living in the surrounding suburbs, and in the States of New Jersey and Delaware. Therefore, we must ensure that LNG tankers and facilities are situated safely and appropriately to protect our citizens from a potential catastrophic event.

In the case of Port Richmond, we must thoroughly examine the economic and safety variables before allowing LNG tankers to travel up the Delaware River, under Benjamin Franklin Bridge, and passing alongside Center City Philadelphia while carrying 200,000 meters of LNG.

A vulnerability assessment will ensure that all elements of the proposal are examined and weighed so we can determine what is best to ensure public safety as well as meet the region's energy demands.

I thank the gentleman from New Jersey (Mr. LOBIONDO) for so willingly working across party lines to do what is best for our region and for his continued leadership on issues concerning the Delaware River. I also thank his staff for working with us throughout the drafting process. I urge a ''yes'' vote on H.R. 889.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. TERRY) assumed the Chair.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

## COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

The Committee resumed its sitting.

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

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK), an admirer of the Coast Guard.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from New Jersey (Mr. LOBIONDO), the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from California (Mr. FILNER), and the gentleman from Michigan (Mr. HOEKSTRA) for their work on this bill. There could not be a more opportune time to bring this important legislation to the House floor than today with the aspects of Hurricane Katrina.

The heroic and steadfast efforts of the Coast Guard in the wake of Katrina, the worst natural disaster this Nation has ever faced, should be commended by all. This recent tragedy demonstrates how important it is to authorize and fund vital programs that are contained in the Coast Guard bill we are discussing today. This bill will help the Coast Guard to continue to effectively carry out their mission.

I represent a district that is almost completely surrounded by water, so I understand the importance of a Coast Guard that has the resources to assist our coastal communities.

There is one provision included in the bill that is particularly important to me and my northern Michigan district. It directs the Commandant of the Coast Guard to convey the Cutter *Mackinaw* to the City and County of Cheboygan, Michigan, for purposes of a museum.

The U.S. Coast Guard Cutter *Mackinaw* is scheduled to be decommissioned in 2006. The Cutter *Mackinaw*, whose home port has been Cheboygan, Michigan, has served the State of Michigan and the entire Great Lakes region for over 60 years.

The conveyance of the Cutter *Mackinaw* to Cheboygan is both a tribute to the ship that protected Michigan's water and shores and cleared the ice paths for the Nation's mariners. This ship will now serve as an educational resource to help people better understand the history of the vessel, the Coast Guard and the maritime history of the Great Lakes. In this role, it is imperative that Michigan keep this historic treasure.

I see no better way to honor the life and name of the cutter than to retire it as a museum to its home port in the Mackinaw Straits area. This Coast Guard treasure will be a valuable cultural and educational benefit for generations to come.

Once again, thanks to the men and women of the United States Coast Guard for their work in saving lives in the aftermath of Hurricane Katrina.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise to engage in a colloquy with the gentleman from New Jersey (Chairman LOBIONDO).

Mr. Chairman, as the gentleman from New Jersey is aware, Congress in 2002

during the last reauthorization of Coast Guard activities enacted into law authorization for the Coast Guard to transfer a parcel of land at Point Pinos, California, to the City of Pacific Grove. Over the last 3 years, the city has worked with the Coast Guard to finalize the arrangements, but the land has yet to be transferred. The delay has frustrated city officials, prevented the reuse of the land, and burdened the Coast Guard with maintenance and security of a facility they no longer need.

Mr. Chairman, I would ask the chairman if he is aware of the problem and whether anything can be done to expedite the closure to this issue and the transfer of the property.

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

Mr. FARR. I yield to the gentleman from New Jersey.

Mr. LoBIONDO. Mr. Chairman, I thank the gentleman for rising on this matter. I am perplexed as to why this transfer has not yet occurred and concerned that it has not yet occurred.

I have been told that the Department of Homeland Security needs to delegate the land transfer authority to the Coast Guard in order to complete and carry out this provision. I will work with the gentleman from California (Mr. FARR) to see that the transfer of this land to the City of Pacific Grove occurs in a timely manner.

Mr. FARR. Mr. Chairman, I appreciate the offer of assistance from the chairman and look forward to working with him to get this done.

Ms. PELOSI. Mr. Chairman, as the House considers the Coast Guard and Maritime Transportation Act, we have the opportunity to commend the men and women of the Coast Guard for their extraordinary achievements in response to Hurricane Katrina.

On Sunday, August 28, as soon as the hurricane passed over the Gulf of Mexico, the Coast Guard launched into action. Battling winds that were still blowing at gale force, Coast Guard aircraft immediately began rescuing desperate survivors clinging to rooftops in flooded Gulf Coast coastal communities.

After the Hurricane hit the Gulf Coast and as the enormity of the disaster became apparent, every Coast Guard air station in the country began sending help—aircraft or crews or both—to the devastated areas to conduct search and rescue missions. The numbers speak for themselves: across the region, the Coast Guard saved or evacuated 33,500 people; one helicopter crew rescued 150 during a single shift on duty; another crew rescued 110.

In New Orleans alone, working day and night for seven days, Coast Guard helicopters saved close to 6,500 lives, 4,700 of them by hoisting people from their perilous perches up into helicopters. Coast Guard crews dodged debris, hacked through roofs and windows, and waded in filthy water to reach survivors.

Although Coast Guard facilities in the disaster area had been damaged by the storm and floods, and many Coast Guard men and women had lost their own homes, they pushed past all obstacles to carry out their mission.

It was not just the members of the air and rescue teams that made this extraordinary effort possible: mechanics worked tirelessly to service aircraft and send them back into the field as quickly as possible. Supply and logistics personnel worked around the clock to restore hurricane-damaged facilities to use. Auxiliary volunteers rallied to the call of duty. As the storm receded, assessments of oil spills and critical infrastructure began.

The Coast Guard's accomplishments shine all the brighter in contrast to FEMA's lethally slow response. There are many good men and women working for FEMA too, but they were hampered by weak, inexperienced, and ineffective leadership, and by the exodus over the past several years of many seasoned disaster relief experts who could no longer tolerate the disintegration of the agency.

With this legislation, we are building upon the strengths and successes of the Coast Guard. Thank you to Vice Admiral Thad W. Allen for taking over relief operations in the disaster area. Thank you to the men and women of the Coast Guard who responded to this disaster from all around the country, from Florida to Seattle, from Boston to my own city of San Francisco. With all our hearts, we thank you.

Mr. WEINER. Mr. Chairman, I rise today to thank the leadership of the Transportation and Infrastructure Committee for their hard work shepherding through the Coast Guard and Maritime Transportation Act of 2005, and to express my strong support of the bill. It authorizes $8.7 billion for the Coast Guard for fiscal 2006, which will be used to perform the essential duties of the U.S. Coast Guard in the areas of homeland security, maritime safety, law enforcement, and environmental protection.

Mr. Chairman, I want to highlight a provision that I offered and was accepted by the Committee that directs the Coast Guard to conduct a study of the pollution in Newtown Creek caused by underground oil spills in Brooklyn, N.Y.

Newtown Creek is a 3.5 mile long waterway that flows from the East River and separates the boroughs of Brooklyn and Queens. The State of New York has ruled that the Creek does not meet water quality standards under the Clean Water Act. It is the single most polluted waterway in New York City, and its banks are home to the largest oil spill in the United States. The spill is 150 percent the size of the *Exxon-Valdez* spill.

In 1978, a Coast Guard patrol detected petroleum on the surface of Newtown Creek and identified a spill that spreads from the banks of the Creek through the Greenpoint neighborhood in Brooklyn. Evaluations at that time identified a spill totaling 17 million gallons attributed to refineries operated along the banks of the Creek by the predecessors to ExxonMobil, BP/Amoco and Chevron-Texaco. To date, 8.7 millions gallons have been cleaned but estimates indicate it will take at least 25 more years to finish the remediation, primarily conducted by ExxonMobil under a 1990 consent agreement with the New York State Department of Environmental Conservation.

Even though it has been over 25 years since the oil spill was detected, the public health and safety risks associated with the oil spill are still unknown.

The legislative intent of the amendment that directs the Coast Guard to study Newtown Creek (Creek) is for the Coast Guard to revisit the findings of its July 1979 report entitled "Investigation of Underground Accumulation of Hydrocarbons along Newtown Creek," and address the following issues:

The actual current size of the Greenpoint Oil Spill (Spill) and the extent to which oil from each refinery site contributes to the Spill.

The extent and severity of surface water pollution and sediment contamination from the Spill, and methods to prevent further seepage into the Creek.

The Spill's impact on existing conditions in the Creek including but not limited to low levels of dissolved oxygen and high levels of bacteria.

The interaction between pollution from the Spill and pollution from other sources in the Creek including but not limited to Combined Sewer Overflow Pipes and the Newtown Creek Sewage Treatment Plant.

The extent to which oil and contaminated sediments in the Creek disperse into New York Harbor.

The extent to which the Spill has affected aquatic species in the Creek and Harbor, and methods to prevent further harm.

The extent to which the Spill has affected groundwater in the surrounding area, and methods to prevent further harm.

The extent and severity of contaminated soil in the area affected by the Spill, and methods to prevent further harm.

Any public health issues raised by the Spill and the current remediation efforts, both independently and in interaction with other pollutants in the Creek.

Any safety issues raised by the Spill and the current remediation efforts, both independently and in interaction with other pollutants in the Creek.

The extent to which the current remediation efforts are sufficient, and any new technologies or approaches that could accelerate product recovery and/or improve the scope of the remediation.

I would like to express my thanks to Chairman YOUNG, Mr. OBERSTAR, Chairman LoBIONDO, and Mr. FILNER for their willingness to work with me on this very important yet often overlooked issue. The country will benefit from renewed Federal attention on this oil spill, the largest in the country.

Additionally, I would like to thank both the Democratic and Republican staff of the Transportation Committee and the Subcommittee on the Coast Guard and Maritime Transportation. In particular, Ward McCarragher and John Cullather of Mr. OBERSTAR's staff and Fraser Verrusio and John Rayfield of Mr. YOUNG's staff were very helpful.

Mr. ENGEL. Mr. Chairman, let me start by stating my sheer admiration for the men and women of the United States Coast Guard. Their performance during and after Katrina was phenomenal and they deserve our gratitude and praise.

I rise to thank the Chairs and Ranking Members of the Transportation Committee and its Coast Guard subcommittee. A year ago, they worked with me to add language to the Coast Guard authorization bill requiring the Coast Guard and Department of Homeland Security to do a security assessment of the Indian Point nuclear power plant. As that bill moved through the process, this study was expanded to all nuclear power plants in the United States. I am pleased to report that DHS plans on releasing this report very soon—perhaps

even this week. While I am well aware that security for nuclear plants is a sensitive matter and fully understand that this might require that parts of this report be classified, it is my hope that the report would contain unclassified sections to permit those around the nuclear plants to gain a better understanding of how our government is protecting them.

We know for a fact that Al Qaeda has the plans of U.S. nuclear power plants. We know that these facilities are a target. We, the Congress and the rest of the federal government, have a responsibility to ensure the safety and security of these plants and our citizens. I am hopeful that the analysis in this report will help us as we make policy decisions about how best to safeguard these facilities.

There is no doubt about the awesome power of nuclear energy. It provides 20 percent of the Nation's electricity. However, if a terrorist group were successful in causing major damage to a plant or its cooling ponds, then the impact would be devastating on a scale we dare not imagine.

We know that on 9/11 one of the planes flew over Indian Point nuclear power plant in New York and that the terrorists had plans nuclear plants in their possession. While I will continue to call for Indian Point to be closed, until that day, I will work to ensure it is as safe and secure as is humanly possible. This report will be an important step toward protecting Indian Point and all nuclear power plants sitting on major waterways.

Again, I thank Chairman YOUNG, Chairman LOBIONDO, Ranking Member OBERSTAR and Ranking Member FILNER for their assistance and support.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to thank Chairmen YOUNG and LOBIONDO and Ranking Members OBERSTAR and FILNER for their hard work in bringing this bill to the floor.

The Coast Guard has been protecting our shores for more than 200 years, and has done an outstanding job. The Coast Guard was the first Agency to react to the terrorist attacks on September 11th, and within minutes was guarding our ports and bridges, and directing maritime traffic out of New York. Right now they're in the Gulf region evacuating victims and cleaning up neighborhoods. And we now have a Coastie heading the recovery effort.

Like many Members, I had major concerns when they moved the Coast Guard into the Department of Homeland Security because I feared that it would prevent them from doing their core missions of Search & Rescue, Drug Interdiction, and Enforcing Maritime and Fisheries Laws. We now know that they can also get caught up in the red tape of the Department of Homeland Security, and we need to keep the Department's feet to the fire, so they don't stand in the way of the Coast Guard's traditional mission.

Fortunately the Transportation Committee realizes how important the Coast Guard is, and we are providing them $861 million more than the Administration. This is just one more example of where the money being sent to Iraq could be used right here by our own Coast Guard.

I encourage my colleagues to support full funding for the Coast Guard. It's simply the right thing to do for America.

Mr. ROTHMAN. Mr. Chairman, I rise in strong support of H.R. 889, the Coast Guard and Maritime Transportation Act of 2005. This legislation could not come up for our consideration at a better time. We have all seen the phenomenal rescues made by the United States Coast Guard during their efforts to save the lives of thousands of victims of Hurricane Katrina. I am sure that the more than 23,000 people who have been rescued by the Coast Guard and all Americans join me in thanking and commending the approximately 3,300 Coast Guard men and women who have been working around the clock to locate, rescue, and assist their victims of this natural disaster.

Over the past few weeks we have seen the Coast Guard at their very best, but the Coast Guard's daily operations should not go unnoticed. We rely on the Coast Guard to patrol and protect our nation's waters everyday. They help to secure our nation's ports, harbors, and seaways and ensure the safety of our waterways. The Coast Guard, however, does not just have a domestic role. Many members of the Coast Guard have been deployed overseas to fight in the War in Iraq.

From the Jersey Shore, to the waters in Alaska, to the Gulf Coast, to Iraq, the men and women of the Coast Guard serve our nation with bravery and honor. We must provide them with the resources they need to ensure that they can continue their multifaceted mission. I once again thank every member of the Coast Guard for their service and sacrifice for our nation. I urge all of my colleagues to vote in favor of H.R. 889.

Mr. GENE GREEN of Texas. Mr. Chairman, I want to offer my strong support today for H.R. 889, the Coast Guard and Maritime Transportation Act of 2005.

Over the last several weeks the Coast Guard has been in the national spotlight for the outstanding work it has done to aid in the recovery and relief efforts for Hurricane Katrina victims along the Gulf coast.

While the response of many agencies has been scrutinized, the Coast Guard has not been one of them.

The Coast Guard has been responsible for saving 33,000 lives—six times the number of lives the Coast Guard saved in 2004—since Katrina hit, coordinating pollution response with the Environmental Protection Agency, the state of Louisiana and local industries, and managing the megashelters in my hometown of Houston, Texas, where tens of thousands of the evacuees found relief following the storm.

Coast Guard Lieutenant Joe Leonard and the units in Houston have done an incredible job in managing these shelters that received thousands of people a day in the days following Katrina.

But relief efforts are just a part of what the Coast Guard does.

The Coast Guard, which is a part of the Department of Homeland Security, is the lead federal agency for maritime homeland security.

The Homeland Security Act of 2002 specifies five homeland security missions for the Coast Guard: ports, waterways, and coastal security; drug interdiction; migrant interdiction; defense readiness; and other law enforcement duties.

With regard to port security, the Coast Guard is responsible for evaluating, boarding, and inspecting commercial ships approaching U.S. waters, countering terrorist threats in U.S. ports, and helping protect U.S. Navy ships in U.S. ports.

The Port of Houston, which handles more foreign tonnage than any other port in the United States, is in the district I represent, and the Coast Guard provides the security necessary to protect the Port, as well as the people of Houston.

Mr. Chairman, I would again like to thank the Coast Guard for its excellent work in the Katrina relief efforts, and urge my colleagues to support this bill.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 889

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

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Coast Guard and Maritime Transportation Act of 2005''.*

The CHAIRMAN. Are there amendments to section 1?

AMENDMENT NO. 11 OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Mr. Chairman, as the designee of the gentleman from Alaska (Mr. YOUNG), I offer amendment No. 11, and I ask unanimous consent that I be permitted to offer the amendment at this point in the reading.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. LOBIONDO:

At the end of title I add the following:

**SEC. 103. AUTHORIZATION OF FUNDING RELATED TO HURRICANE KATRINA.**

There is authorized to be appropriated for fiscal year 2005 for the operation and maintenance of the Coast Guard, in addition to the amounts authorized for that fiscal year by section 101(1) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1030), $60,000,000 for emergency hurricane expenses, emergency repairs, and deployment of personnel, to support costs of evacuation, and for other costs resulting from immediate relief efforts related to Hurricane Katrina.

At the end of title II add the following:

**SEC. 210. ICEBREAKER OPERATION AND MAINTENANCE PLAN.**

The Secretary of the department in which the Coast Guard is operating shall—

(1) by not later than 90 days after the date of the enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science,

and Transportation of the Senate a plan for operation and maintenance of Coast Guard icebreakers in the waters of Antarctica after fiscal year 2006 that does not rely on the transfer of funds to the Coast Guard by any other Federal agency; and

(2) subject to the availability of appropriations, implement the plan in fiscal years after fiscal year 2006.

**SEC. 211. OPERATION AS A SERVICE IN THE NAVY.**

Section 3 of title 14, United States Code, is amended by striking ''Upon the declaration of war or when'' and inserting ''When''.

**SEC. 212. COMMENDATION, RECOGNITION, AND THANKS FOR COAST GUARD PERSONNEL.**

(a) FINDINGS.—The Congress finds the following:

(1) On August 29, 2005, Hurricane Katrina struck the the Gulf of Mexico coastal region of Louisiana, Mississippi, and Alabama, causing the worst natural disaster in United States history.

(2) The response to such hurricane by members and employees of the Coast Guard has been immediate, invaluable, and courageous.

(3) Members and employees of the Coast Guard—

(A) have shown great leadership in helping to coordinate relief efforts with respect to Hurricane Katrina;

(B) have used their expertise and specialized skills to provide immediate assistance to victims and survivors of the hurricane; and

(C) have set up remote assistance operations in the affected areas in order to best provide service to Gulf of Mexico coastal region.

(4) Members of the Coast Guard have volunteered their unique resources to assess the situation and deliver aid when and where other relief efforts could not.

(5) Members of the Coast Guard have demonstrated their resolve and character by providing aid to Hurricane Katrina victims and survivors.

(6) Members and employees of the Coast Guard have worked together to bring clean water, food, and resources to victims and survivors in need.

(b) COMMENDATION, RECOGNITION, AND THANKS.—The Congress—

(1) commends the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard;

(2) recognizes that the actions of these individuals went above and beyond the call of duty; and

(3) thanks them for their continued dedication and service.

**SEC. 213. HOMEOWNERS ASSISTANCE FOR COAST GUARD PERSONNEL AFFECTED BY HURRICANE KATRINA.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may reimburse a person who is eligible under subsection (b) for reimbursement under this section, for losses of qualified property owned by such person that result from damage caused by Hurricane Katrina.

(b) ELIGIBLE PERSONS.—A person is eligible for reimbursement under this section if the person is a civilian employee of the Federal Government or member of the uniformed services who—

(1) was assigned to, or employed at or in connection with, a Coast Guard facility located in the State of Louisiana, Mississippi, or Alabama on or before August 28, 2005;

(2) incident to such assignment or employment, owned and occupied property that is qualified property under subsection (e); and

(3) as a result of the effects of Hurricane Katrina, incurred damage to such qualified property such that—

(A) the qualified property is unsalable (as determined by the Secretary); and

(B) the proceeds, if any, of insurance for such damage are less than an amount equal to the greater of—

(i) the fair market value of the qualified property on August 28, 2005 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the qualified property on that date.

(c) REIMBURSEMENT AMOUNT.—The amount of the reimbursement that an eligible person may be paid under this section with respect to a qualified property shall be determined as follows:

(1) In the case of qualified property that is a dwelling or condominium unit, the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling or condominium unit on August 28, 2005 (as determined by the Secretary), or

(ii) the outstanding mortgage, if any, on the dwelling or condominium unit on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of qualified property that is a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 28, 2005, and ending on the date of the reimbursement under this section.

(d) TRANSFER AND DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—An owner receiving reimbursement under this section shall transfer to the Secretary all right, title, and interest of the owner in the qualified property for which the owner receives such reimbursement. The Secretary shall hold, manage, and dispose of such qualified property in the same manner that the Secretary of Defense holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

(2) TREATMENT OF PROCEEDS.—Any amounts received by the United States as proceeds of management or disposal of property by the Secretary under this subsection shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities.

(e) QUALIFIED PROPERTY.—Property is qualified property for the purposes of this section if as of August 28, 2005, the property was a one- or two-family dwelling, manufactured home, or condominium unit in the State of Louisiana, Mississippi, or Alabama that is owned and occupied, as a principal residence, by a person who is eligible under subsection (b).

(f) SUBJECT TO APPROPRIATIONS.—The authority to pay reimbursement under this section is subject to the availability of appropriations.

**SEC. 214. REPORT ON PERSONNEL, ASSETS, AND EXPENSES.**

Not later than September 15, 2005, and at least once every month thereafter through January 2006, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the personnel and assets deployed to assist in the response to Hurricane Katrina and the costs incurred as a result of such response that are in addition to funds already appropriated for the Coast Guard for fiscal year 2005.

**SEC. 215. LIMITATION ON MOVING ASSETS TO ST. ELIZABETHS HOSPITAL.**

The Commandant of the Coast Guard may not move any Coast Guard personnel, property, or other assets to the West Campus of St. Elizabeths Hospital until the Administrator of General Services submits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate plans—

(1) to provide road access to the site from Interstate Route 295; and

(2) for the design of facilities for at least one Federal agency other than the Coast Guard that would house no less than 2,000 employees at such location.

Amend section 405 to read as follows:

**SEC. 405. REPORT.**

(a) IN GENERAL.—The Commandant of the Coast Guard shall review the adequacy of assets and facilities described in subsection (b) to carry out the Coast Guard's missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities in those areas.

(b) AREAS OF REVIEW.—The report under subsection (a) shall provide information and recommendations on the following assets:

(1) Coast Guard aircraft, including helicopters, stationed at Air Station Detroit in the State of Michigan.

(2) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.

(3) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.

(4) Coast Guard vessels and aircraft stationed in Coast Guard Sector Delaware Bay.

(5) Physical infrastructure at Boat Station Cape May in the State of New Jersey.

In section 412 insert ''of 1990'' after ''Oil Pollution Act''.

At the end of title IV add the following:

**SEC. 413. DETERMINATION OF THE SECRETARY.**

Section 70105(c) of title 46, United States Code, is amended—

(1) in paragraph (3) by inserting before the period ''before an administrative law judge''; and

(2) by adding at the end the following:

''(5) In making a determination under paragraph (1)(D), the Secretary shall not consider a felony conviction that occurred more than 7 years prior to the date of the Secretary's determination.''.

**SEC. 414. REPORT ON TECHNOLOGIES.**

Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes an assessment of—

(1) the availability and effectiveness of technologies that evaluate and identify inbound vessels and their cargo for potential threats before they reach United States ports, including technologies already tested or in testing at joint operating centers; and

(2) the costs associated with implementing such technology at all United States ports.

**SEC. 415. MOVEMENT OF ANCHORS.**

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

''(c) Only a vessel for which a certificate of documentation with a registry endorsement is issued may be employed in the setting or moving of the anchors or other mooring equipment of a mobile offshore drilling unit that is located above or on the outer Continental Shelf of the United States (as that term is defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).''.

**SEC. 416. INTERNATIONAL TONNAGE MEASUREMENT OF VESSELS ENGAGED IN THE ALEUTIAN TRADE.**

(a) GENERAL INSPECTION EXEMPTION.—Section 3302(c)(2) of title 46, United States Code, is amended to read as follows:

''(2) Except as provided in paragraphs (3) and (4) of this subsection, the following fish tender vessels are exempt from section 3301(1), (6), (7), (11), and (12) of this title:

''(A) A vessel of not more than 500 gross tons as measured under section 14502 of this title or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.

''(B) A vessel engaged in the Aleutian trade that is not more than 2,500 gross tons as measured under section 14302 of this title.''.

(b) OTHER INSPECTION EXEMPTION AND WATCH REQUIREMENT.—Paragraphs (3)(B) and (4) of section 3302(c) of that title and section 8104 (o) of that title are each amended by striking ''or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'' and inserting ''or less than 500 gross tons as measured under section 14502 of this title, or is less than 2,500 gross tons as measured under section 14302 of this title''.

**SEC. 417. ASSESSMENT AND PLANNING.**

There is authorized to be appropriated to the Coast Guard $400,000 to carry out an assessment of and planning for the impact of an Arctic Sea Route on the indigenous people of Alaska.

**SEC. 418. HOMEPORT.**

Subject to the availability of appropriations, the Commandant of the Coast Guard shall homeport the Coast Guard cutter HEALY in Anchorage, Alaska.

**SEC. 419. OPINIONS REGARDING WHETHER CERTAIN FACILITIES CREATE OBSTRUCTIONS TO NAVIGATION.**

In any case in which a person requests the Secretary of the Army to take action to permit a wind energy facility under the authority of section 10 of the Act of March 3, 1899 (33 U.S.C. 403), the Commandant of the Coast Guard shall provide an opinion in writing that states whether the proposed facility would create an obstruction to navigation.

**SEC. 420. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.**

(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a license or certificate of registry issued for an individual under chapter 71 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(b) MERCHANT MARINERS' DOCUMENTS.—Notwithstanding section 7302(g) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration of a merchant mariners' document issued for an individual under chapter 73 of that title for up to one year, if—

(1) the records of the individual are located at the Coast Guard facility in New Orleans that was damaged by Hurricane Katrina; or

(2) the individual is a resident of Alabama, Mississippi, or Louisiana.

(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

(d) EXPIRATION OF AUTHORITY.—The authorities provided under this section expire on December 31, 2006.

**SEC. 421. TEMPORARY AUTHORIZATION TO EXTEND THE DURATION OF VESSEL CERTIFICATES OF INSPECTION.**

(a) AUTHORITY TO EXTEND.—Notwithstanding section 3307 and 3711(b) of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may temporarily extend the duration or the validity of a certificate of inspection or a certificate of compliance issued under chapter 33 or 37, respectively, of title 46, United States Code, for up to 6 months for a vessel inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

(b) EXPIRATION OF AUTHORITY.—The authority provided under this section expires on December 31, 2006.

**SEC. 422. TEMPORARY CENTER FOR PROCESSING OF FOR LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.**

(a) IN GENERAL.—Not later than October 15, 2005, the Commandant of the Coast Guard shall establish a temporary facility in Baton Rouge, Louisiana, that is sufficient to process applications for new licenses, certificate of registries, and merchant mariners' documents under chapters 71 or 73 of title 46, United States Code. This requirement expires on December 31, 2006.

(b) TERMINATION OF REQUIREMENT.—The Commandant is not required to maintain such facility after December 31, 2006.

**SEC. 423. DETERMINATION OF NAVIGATIONAL IMPACT.**

In any case in which a person requests the Secretary of the Army to take action under the authority of section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), the Commandant of the Coast Guard shall provide to the Secretary an opinion in writing that states whether the proposed structure or activity would create an obstruction to navigation.

**SEC. 424. PORT RICHMOND.**

The Secretary of the department in which the Coast Guard is operating acting through the Commandant of the Coast Guard may not approve the security plan under section 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

At the end of the bill add the following:

## TITLE V—LIGHTHOUSES

**SEC. 501. TRANSFER.**

(a) JURISDICTIONAL TRANSFERS.—Administrative jurisdiction over the following National Forest System lands in the State of Alaska upon which are located any of the Coast Guard facilities described in subsection (b), and over improvements situated on such lands, is hereby transferred, without requirement for consideration, from the Secretary of Agriculture to the Secretary of the department in which the Coast Guard is operating.

(b) FACILITIES DESCRIBED.—The facilities described in subsection (a) are the following:

(1) GUARD ISLAND LIGHT STATION.—That area described in the Guard Island Lighthouse reserve dated January 4, 1901, comprising approximately 8.0 acres of National Forest uplands.

(2) ELDRED ROCK LIGHT STATION.—That area described in the December 30, 1975, listing on the National Register of Historic Places, comprising approximately 2.4 acres.

(3) MARY ISLAND LIGHT STATION.—That area described as the remaining National Forest System uplands within the Mary Island Lighthouse Reserve dated January 4, 1901, as amended by Public Land Order 6964, dated April 5, 1993, comprising approximately 1.07 acres.

(4) CAPE HINCHINBROOK LIGHT STATION.—That area described in the November 1, 1957, survey prepared for the Coast Guard, comprising approximately 57.4 acres.

(c) MAPS.—

(1) REQUIREMENT TO PREPARE.—The Commandant of the Coast Guard, in consultation with the Secretary of Agriculture, shall prepare and maintain maps of the lands transferred by subsection (a), and such maps shall be on file and available for public inspection in the Coast Guard District 17 office in Juneau, Alaska.

(2) CORRECTIONS AND MODIFICATIONS.—In preparing such maps, the Commandant of the Coast Guard, with the approval of the Secretary of Agriculture, may make corrections and minor modifications to the lands described or depicted to facilitate Federal land management. Such maps, as so corrected or modified, shall have the same effect as if enacted in this section.

(d) EFFECT OF TRANSFER.—The lands transferred to the Secretary of the department in which the Coast Guard is operating under subsection (a)—

(1) shall be administered by the Commandant of the Coast Guard;

(2) shall be deemed transferred from and no longer part of the National Forest System; and

(3) shall be considered not suitable for return to the public domain for disposition under the general public land laws.

(e) TRANSFER OF LAND.—

(1) REQUIREMENT.—Subject to paragraph (2), the Administrator of General Services, upon request by the Secretary of Agriculture, shall transfer to the Secretary of Agriculture, without consideration, any land identified in subsection (b), together with the improvements thereon, for administration under the laws pertaining to the National Forest System, if—

(A) the Secretary of the Interior cannot identify and select an eligible entity in accordance with section 308(b)(2) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)(2)) within 3 years after the date the Secretary of the department in which the Coast Guard is operating determines that the land is excess property, as that term is defined in section 102(3) of title 40, United States Code; or

(B) the land reverts to the United States pursuant to section 308(c)(3) of the National Historic Preservation Act (16 U.S.C. 470w–7(c)(3)).

(2) RESERVATIONS FOR AIDS TO NAVIGATION.—Any action taken under this subsection by the Administrator of General Services shall be subject to any rights that may be reserved by the Commandant of the Coast Guard for the operation and maintenance of Federal aids to navigation.

(f) NOTIFICATION; DISPOSAL OF LANDS BY THE ADMINISTRATOR.—The Administrator of General Services shall promptly notify the

Secretary of Agriculture upon the occurrence of any of the events described in subparagraphs (A) and (B) of subsection (e)(1). If the Secretary of Agriculture does not request a transfer as provided for in subsection (e) within 90 days after receiving such notification from the Administrator, the Administrator may dispose of the property in accordance with section 309 of the National Historic Preservation Act (16 U.S.C. 470w–8) or other applicable surplus real property disposal authority.

(g) PRIORITY.—In selecting an eligible entity to which to convey, under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)), land referred to in subsection (b), the Secretary of the Interior shall give priority to any eligible entity, as defined in section 308(e) of that Act (16 U.S.C. 470w–7(e)) that is the local government of the community in which the land is located.

**SEC. 502. MISTY FIORDS NATIONAL MONUMENT AND WILDERNESS.**

(a) REQUIREMENT TO TRANSFER.—Notwithstanding section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)), if the Secretary of the department in which the Coast Guard is operating determines that the Tree Point Light Station is no longer needed for the purposes of the Coast Guard, the Secretary shall transfer to the Secretary of Agriculture all administrative jurisdiction over the Tree Point Light Station, without consideration.

(b) EFFECTUATION OF TRANSFER.—A transfer under this subsection shall be effectuated by a letter from the Secretary of the department in which the Coast Guard is operating to the Secretary of Agriculture and, except as provided in subsection (g), without any further requirements for administrative or environmental analyses or examination. Such transfer shall not be considered a conveyance to an eligible entity pursuant to section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)).

(c) RESERVATION FOR AIDS TO NAVIGATION.—As part of any transfer pursuant to this subsection, the Commandant of the Coast Guard may reserve rights to operate and maintain Federal aids to navigation at the site.

(d) EASEMENTS AND SPECIAL USE AUTHORIZATIONS.—Notwithstanding any other provision of law, including the Wilderness Act (16 U.S.C. 1131), and section 703 of the Alaska National Interests Lands Conservation Act (94 Stat. 2418; 16 U.S.C. 1132 note), with respect to the property transferred under this subsection, the Secretary of Agriculture—

(1) may identify an eligible entity to be granted an easement or other special use authorization and, in doing so, the Secretary of Agriculture may consult with the Secretary of the Interior concerning the application of policies for eligible entities developed pursuant to subsection 308(b)(1) of the National Historic Preservation Act (16 U.S.C. 470w–7(b)(1)); and

(2) may grant an easement or other special use authorization to an eligible entity, for no consideration, to approximately 31 acres as described in the map entitled ''Tree Point Light Station,'' dated September 24, 2004, on terms and conditions that provide for—

(A) maintenance and preservation of the structures and improvements;

(B) the protection of wilderness and National Monument resources;

(C) public safety; and

(D) such other terms and conditions deemed appropriate by the Secretary of Agriculture.

(e) ACTIONS FOLLOWING TERMINATION OR REVOCATION.—In the event that no eligible entity is identified within 3 years after administrative jurisdiction is transferred to the Secretary of Agriculture pursuant to this subsection, or the easement or other special use authorization granted pursuant to subsection (d) is terminated or revoked, the Secretary of Agriculture may take such actions as are authorized by subsection 110(b) of the National Historic Preservation Act (16 U.S.C. 470h–2(b)).

(f) REVOCATION OF WITHDRAWALS AND RESERVATIONS.—Effective on the date of transfer of lands as provided in this subsection, the following public land withdrawals or reservations for light station and lighthouse purposes on lands in Alaska are revoked as to the lands transferred:

(1) The unnumbered Executive order dated January 4, 1901, as it affects the Tree Point Light Station site only.

(2) Executive Order 4410 dated April 1, 1926, as it affects the Tree Point Light Station site only.

(g) REMEDIATION RESPONSIBILITIES NOT AFFECTED.—Nothing in this section shall affect any responsibilities of the Commandant of the Coast Guard for the remediation of hazardous substances and petroleum contamination at the Tree Point Light Station consistent with existing law and regulations. The Commandant and the Secretary shall execute an agreement to provide for the remediation of the land and structures at the Tree Point Light Station.

**SEC. 503. CAPE ST. ELIAS LIGHT STATION.**

For purposes of section 416(a)(2) of Public Law 105–383, the Cape St. Elias Light Station shall comprise approximately 10 acres in fee, along with additional access easements issued without consideration by the Secretary of Agriculture, as generally described in the map entitled ''Cape St. Elias Light Station,'' dated September 14, 2004. The Secretary of the department in which the Coast Guard is operating shall keep such map on file and available for public inspection.

**SEC. 504. INCLUSION OF LIGHTHOUSE IN ST. MARKS NATIONAL WILDLIFE REFUGE, FLORIDA.**

(a) REVOCATION OF EXECUTIVE ORDER DATED NOVEMBER 12, 1838.—Any reservation of public land described in subsection (b) for lighthouse purposes by the Executive Order dated November 12, 1838, as amended by Public Land Order 5655, dated January 9, 1979, is revoked.

(b) DESCRIPTION OF LAND.—The public land referred to in subsection (a) consists of approximately 8.0 acres within the external boundaries of St. Marks National Wildlife Refuge in Wakulla County, Florida, that is east of the Tallahassee Meridian, Florida, in Township 5 South, Range 1 East, Section 1 (fractional) and containing all that remaining portion of the unsurveyed fractional section, more particularly described as follows: A parcel of land, including submerged areas, beginning at a point which marks the center of the light structure, thence due North (magnetic) a distance of 350 feet to the point of beginning a strip of land 500 feet in width, the axial centerline of which runs from the point of beginning due South (magnetic) a distance of 700 feet, more or less, to the shoreline of Apalachee Bay, comprising 8.0 acres, more or less, as shown on plat dated January 2, 1902, by Office of L. H. Engineers, 7th and 8th District, Mobile, Alabama.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Subject to subsection (f), administrative jurisdiction over the public land described in subsection (b), and over all improvements, structures, and fixtures located thereon, is transferred from the department in which the Coast Guard is operating to the Secretary of the Interior, without reimbursement.

(d) RESPONSIBILITY FOR ENVIRONMENTAL RESPONSE ACTIONS.—The Coast Guard shall have sole responsibility in the Federal Government to fund and conduct any response action required under any applicable Federal or State law or implementing regulation to address—

(1) a release or threatened release on public land referred to in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative that is located on such land on the date of the enactment of this Act; or

(2) any other release or threatened release on public land referred to in subsection (b) of any hazardous substance, pollutant, contaminant, petroleum, or petroleum product or derivative, that results from any Coast Guard activity occurring after the date of the enactment of this Act.

(e) INCLUSION IN REFUGE.—

(1) INCLUSION.—The public land described in subsection (b) shall be part of St. Marks National Wildlife Refuge.

(2) ADMINISTRATION.—Subject to this subsection, the Secretary of the Interior shall administer the public land described in subsection (b)—

(A) through the Director of the United States Fish and Wildlife Service; and

(B) in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and such other laws as apply to Federal real property under the sole jurisdiction of the United States Fish and Wildlife Service.

(f) MAINTENANCE OF NAVIGATION FUNCTIONS.—The transfer under subsection (c), and the administration of the public land described in subsection (b), shall be subject to such conditions and restrictions as the Secretary of the department in which the Coast Guard is operating considers necessary to ensure that—

(1) the Federal aids to navigation located at St. Marks National Wildlife Refuge continue to be operated and maintained by the Coast Guard for as long as they are needed for navigational purposes;

(2) the Coast Guard may remove, replace, or install any Federal aid to navigation at the St. Marks National Wildlife Refuge as may be necessary for navigational purposes;

(3) the United States Fish and Wildlife Service will not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without express written approval by the Secretary of the department in which the Coast Guard is operating; and

(4) the Coast Guard may, at any time, enter the St. Marks National Wildlife Refuge, without notice, for purposes of operating, maintaining, and inspecting any Federal aid to navigation and ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

## TITLE VI—RESPONSE

**SEC. 601. SHORT TITLE.**

This title may be cited as the ''Delaware River Protection Act of 2005''.

**SEC. 602. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.**

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

**''SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.**

''(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as

the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

''(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) shall not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.''.

**SEC. 603. LIMITS ON LIABILITY.**

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(1) TANK VESSELS.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking subparagraph (A) and inserting the following:

''(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only—

''(i) $1,550 per gross ton for an incident that occurs in 2005;

''(ii) $1,900 per gross ton for an incident that occurs in 2006; or

''(iii) $2,250 per gross ton for an incident that occurs in 2007 or in any year thereafter; or

''(B) with respect to a double-hull vessel (other than any vessel referred to in subparagraph (A))—

''(i) $1,350 per gross ton for an incident that occurs in 2005;

''(ii) $1,500 per gross ton for an incident that occurs in 2006; and

''(iii) $1,700 per gross ton for any incident that occurs in 2007 or in any year thereafter; or''; and

(C) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (i) by striking ''$10,000,000'' and inserting ''$14,000,000''; and

(ii) in clause (ii) by striking ''$2,000,000'' and inserting ''$2,500,000''.

(2) LIMITATION ON APPLICATION.—In the case of an incident occurring before the date of the enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

''(4) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—The President shall, by regulations issued no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005 and no less than every 3 years thereafter, adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.''.

**SEC. 604. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.**

The Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12 months after the date of the enactment of this Act and not less than annually thereafter, review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.

**SEC. 605. SUBMERGED OIL REMOVAL.**

(a) AMENDMENTS.—Title VII of the Oil Pollution Act of 1990 is amended—

(1) in section 7001(c)(4)(B) (33 U.S.C. 2761(c)(4)(B)) by striking ''RIVERA,'' and inserting ''RIVERA and the T/V ATHOS I;''; and

(2) by adding at the end the following:

**''SEC. 7002. SUBMERGED OIL PROGRAM.**

''(a) PROGRAM.—

''(1) ESTABLISHMENT.—The Undersecretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil. Such program shall include the following elements:

''(A) The development of methods to remove, disperse or otherwise diminish the persistence of submerged oil.

''(B) The development of improved models and capacities for predicting the environmental fate, transport, and effects of submerged oil.

''(C) The development of techniques to detect and monitor submerged oil.

''(2) REPORT.—The Secretary of Commerce shall, no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.

''(3) FUNDING.—There is authorized to be appropriated to the Secretary of Commerce $1,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

''(b) DEMONSTRATION PROJECT.—

''(1) REMOVAL OF SUBMERGED OIL.—The Commandant of the Coast Guard, in conjunction with the Undersecretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.

''(2) FUNDING.—There is authorized to be appropriated to the Commandant of the Coast Guard $2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 7001 the following:

''Sec. 7002. Submerged oil program.''.

**SEC. 606. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.**

(a) ESTABLISHMENT.—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the ''Committee'').

(b) FUNCTIONS.—

(1) IN GENERAL.—The Committee shall, by not later than 1 year after the date the Commandant of the Coast Guard (in this section referred to as the ''Commandant'') completes appointment of the members of the Committee, make recommendations to the Commandant, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on methods to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay.

(2) MEETINGS.—The Committee—

(A) shall hold its first meeting not later than 60 days after the completion of the appointment of the members of the Committee; and

(B) shall meet thereafter at the call of the Chairman.

(c) MEMBERSHIP.—The Committee shall consist of 15 members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

(1) Three members who are employed by port authorities that oversee operations on the Delaware River or have been selected to represent these entities, of whom—

(A) one member must be an employee or representative of the Port of Wilmington;

(B) one member must be an employee or representative of the South Jersey Port Corporation; and

(C) one member must be an employee or representative of the Philadelphia Regional Port Authority.

(2) Two members who represent organizations that operate tugs or barges that utilize the port facilities on the Delaware River and Delaware Bay.

(3) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay.

(4) Two members who represent operators of oil refineries on the Delaware River and Delaware Bay.

(5) Two members who represent environmental and conservation interests.

(6) Two members who represent State-licensed pilots who work on the Delaware River and Delaware Bay.

(7) One member who represents labor organizations that load and unload cargo at ports on the Delaware River and Delaware Bay.

(8) One member who represents the general public.

(d) APPOINTMENT OF MEMBERS.—The Commandant shall appoint the members of the Committee, after soliciting nominations by notice published in the Federal Register.

(e) CHAIRMAN AND VICE CHAIRMAN.—The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence of or incapacity of the Chairman, or in the event of vacancy in the Office of the Chairman.

(f) PAY AND EXPENSES.—

(1) PROHIBITION ON PAY.—Members of the Committee who are not officers or employees of the United States shall serve without pay. Members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee.

(2) EXPENSES.—While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(g) TERMINATION.—The Committee shall terminate one year after the completion of the appointment of the members of the Committee.

**SEC. 607. MARITIME FIRE AND SAFETY ACTIVITIES.**

The Maritime Transportation Security Act of 2002 (Public Law 107–295) is amended—

(1) in section 407—

(A) in the heading by striking ''**LOWER COLUMBIA RIVER**''; and

(B) by striking ''$987,400'' and inserting ''$1,500,000''; and

(2) in the table of contents in section 1(b) by striking the item relating to section 407 and inserting the following:

''Sec. 407. Maritime fire and safety activities.''.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of this amendment and on behalf of the ranking members, the gentleman from Minnesota (Mr.

OBERSTAR) and the gentleman from California (Mr. FILNER), and thank them for working so closely with us on this amendment.

One of the key provisions of this amendment is it authorizes an additional $60 million for the Coast Guard's fiscal year 2005 for funds spent on responding to Hurricane Katrina which are not being reimbursed. Failure to reimburse the Service for the work it has done in New Orleans means that other Coast Guard missions will suffer.

The amendment also temporarily extends existing mariner documents and vessel certificates for mariners and vessels whose paperwork was held in New Orleans and establishes a temporary center for the processing of new mariner documents. Because of the effects of the hurricane on the Coast Guard facilities and the need for new mariners to aid in reconstruction efforts, these temporary actions are necessary to ensure the smoothest possible return to normal operations of the important maritime industry in the Mississippi River and the Gulf of Mexico.

Another important provision in this amendment is the Delaware River Protection Act, legislation that I introduced with a number of my colleagues to guard against another oil spill like the one that we suffered last November in the Delaware River. The bill unanimously passed the House in June, but, unfortunately, the other body has yet to act.

The Delaware River Protection Act would require persons to notify the Coast Guard in the event that an object is released into U.S. waters that could cause an obstruction to navigation. The Coast Guard and the Army Corps of Engineers have found three very large objects in the area of the Delaware where the Athos I ran aground last November. Had the notification requirement been in place at the time any of these objects had been released into the water, the Coast Guard could have marked the location of these objects and had them removed.

This provision will improve maritime safety and will protect the environment and the economies of our local communities by preventing similar collisions in the future.

The Delaware River Protection Act also directs the President to adjust liability limits for vessel owners to reflect changes in the Consumer Price Index since 1990 and establishes a research program to develop and test technologies to detect and remove submerged oil from U.S. waterways. This amendment will enhance the Federal Government's oil spill prevention and response capabilities.

I would like to thank in particular the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Delaware (Mr. CASTLE), the gentlewoman from Pennsylvania (Ms. SCHWARTZ), and a host of others, along with our chairman and the ranking member for working to include this. I urge everyone to support this amendment.

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AMENDMENT OFFERED BY MR. OBERSTAR TO AMENDMENT NO. 11 OFFERED BY MR. LOBIONDO

Mr. OBERSTAR. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR to amendment No. 11 offered by Mr. LOBIONDO:

In the proposed section 413—

(1) strike ''is amended'' and all that follows through ''paragraph (3)'' and insert ''is amended in paragraph (3)''; and

(2) strike ''; and'' and all that follows through the end of the section and insert a period.

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, the purpose of my amendment is to square what we are doing in the Coast Guard reauthorization for background checks with what we have already done in the Transportation Security Administration with respect to felony convictions of personnel to be hired by the agency in the TSA legislation concerning governing aviation.

There is no limitation on the authority of the Secretary of Homeland Security to go back beyond 7 years into the job applicant's background for convictions relating to espionage, sedition, treason, murder, conspiracy to attempt crimes; and we ought to have the same provisions in the Coast Guard security responsibilities and not prohibit the Secretary to go back beyond 7 years to look for violations that relate to espionage, sedition, treason, and crimes listed in our Homeland Security Act that relate to terrorism or State laws that are comparable.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding to me.

My concern is, very frankly, this has been in the manager's amendment for 3 months, and it is not new, but my big concern, and I understand he is trying to make it uniform with, I believe, the airline industry; is that correct?

Mr. OBERSTAR. The airline provisions, yes; and the HAZMAT section as well.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will continue to yield, the other concern I have is the Homeland Security Act itself that we passed out of our committee had this provision in it, 7 years; and what I do not want is to preclude someone from being employed in a port, that, if there has been a felony created that is not terrorist related, sabotage related, or secession related, he be precluded from being able to be hired.

Some people say if he is a felon, he should not be hired. I can tell the Members that the business I am in, a lot of people in their earlier years probably got into some sort of trouble sometime, but they are not terrorists. These people are trying to make a good living, trying to provide for society and trying to be helpful to this Nation and are not a threat. I do not want someone unable to obtain employment because of beyond 7 years, 15 years, 20 years, and have that person not be eligible to be employed.

The gentleman has heard this argument before. I believe he was on the Committee on Homeland Security meeting when I presented that, and it was adopted, and it passed on this floor. In fact, it is in the bill. It has not become law because, as the gentleman knows, we have not gone to conference with the Senate.

So I understand what the gentleman is trying to do, but I ask two things from him: if he would consider not offering the amendment, withdrawing it, or not asking for a vote on it, and we will not have a vote on it, or we will, in turn, take care of this in conference, because he and I are going to be on the conference. I know what he is trying to do, but I do not want someone to be punished because they are really good citizens today.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I agree with the chairman about not reaching back. We confronted this issue in aviation in the legislation implementing the recommendations of the Pan Am 103 Commission requiring 10-year criminal background checks but not going further than that and having consideration of amnesty for those who paid their dues to society. We faced that.

But what we are dealing with here, as we did in the Maritime Security Act, the Port Security Grants Act, as we know it, is to allow the Secretary to go back for espionage, for sedition, for treason, for items that are related to security matters. The law applies to felonies in which the Secretary decides the individual is a terrorism security risk.

If the chairman is saying withhold on the amendment this time and we will work to include this language with these limitations in the conference, I will take the chairman at his word.

Mr. YOUNG of Alaska. Mr. Chairman, that is what I expect to do. And, again, I think we can work this out. I am just so concerned that, yes, those that have or did have a potential to sabotage and sedition, et cetera, they should not be employed.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 2 additional minutes.)

Mr. YOUNG of Alaska. Mr. Chairman, other than that, I do not want to have the inability to have someone hired, because they can do the job. So we can work it out.

Mr. OBERSTAR. Mr. Chairman, reclaiming my time, I concur in that concern, but I do want to have uniformity of application of law in the security arena, and I think the chairman agrees with that.

I further do not believe, Mr. Chairman, that we would have intervention by the Homeland Security if we struck this language from the manager's amendment because then it would not be subject to their jurisdiction. However, the chairman is an honorable man. He and I have had many agreements on a handshake, and we have worked things out.

Mr. YOUNG of Alaska. The gentleman has my word on it, Mr. Chairman.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDREWS. Mr. Chairman, I rise in support of the manager's amendment to the Coast Guard and Maritime Transportation Act of 2005. The amendment includes some very important provision that were previously passed by this chamber in a bill called the Delaware River Protection Act. The Delaware River Protection Act was primarily authored and introduced earlier in the year by my esteemed colleague, Congressman FRANK LOBIONDO. I was pleased to be a cosponsor of that legislation and I am greatly pleased that the language is included in the manager's amendment. The language is part of a bipartisan effort to protect the ecologically and economically significant Delaware River waterway. In November 2004, the hull of the oil tanker, *Athos*, was torn open by a submerged object and spilled an estimated 265,000 gallons of oil into our river. The cleanup efforts have cost at least $167 million thus far and the impact to the wetlands will be felt for years to come. We must prevent such tragedies from occurring in the future, as it is an economic as well as an environmental imperative; the Delaware River must remain open to commercial traffic. The language in the Delaware River Protection Act, which will now be part of the Coast Guard and Maritime Transportation Act, is a strong step to secure this precious resource.

This language increases the liability limits on single-hull tankers under the Oil Pollution Act, thereby encouraging the adoption of more robust double-hull tankers. In addition, it requires mandatory reporting of objects that are lost overboard to the Coast Guard. There are also provisions to prepare for the contingency of another spill by updating the current response plan, establishing a committee to report to Congress on ways to improve oil spill response and prevention, and establishing a pilot project on the Delaware to test techniques to recover submerged oil. I commend Congressman LOBIONDO for his diligent work on this important effort. I also thank my colleagues, Representatives ALLYSON SCHWARTZ, JIM SAXTON, and MIKE CASTLE for their input and support.

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

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

***SEC. 2. TABLE OF CONTENTS.***

*The table of contents for this Act is as follows:*

*Sec. 1. Short title.*
*Sec. 2. Table of contents.*

*TITLE I—AUTHORIZATION*

*Sec. 101. Authorization of appropriations.*
*Sec. 102. Authorized levels of military strength and training.*

*TITLE II—COAST GUARD*

*Sec. 201. Extension of Coast Guard vessel anchorage and movement authority.*
*Sec. 202. International training and technical assistance.*
*Sec. 203. Officer promotion.*
*Sec. 204. Coast Guard band director.*
*Sec. 205. Authority for one-step turnkey design-build contracting.*
*Sec. 206. Reserve recall authority.*
*Sec. 207. Reserve officer distribution.*
*Sec. 208. Expansion of use of auxiliary equipment to support coast guard missions.*
*Sec. 209. Coast Guard history fellowships.*

*TITLE III—SHIPPING AND NAVIGATION*

*Sec. 301. Treatment of ferries as passenger vessels.*
*Sec. 302. Great Lakes pilotage annual rate-making.*
*Sec. 303. Certification of vessel nationality in drug smuggling cases.*
*Sec. 304. LNG Tankers.*

*TITLE IV—MISCELLANEOUS*

*Sec. 401. Technical corrections.*
*Sec. 402. Authorization of junior reserve officers training program pilot program.*
*Sec. 403. Transfer.*
*Sec. 404. Long-range vessel tracking system.*
*Sec. 405. Report.*
*Sec. 406. Training of cadets at United States Merchant Marine Academy.*
*Sec. 407. Marine casualty investigations study.*
*Sec. 408. Conveyance of decommissioned Coast Guard Cutter MACKINAW.*
*Sec. 409. Deepwater implementation report.*
*Sec. 410. Helicopters.*
*Sec. 411. Reports from mortgagees of vessels.*
*Sec. 412. Newtown Creek, New York City, New York.*

The CHAIRMAN. Are there amendments to section 2?

The Clerk will designate title I.

The text of title I is as follows:

***TITLE I—AUTHORIZATION***

***SEC. 101. AUTHORIZATION OF APPROPRIATIONS.***

*Funds are authorized to be appropriated for fiscal year 2006 for necessary expenses of the Coast Guard as follows:*

*(1) For the operation and maintenance of the Coast Guard, $5,586,400,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.*

*(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,903,821,000, of which—*

*(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990), to remain available until expended;*

*(B) $1,316,300,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems; and*

*(C) $284,369,000 is authorized for sustainment of legacy vessels and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.*

*(3) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $24,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.*

*(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000, to remain available until expended.*

*(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $35,900,000.*

*(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), $12,000,000, to remain available until expended.*

*(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, $119,000,000.*

***SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.***

*(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 45,500 for the years ending on September 30, 2005, and September 30, 2006.*

*(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads as follows:*

*(1) For recruit and special training for fiscal year 2006, 2,500 student years.*

*(2) For flight training for fiscal year 2006, 125 student years.*

*(3) For professional training in military and civilian institutions for fiscal year 2006, 350 student years.*

*(4) For officer acquisition for fiscal year 2006, 1,200 student years.*

The CHAIRMAN. Are there amendments to title I?

The Clerk will designate title II.

The text of title II is as follows:

***TITLE II—COAST GUARD***

***SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.***

*Section 91 of title 14, United States Code, is amended by adding at the end the following new subsection:*

*''(d) As used in this section 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.''.*

***SEC. 202. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.***

*(a) IN GENERAL.—Section 149 of title 14, United States Code, is amended—*

*(1) by amending the section heading to read as follows:*

***''§ 149. Assistance to foreign governments and maritime authorities''***;

*(2) by inserting before the existing undesignated text the following new subsection designation and heading: ''(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—''; and*

*(3) by adding at the end the following new subsection:*

''(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may, in conjunction with regular Coast Guard operations, provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.''.

(b) CLERICAL AMENDMENT.—The item related to such section in the analysis at the beginning of chapter 7 of title 14, United States Code, is amended to read as follows:

''149. Assistance to foreign governments and maritime authorities.''.

**SEC. 203. OFFICER PROMOTION.**

Section 257 of title 14, United States Code, is amended by adding at the end the following new subsection:

''(f) The Secretary may waive subsection (a) of this section to the extent necessary to allow officers described therein to have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.''.

**SEC. 204. COAST GUARD BAND DIRECTOR.**

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—Section 336 of title 14, United States Code, is amended—

(1) in subsection (b)—

(A) by amending the first sentence to read as follows: ''The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.''; and

(B) in the second sentence, by striking ''a member so designated'' and inserting ''an individual so designated'';

(2) in subsection (c)—

(A) by striking ''of a member'' and inserting ''of an individual''; and

(B) by striking ''of lieutenant (junior grade) or lieutenant'' and inserting ''determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual'';

(3) in subsection (d), by striking ''A member'' and inserting ''An individual''; and

(4) in subsection (e)—

(A) by striking ''When a member's designation is revoked,'' and inserting ''When an individual's designation is revoked,''; and

(B) by striking ''option:'' and inserting ''option—''.

(b) CURRENT DIRECTOR.—The individual serving as Coast Guard band director on the date of the enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary to be most appropriate to the qualifications and experience of that individual.

**SEC. 205. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-BUILD CONTRACTING.**

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following new section:

**''§ 677. Turnkey selection procedures**

''(a) AUTHORITY TO USE.—The Secretary may use one-step turnkey selection procedures for the purpose of entering into contracts for construction projects.

''(b) DEFINITIONS.—In this section:

''(1) The term 'one-step turn-key selection procedures' means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

''(2) The term 'construction' includes the construction, procurement, development, conversion, or extension, of any facility.

''(3) The term 'facility' means a building, structure, or other improvement to real property.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by inserting after the item relating to section 676 the following:

''677. Turnkey selection procedures.''.

**SEC. 206. RESERVE RECALL AUTHORITY.**

Section 712(a) of title 14, United States Code, is amended—

(1) by inserting '', or to aid in prevention of an imminent,'' after ''during'';

(2) by striking ''or'' before ''catastrophe'';

(3) by inserting '', act of terrorism as defined in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15)), or transportation security incident as defined in section 70101 of title 46'' after ''catastrophe'';

(4) by striking ''thirty days in any four-month period'' and inserting ''60 days in any 4-month period''; and

(5) by striking ''sixty days in any two-year period'' and inserting ''120 days in any 2-year period''.

**SEC. 207. RESERVE OFFICER DISTRIBUTION.**

Section 724 of title 14, United States Code, is amended—

(1) in subsection (a), by inserting after the first sentence the following: ''Reserve officers on an active-duty list shall not be counted as part of the authorized number of officers in the Reserve.''; and

(2) in subsection (b), by striking so much as precedes paragraph (2) and inserting the following:

''(b)(1) The Secretary shall, at least once each year, make a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 42(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for in this subsection, or because an excess results directly from the operation of law.''.

**SEC. 208. EXPANSION OF USE OF AUXILIARY EQUIPMENT TO SUPPORT COAST GUARD MISSIONS.**

(a) USE OF MOTORIZED VEHICLES.—Section 826 of title 14, United States Code, is amended—

(1) by designating the existing undesignated text as subsection (a); and

(2) by adding at the end the following new subsection:

''(b) The Coast Guard may utilize to carry out its functions and duties as authorized by the Secretary any motorized vehicle placed at its disposition by any member of the Auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof, to tow Federal Government property.''.

(b) APPROPRIATIONS FOR FACILITIES.—Section 830(a) of title 14, United States Code, is amended by striking ''or radio station'' and inserting ''radio station, or motorized vehicle'' each place it appears.

**SEC. 209. COAST GUARD HISTORY FELLOWSHIPS.**

(a) FELLOWSHIPS AUTHORIZED.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

**''§ 197. Coast Guard history fellowships**

''(a) FELLOWSHIPS.—The Commandant of the Coast Guard shall prescribe regulations under which the Commandant may award fellowships in Coast Guard history to individuals who are eligible under subsection (b).

''(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible under this subsection if the individual is a citizen or national of the United States and—

''(1) is a graduate student in United States history;

''(2) has completed all requirements for a doctoral degree other than preparation of a dissertation; and

''(3) agrees to prepare a dissertation in a subject area of Coast Guard history determined by the Commandant.

''(c) REGULATIONS.—The regulations prescribed under this section shall include—

''(1) the criteria for award of fellowships;

''(2) the procedures for selecting recipients of fellowships;

''(3) the basis for determining the amount of a fellowship; and

''(4) subject to the availability of appropriations, the total amount that may be awarded as fellowships during an academic year.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following:

''197. Coast Guard history fellowships.''.

The CHAIRMAN. Are there amendments to title II?

The Clerk will designate title III.

The text of title III is as follows:

**TITLE III—SHIPPING AND NAVIGATION**

**SEC. 301. TREATMENT OF FERRIES AS PASSENGER VESSELS.**

(a) FERRY DEFINED.—Section 2101 of title 46, United States Code, is amended by inserting after paragraph (10a) the following:

''(10b) 'ferry' means a vessel that is used on a regular schedule—

''(A) to provide transportation only between places that are not more than 300 miles apart, and

''(B) to transport only—

''(i) passengers, or

''(ii) vehicles, or railroad cars, that are being used, or have been used, in transporting passengers or goods.''.

(b) PASSENGER VESSELS THAT ARE FERRIES.—Section 2101(22) of title 46, United States Code, is amended—

(1) by striking ''or'' after the semicolon at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

(3) by adding at the end the following:

''(D) that is a ferry carrying a passenger.''.

(c) SMALL PASSENGER VESSELS THAT ARE FERRIES.—Section 2101(35) of title 46, United States Code, is amended—

(1) by striking ''or'' after the semicolon at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting ''; or''; and

(3) by adding at the end the following:

''(E) that is a ferry carrying more than 6 passengers.''.

**SEC. 302. GREAT LAKES PILOTAGE ANNUAL RATEMAKING.**

Section 9303 of title 46, United States Code, is amended—

(1) in subsection (f) by striking ''The'' and inserting ''Before March 1 of each year, the''; and

(2) by adding at the end the following:

''(g) The Secretary shall ensure that the number of full-time equivalent employees assigned to carry out this section is not less than 4.''.

**SEC. 303. CERTIFICATION OF VESSEL NATIONALITY IN DRUG SMUGGLING CASES.**

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended in the matter following subparagraph (C) by striking ''denial of such claim of registry'' and inserting ''response''.

**SEC. 304. LNG TANKERS.**

(a) PROGRAM.—The Secretary of Transportation shall develop and implement a program to promote the transportation of liquefied natural gas to the United States on United States-flag vessels.

*(b) AMENDMENT TO DEEPWATER PORT ACT.—Section 4 of the Deepwater Port Act of 1974 (33 U.S.C. 1503) is amended by adding at the end the following:*

*''(i) To promote the security of the United States, the Secretary shall give top priority to the processing of a license under this Act for liquefied natural gas facilities that will be supplied with liquefied natural gas by United States flag-vessels.''.*

*(c) REPORT.—Within 6 months after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation of this section.*

The CHAIRMAN. Are there amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

***TITLE IV—MISCELLANEOUS***

***SEC. 401. TECHNICAL CORRECTIONS.***

*(a) REQUIREMENTS FOR COOPERATIVE AGREEMENTS FOR VOLUNTARY SERVICES.—Section 93(a)(19) of title 14, United States Code, as amended by section 201 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1031), is amended by redesignating subparagraphs (1) and (2) in order as subparagraphs (A) and (B).*

*(b) CORRECTION OF AMENDMENT TO CHAPTER ANALYSIS.—Section 212(b) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1037) is amended by inserting ''of title 14'' after ''chapter 17''.*

*(c) RECOMMENDATIONS TO CONGRESS BY COMMANDANT OF THE COAST GUARD.—Section 93(a) of title 14, United States Code, as amended by sections 201 and 217 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1031, 1038), is amended by redesignating paragraph (y) as paragraph (24).*

*(d) CORRECTION OF REFERENCE TO PORTS AND WATERWAYS SAFETY ACT.—Section 302 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1041) is amended by striking ''of 1972''.*

*(e) TECHNICAL CORRECTION OF PENALTY.—Section 4311(b) of title 46, United States Code, as amended by section 406 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1043), is amended by striking ''4307(a)of'' and inserting ''4307(a) of''.*

*(f) DETERMINING ADEQUACY OF POTABLE WATER.—Section 3305(a) of title 46, United States Code, as amended by section 416(b)(3) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1047), is amended by moving paragraph (2) two ems to the left, so that the material preceding subparagraph (A) of such paragraph aligns with the left-hand margin of paragraph (1) of such section.*

*(g) RENEWAL OF ADVISORY GROUP.—Section 418(a) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1049) is amended by striking ''of September 30, 2005'' and inserting ''on September 30, 2005''.*

*(h) TECHNICAL CORRECTIONS RELATING TO REFERENCES TO NATIONAL DRIVER REGISTER.—*

*(1) AMENDMENT INSTRUCTION.—Section 609(1) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1058) is amended in the matter preceding subparagraph (A) by striking ''7302'' and inserting ''7302(c)''.*

*(2) OMITTED WORD.—Section 7302(c) of title 46, United States Code, as amended by section 609(1) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1058), is amended—*

*(A) by inserting ''section'' before ''30305(b)(5)''; and*

*(B) by inserting ''section'' before ''30304(a)(3)(A)''.*

*(3) EXTRANEOUS U.S.C. REFERENCE.—Section 7703(3) of title 46, United States Code, as amended by section 609(3) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1058), is amended by striking ''(23 U.S.C. 401 note)''.*

*(i) VESSEL RESPONSE PLANS FOR NONTANK VESSELS.—*

*(1) CORRECTION OF VESSEL REFERENCES.—Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), as amended by section 701 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1067), is amended by striking ''non-tank'' each place it appears and inserting ''nontank''.*

*(2) PUNCTUATION ERROR.—Section 701(b)(9) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1068) is amended by inserting close quotation marks after ''each tank vessel''.*

*(j) PUNCTUATION ERROR.—Section 5006(c) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(c)), as amended by section 704(1) of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1075), is amended by inserting a comma after ''October 1, 2012''.*

*(k) CORRECTION TO SUBTITLE DESIGNATION.—*

*(1) REDESIGNATION.—Title 46, United States Code, is amended by redesignating subtitle VI as subtitle VII.*

*(2) CLERICAL AMENDMENT.—The table of subtitles at the beginning of title 46, United States Code, is amended by striking the item relating to subtitle VI and inserting the following:*

*''VII. MISCELLANEOUS ..... 70101''.*

*(l) CORRECTIONS TO CHAPTER 701 OF TITLE 46, UNITED STATES CODE.—Chapter 701 of title 46, United States Code, is amended as follows:*

*(1) Sections 70118 and 70119, as added by section 801 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1078), are redesignated as sections 70117 and 70118, respectively, and moved to appear immediately after section 70116 of title 46, United States Code.*

*(2) Sections 70117 and 70118, as added by section 802 of such Act (Public Law 108–293; 118 Stat. 1078), are redesignated as sections 70120 and 70121, respectively, and moved to appear immediately after section 70119 of title 46, United States Code.*

*(3) In section 70120(a), as redesignated by paragraph (2) of this section, by striking ''section 70120'' and inserting ''section 70119''.*

*(4) In section 70121(a), as redesignated by paragraph (2) of this section, by striking ''section 70120'' and inserting ''section 70119''.*

*(5) In the analysis at the beginning of the chapter, by striking the items relating to sections 70117 through the second 70119 and inserting the following:*

*''70117. Firearms, arrests, and seizure of property.*

*''70118. Enforcement by State and local officers.*

*''70119. Civil penalty.*

*''70120. In rem liability for civil penalties and certain costs.*

*''70121. Withholding of clearance.''.*

*(m) AREA MARITIME SECURITY ADVISORY COMMITTEES; MARGIN ALIGNMENT.—Section 70112(b) of title 46, United States Code, as amended by section 806 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1082), is amended by moving paragraph (5) two ems to the left, so that the left-hand margin of paragraph (5) aligns with the left-hand margin of paragraph (4) of such section.*

*(n) TECHNICAL CORRECTION REGARDING TANK VESSEL ENVIRONMENTAL EQUIVALENCY EVALUATION INDEX.—Section 4115(e)(3) of the Oil Pollution Act of 1990 (46 U.S.C. 3703a note) is amended by striking ''hull'' the second place it appears.*

*(o) EFFECTIVE DATE.—This section shall take effect August 9, 2004.*

***SEC. 402. AUTHORIZATION OF JUNIOR RESERVE OFFICERS TRAINING PROGRAM PILOT PROGRAM.***

*(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating (in this section referred to as the ''Secretary'') may carry out a pilot program to establish and maintain a junior reserve officers training program in cooperation with the Camden County High School in Camden County, North Carolina.*

*(b) PROGRAM REQUIREMENTS.—A pilot program carried out by the Secretary under this section shall provide to students at Camden County High School—*

*(1) instruction in subject areas relating to operations of the Coast Guard; and*

*(2) training in skills which are useful and appropriate for a career in the Coast Guard.*

*(c) PROVISION OF ADDITIONAL SUPPORT.—To carry out a pilot program under this section, the Secretary may provide to Camden County High School—*

*(1) assistance in course development, instruction, and other support activities;*

*(2) commissioned, warrant, and petty officers of the Coast Guard to serve as administrators and instructors; and*

*(3) necessary and appropriate course materials, equipment, and uniforms.*

*(d) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—*

*(1) IN GENERAL.—Subject to paragraph (2) of this subsection, the Secretary may authorize the Camden County High School to employ as administrators and instructors for the pilot program retired Coast Guard and Coast Guard Reserve commissioned, warrant, and petty officers who request that employment and who are approved by the Secretary and Camden County High School.*

*(2) AUTHORIZED PAY.—*

*(A) IN GENERAL.—Retired members employed under paragraph (1) of this subsection are entitled to receive their retired or retainer pay and an additional amount of not more than the difference between—*

*(i) the amount the individual would be paid as pay and allowance if they were considered to have been ordered to active duty during that period of employment; and*

*(ii) the amount of retired pay the individual is entitled to receive during that period.*

*(B) PAYMENT TO SCHOOL.—The Secretary shall pay to Camden County High School an amount equal to one half of the amount described in subparagraph (A) of this paragraph, from funds appropriated for that purpose.*

*(C) NOT DUTY OR DUTY TRAINING.—Notwithstanding any other law, while employed under this subsection, an individual is not considered to be on active duty or inactive duty training.*

***SEC. 403. TRANSFER.***

*Section 602(b)(2) of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1051) is amended by striking ''to be conveyed'' and all that follows through the period and inserting ''to be conveyed to CAS Foundation, Inc. (a nonprofit corporation under the laws of the State of Indiana.''.*

***SEC. 404. LONG-RANGE VESSEL TRACKING SYSTEM.***

*(a) PILOT PROJECT.—Subject to the availability of appropriations, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a pilot program for long range tracking of up to 2,000 vessels using satellite systems pursuant to section 70115 of title 46, United States Code.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating $4,000,000 for fiscal year 2006 to carry out the pilot program authorized under subsection (a).*

***SEC. 405. REPORT.***

*(a) IN GENERAL.—The Commandant of the Coast Guard shall review the adequacy of assets*

*described in subsection (b) to carry out the Coast Guard's missions including search and rescue, illegal drug and migrant interdiction, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities in those areas.*

*(b) AREAS OF REVIEW.—The report under subsection (a) shall provide information and recommendations on the following assets:*

*(1) Coast Guard aircraft, including helicopters, stationed at Air Station Detroit in the State of Michigan.*

*(2) Coast Guard vessels and aircraft stationed in the Commonwealth of Puerto Rico.*

*(3) Coast Guard vessels and aircraft stationed in the State of Louisiana along the Lower Mississippi River between the Port of New Orleans and the Red River.*

***SEC. 406. TRAINING OF CADETS AT UNITED STATES MERCHANT MARINE ACADEMY.***

*Section 1303(f) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295b(f)) is amended—*

*(1) in paragraph (2) by striking ''and'' after the semicolon at the end;*

*(2) in paragraph (3) by striking the period at the end and inserting ''; and''; and*

*(3) by adding at the end the following:*

*''(4) on any other vessel considered necessary or appropriate or in the national interest.''.*

***SEC. 407. MARINE CASUALTY INVESTIGATIONS STUDY.***

*(a) STUDY.—Within 3 months after the date of enactment of this Act, the Commandant of the Coast Guard shall enter into an agreement with National Institute for Occupational Safety and Health for a study of the Coast Guard marine casualty investigation program to examine the extent to which marine casualty investigations and reports—*

*(1) result in information and recommendations that prevent similar casualties;*

*(2) minimize the effect of similar casualties, given that it has occurred; and*

*(3) maximize lives saved in similar casualties, given that the vessel has become uninhabitable.*

*(b) INCLUDED ELEMENTS.—To promote the safety of all those who work on or travel by water and to protect the marine environment, the study shall include consideration of—*

*(1) the adequacy of resources devoted to marine casualty investigations considering caseload, training and experience of marine casualty investigators, and duty assignment practices;*

*(2) investigation standards and methods, including a comparison of the formal and informal investigation processes;*

*(3) use of best investigation practices considering transportation investigation practices used by other Federal agencies and foreign governments, including the British MAIB program;*

*(4) marine casualty data base management and use of casualty data and information as an input to marine casualty prevention programs;*

*(5) the extent to which marine casualty data and information have been used to improve the survivability and habitability of vessels involved in marine casualties; and*

*(6) any changes to current statutes that would clarify Coast Guard responsibilities for marine casualty investigations and report.*

*(c) REPORT TO CONGRESS.—The study, along with its findings and recommendations, shall be provided to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 18 months after entering into a contract with the Institute.*

*(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $625,000 to carry out the study required by this section.*

***SEC. 408. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.***

*(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the City and County of Cheboygan, Michigan, without consideration, if—*

*(1) the recipient agrees—*

*(A) to use the vessel for purposes of a museum;*

*(B) not to use the vessel for commercial transportation purposes;*

*(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and*

*(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);*

*(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least $700,000; and*

*(3) the recipient agrees to any other conditions the Commandant considers appropriate.*

*(b) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel at the place where the vessel is located, in its present condition, and without cost to the Government. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).*

*(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a museum.*

***SEC. 409. DEEPWATER IMPLEMENTATION REPORT.***

*Within 30 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of the Integrated Deepwater Program that includes—*

*(1) a complete timeline for the acquisition of each new Deepwater asset and the phase-out of legacy assets for the life of such program;*

*(2) a projection of the remaining operational lifespan of each legacy asset;*

*(3) a detailed justification for each modification in each Integrated Deepwater Program asset that fulfills the revised mission needs statement for the program; and*

*(4) a total cost of the program that aligns with the revised mission needs statement for the program.*

***SEC. 410. HELICOPTERS.***

*(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating may in accordance with this section acquire or lease up to four previously used HH–65 helicopters or airframes (or any combination thereof) that were not under the administrative control of the Coast Guard on January 1, 2005.*

*(b) DETERMINATION AND CERTIFICATION.—The Secretary shall not acquire or lease any previously used HH–65 helicopters or airframes under subsection (a), until the end of the 90-day period beginning on the date the Secretary notifies the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the Secretary has—*

*(1) determined that acquiring or leasing such previously used helicopters or airframes, and making any modifications to such helicopters or airframes that are needed to ensure those helicopters and airframes meet the design, construction, and equipment standards that apply to H–65 helicopters under the administrative control of the Coast Guard on May 18, 2005, is more cost-effective than acquiring or leasing an equal number of MH–68 helicopters; and*

*(2) certified that the helicopters and airframes will meet all applicable Coast Guard safety requirements.*

***SEC. 411. REPORTS FROM MORTGAGEES OF VESSELS.***

*Section 12120 of title 46, United States Code, is amended by striking ''owners, masters, and charterers'' and inserting ''owners, masters, charterers, and mortgagees''.*

***SEC. 412. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.***

*(a) STUDY.—Of the amounts provided under section 1012 of the Oil Pollution Act, the Coast Guard shall conduct a study of public health and safety concerns related to the pollution of Newtown Creek, New York City, New York, caused by seepage of oil into Newtown Creek from 17,000,000 gallons of underground oil spills in Greenpoint, Brooklyn, New York.*

*(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Coast Guard shall transmit to Congress a report containing the results of the study.*

AMENDMENT NO. 13 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. YOUNG of Alaska:

At the end of Title IV add the following:

SEC. . Section 8103(b) of title 46, United States Code, is amended by adding the following paragraph at the end of that subsection:

''(4) Paragraph (1) of this subsection and Section 8701 of this title do not apply to individuals transported on international voyages who are not part of the crew complement required under Section 8101 or a member of the Stewards department, and do not perform watchstanding functions. However, such individuals must possess a transportation security card issued under Section 70105 of this title, when required.''

Mr. YOUNG of Alaska. Mr. Chairman, it is well established under current law that foreign workers may work on U.S. flag vessels on international voyages to conduct various non-watchstanding functions. These personnel are not considered seamen. This amendment will confirm the legality of this practice.

Also, the amendment clarifies that personnel must possess a transportation security card, when required under the Maritime Transportation Security Act, and I urge Members to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. YOUNG of Alaska:

Add at the end of title IV the following:

**SEC. . ELIGIBILITY TO PARTICIPATE IN WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.**

(a) TREATMENT OF SECRETARY APPROVAL.—

(1) IN GENERAL.—Approval by the Secretary of Commerce of a community development plan, or an amendment thereof, shall not be considered a major Federal action for purposes of section 102(2) of the Public Law 91–190 (42 U.S.C. 4332(2)).

(2) DEFINITION.—(A) In this subsection, the term ''community development plan'' means a plan, prepared by a community development quota group for the western Alaska community development quota program under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)), that describes how the group intends to—

(i) harvest its share of fishery resources allocated to the program; and

(ii) use the harvest opportunity, and any revenue derived from such use, to assist communities that are members of the group with projects to advance economic development.

(B) In this subsection, no plan that allocates fishery resources to the western Alaska community development quota program under section 305(i) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(i)) is a ''community development plan''.

Mr. YOUNG of Alaska. Mr. Chairman, this amendment approves established National Marine Fisheries Service policy regarding the process for approving community development plans in small Alaska communities. The amendment does not in any way change the manner in which these fishery resources are distributed to, or the total amount of fish allocated to, eligible communities. This is a good amendment. It is asked for and the agency itself suggested that we do offer it, and I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. YOUNG of Alaska:

Add at the end of title IV the following:

**SEC. . QUOTA SHARE ALLOCATION.**

(a) IN GENERAL.—The Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands implemented under section 801 of title VIII of division B of Public Law 108–199 is amended to require that—

(1) Blue Dutch, LLC, shall receive crab processing quota shares equal to 1.5 percent of the total allowable catch for each of the following fisheries: the Bristol Bay red king crab fishery and the Bering Sea C. opilio crab fishery; and

(2) the Program implementing regulations shall be adjusted so that the total of all crab processing quota shares for each fishery referred to in paragraph (1), including the amount specified in paragraph (1), equals 90 percent of the total allowable catch.

(b) APPLICABILITY.—Subsection (a) shall apply, with respect to each fishery referred to in subsection (a)(1), whenever the total allowable catch for that fishery is more than 2 percent higher than the total allowable catch for that fishery during calendar year 2005.

Mr. YOUNG of Alaska. Mr. Chairman, this amendment assures that if a new quota becomes available in certain Alaska fisheries, a portion of it will be distributed to a vessel which currently has no qualifying catch history. This amendment corrects an inequity without taking quota from existing vessels. If no new quota is made available through the normal management process, then the additional vessel does not receive any quota.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

Mr. BOYD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to take a moment to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, and their staffs for working with me to include as part of the manager's amendment the text of the substance of House Resolution 372 which will transfer ownership of St. Marks Lighthouse from the Coast Guard to the U.S. Fish and Wildlife Service.

This lighthouse, Mr. Chairman, was built in the 1820s and today still serves as an acting navigational aid for vessels on the Apalachee Bay. This old lighthouse has survived, Mr. Chairman, many wars and many storms, and we were going to lose the building itself if this transfer was not made.

I want to thank again the gentleman from Alaska (Chairman YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, for their help in accomplishing this.

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

Mr. BOYD. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, for myself, and I know I speak for the gentleman from Alaska (Chairman YOUNG), we are happy to accommodate the gentleman's concern.

I am particularly an aficionado of lighthouses. I think they have played an extraordinary role in the navigation maritime history of America, but lighthouses also played an extraordinary and important role in the development of commercial navigation, air navigation in the United States.

In the early days of aviation, the lighthouse service set up lighthouses on land with million-candle-powered lights with an arrow pointing to the next lighthouse where the nighttime flyer could chart his course and fly safely to a destination. Lighthouses really made maritime navigation safe, but they made aviation navigation safe as well. So preserving such a piece of history is really important, and I am really glad the gentleman has brought it to the attention of the committee.

Mr. BOYD. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments. We are always blessed to have the benefit of someone who has as much knowledge as the gentleman from Minnesota (Mr. OBERSTAR) does.

□ 1515

This lighthouse that has been addressed in this manager's amendment is still serving as a navigational aid to air transportation and also to maritime navigation.

AMENDMENT NO. 10 OFFERED BY MR. SOUDER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SOUDER:

At the end of title IV add the following new section:

**SEC. ___. ACQUISITION OF MARITIME REFUELING SUPPORT VESSEL FOR UNITED STATES DRUG INTERDICTION EFFORTS IN THE EASTERN PACIFIC MARITIME TRANSIT ZONE.**

There are authorized to be appropriated $25,000,000 for fiscal year 2006 and $25,000,000 for fiscal year 2007 for the Bureau for International Narcotics and Law Enforcement Affairs (INL) of the Department of State to purchase or lease a maritime refueling support vessel that is capable of refueling public vessels (as that term is defined in section 30101(3) of title 46, United States Code), and allied warships and vessels employed in support of United States drug interdiction duties in the Eastern Pacific maritime transit zone.

Mr. SOUDER. Mr. Chairman, I rise to ask my colleagues' support for this amendment which would authorize critical resources for our drug interdiction efforts which directly impact the U.S. Coast Guard.

I first want to commend the gentleman from New Jersey (Chairman LOBIONDO) for his leadership and efforts in providing much-needed support to the Coast Guard.

Recently, more than ever, the Coast Guard has demonstrated its unique multimission role as the world's premier maritime service. The recent devastation caused by Hurricane Katrina along our gulf coast has been well documented, and our sympathies are extended to those who have lost so much.

However, out of the destruction and despair come many positive stories, and one of the best stories to emerge from this disaster has been the heroic work of our Coast Guard.

Hurricane Katrina ravaged Coast Guard stations in Gulfport and Pascagoula, Mississippi; and looters wrecked part of its New Orleans base. But that did not stop the Coast Guard from sending out rescue helicopters,

cutters, and small boats on dangerous and exhausting missions to save lives and clear waterways after the hurricane ravaged the gulf coast since August 29.

To date, the Coast Guard has coordinated the search and rescue efforts that resulted in over 33,000 lives saved and evacuated to date. Coast Guard helicopters and boat crews from around the country responded and have heroically risked their lives in some of the most challenging and dangerous circumstances of recent times.

As a military, multimission maritime service, the Coast Guard performs a unique blend of humanitarian, law enforcement, regulatory, and military missions and responsibilities providing maritime security, maritime safety, protection of natural resources, and national defense services.

As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources and a member of the Committee on Homeland Security, I am very aware of the critical role performed by the Coast Guard in drug interdiction and homeland security.

In fiscal year 2004, the Coast Guard seized a record 240,519 pounds of cocaine worth approximately $7.3 billion. To date, in fiscal year 2005, the Coast Guard has seized over 290,000 pounds of cocaine worth an estimated $8.8 billion.

As Hurricane Katrina has made abundantly clear, our country needs a strong and robust Coast Guard, and Congress needs to ensure that we are putting the right tools and equipment in the very capable hands of Coast Guard men and women so that they may continue to deliver the robust maritime safety and security America expects and deserves.

The Coast Guard's Deepwater recapitalization project plays an absolutely critical role in building a more ready and capable 21st century Coast Guard equal to the challenges we face today and anticipate tomorrow.

It is vitally important to our national drug control strategy and our national security, as well as protecting our Nation's citizens from natural disasters such as Hurricane Katrina, that the Deepwater project be accelerated and that there be more Coast Guard ships and aircraft to respond to the many critical missions of the Coast Guard.

I offer this amendment to improve upon these drug seizure totals by authorizing the State Department's Bureau of International Narcotics and Law Enforcement Affairs to acquire a refueling vessel for the benefit of U.S. and allied drug interdiction agencies, such as the U.S. Coast Guard and the U.S. Navy, operating in the eastern Pacific region. According to testimony provided by the Coast Guard, the Department of Defense, the Office of National Drug Control Policy, and other agencies, drug traffickers have increasingly pushed their routes into that area farther and farther west.

We have three Coast Guard vehicles that operate there. One is usually trying to come in, one is going back, and only one is out in this huge zone running up with all of the cocaine and heroin coming in from Colombia because we do not have a refueling vessel there.

U.S. vessels have no capability of refueling in that area and, thus, cannot operate for any significant length of time. The drug traffickers, by contrast, have developed their own sophisticated refueling system and can now simply bypass our interdiction forces. Today, we face an almost unique situation in drug interdiction history: we now have more intelligence about drug trafficking than we have assets to act on it, meaning we know it is coming, we know where it is, but we cannot get it; meaning that we have to watch helplessly while some shipments of poisonous narcotics are brought into the U.S.

The Coast Guard's motto, ''Semper Paratus,'' meaning always ready, has been earned through the courage and actions of the members of the Coast Guard. I am happy to say that this amendment will help ensure that future Coast Guard members can live up to that motto.

Again, I thank the gentleman from New Jersey (Chairman LOBIONDO) for his leadership in support of the Coast Guard, and I urge my colleagues to support this amendment.

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

Mr. SOUDER. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, we are very happy to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MARKEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MARKEY:

In subtitle A of title IV, add at the end the following new section:

**SEC. ___. SECURITY AND SAFETY REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.**

(a) SECURITY AND SAFETY REVIEW.—The Commandant of the Coast Guard shall conduct a comprehensive security and safety review of the proposed construction, expansion, or operation of a waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships, including proposed shipping routes to or from the facility.

(b) PREPARATION OF REPORT.—Upon completion of a review under subsection (a), the Commandant of the Coast Guard shall prepare a report setting forth the results of the review and including any recommendations for measures that the Commandant believes are necessary to ensure the public safety and security of the proposed facility and the transportation routes to and from the facility, or to mitigate any potential adverse consequences.

(c) RESULTS OF REVIEW.—The Commandant of the Coast Guard shall provide to each Federal agency responsible for licensing, approval, or other authorization for the relevant construction, expansion, or operation, and to Congress, a report prepared under subsection (c), and shall also provide the information in such report, to the extent consistent with the protection of public safety and security, to affected State and local officials and the public.

(d) REPORTS TO CONGRESS.—

(1) SUMMARY OF ACTIONS TAKEN.—Not later than 6 months after a report is provided under subsection (d), the Commandant shall transmit a report to Congress summarizing any action taken by the facility owner or by any appropriate Federal or State agency in response to the Commandant's recommendations contained in such report. If no action has been taken to implement such a recommendation, the Commandant shall report on the reasons why no action has been taken, and shall include views on the failure to take the recommended actions.

(2) IMPLEMENTATION STATUS REPORT.—The Commandant shall transmit an additional implementation status report to Congress every 6 months until all of the recommendations contained in the Commandant's report prepared under subsection (c) have been implemented, or the Commandant concludes that implementation is no longer necessary and provides an explanation of the reasons for this determination.

(e) REQUIREMENT FOR APPROVAL OF CONSTRUCTION OR EXPANSION OF URBAN LIQUEFIED NATURAL GAS FACILITIES.—

(1) REQUIREMENT.—No person may construct or expand any urban waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships unless the Commandant of the Coast Guard has approved such construction or expansion. The Commandant shall not approve any such construction or expansion if, as a result of the review conducted pursuant to subsection (a), the Commandant determines that the proposed facility, or the expansion of the existing facility, would pose a substantial risk to public safety and security in light of the potential loss of life and damage to property that could result.

(2) CIVIL PENALTY.—Any person who violates paragraph (1) shall be liable for a civil penalty in an amount not to exceed $1,000,000 for each day of such violation.

(3) SAVINGS CLAUSE.—Except as provided in paragraph (1), approval under this subsection shall not affect any other requirement under law to obtain a license, approval, or other authorization for the construction, expansion, or operation of an offshore or waterfront facility for the transfer of liquefied natural gas from ships to land or from land to ships.

Mr. MARKEY. Mr. Chairman, I have an amendment which deals with a huge issue which is going to unfold in our country over the next decade, and that is the indisputable need for our country to have a large importation of liquefied natural gas into our country. In New England, already 20 percent of our natural gas is in the form of liquefied natural gas. It comes from overseas. This is a good thing, and it is something that has to expand, not only in New England but all across our country.

The good news is that in the year 2001, there were only two LNG facilities licensed in the United States, one of them in Everett, Massachusetts, in the middle of my congressional district. This is something, however,

which is a legacy from a period that existed before 9/11. There are now 30 proposed additional LNG facilities in the United States, and nine of them have already been licensed.

The question going forward now is not do we need more LNG; the question is how will we have the importation of LNG be done consistent with homeland security principles. And here is the issue: in Boston, right here, coming in a couple of times a month, at least, comes this huge tanker right through the middle of Boston. That is East Boston High School right above it. Outside of Manhattan, this is the most densely populated part of the United States.

Now, we cannot do anything about this facility. It is there. Maybe over time we can phase it out, but it is going to be there. The issue is, going forward, what will be the role of the Coast Guard, the Coast Guard which, in this picture, is escorting this LNG tanker right into Boston Harbor, which has to shut down every time one of these tankers comes in? What should the role of the Coast Guard be?

What my amendment says is this: since we are going to have this large importation of LNG in terminals all across our country in the next generation, let us: One, require the Coast Guard to prepare a report on any measures needed to ensure public safety and security of the proposed facility and transportation routes to and from the facility; and, two, require the Coast Guard to report on any action taken by the facility owner or by appropriate Federal and State regulators in response to any findings or recommendations made by the Coast Guard with respect to the proposed facility, including what measures have been put in place to mitigate potential risks; and, third, require the Coast Guard to approve any construction or expansion of an LNG facility before it can go forward, and direct the Coast Guard to not approve any such construction or expansion if it determines that the proposed facility or the expansion of the existing facility would pose a substantial risk to public safety and security in light of the potential loss of life and damage to property that could result.

We know that if that tank was exploded, if the tanks that are on the land where the tanker is going to unload the LNG, that the event would be catastrophic in the middle of the city of Boston; but the same would be true across the whole country. The Sandia Laboratories, in studying an incident that could occur with a tanker such as this, sees a radius of upwards of 2,000 feet that would have levels of heat and fire that would burn buildings, damage steel tanks and machinery; and one can imagine what would happen to every human being inside that radius.

So, for me, to leave it to the Federal Energy Regulatory Commission to have exclusive jurisdiction over where one of these facilities is sited, without taking into account what the Coast Guard will have to do as a part of the Department of Homeland Security in safeguarding that shipment, is, in a post-9/11 period, reckless. In a post-New Orleans period, it is reckless.

We must give the people who live in these densely populated areas the benefit of the doubt that the Coast Guard would raise the questions about homeland security, about what would happen if there were a terrorist attack, and then suggest perhaps that the facility be built offshore, and that there be a pipeline brought in, that the facility be built in a more remote area of the State and a pipeline be built to bring it down; but it should be the Coast Guard, the agency of expertise.

I urge an ''aye'' vote to protect public safety in all communities where LNGs will be imported in the generation ahead.

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

Mr. Chairman, this amendment would significantly add to the Coast Guard's mission responsibilities by requiring the service to regulate the construction and expansion of liquefied natural gas facilities. Coast Guardsmen and -women do not have the expertise and background to inspect building plans as they would be required to do under this amendment.

In addition, this amendment would in many ways duplicate the efforts already undertaken by the States and the Federal Energy Regulatory Commission to regulate these facilities. With the current situation, I question the addition of significant shore-side responsibilities to the Coast Guard's wide scope of missions. We have heard about what they have been expected to do, we have heard their missions have been expanded by some 27 items, that their personnel is not there, that their funding is not there; and I reiterate that they do not have the expertise and background to inspect these building plans and do the job that is required under this amendment.

I urge all of my colleagues to oppose this amendment.

Mr. McGOVERN. Mr. Chairman, I am pleased to rise in support of this amendment, and I would like to commend my colleague, the gentleman from Massachusetts (Mr. MARKEY), the dean of our delegation, for his leadership on this issue. Years ago the gentleman from Massachusetts (Mr. MARKEY) played a critical role in the passage of the Pipeline Safety Act, which stressed the need for the remote siting of LNG terminals; and since then he has continued to be a national leader and advocate for the needs and safety of our communities.

This is a commonsense amendment that we have before us today. I can tell my colleagues firsthand that the current system does not work. In my district there has been a proposal to construct an LNG storage tank in the middle of Fall River. The site itself would be just 1,200 feet from homes with over 9,000 people living within a 1-mile radius of the tank. Immediately, community and State officials sounded off the alarm. They pointed to environmental concerns, and there are a lot of environmental concerns with the siting in this area, which FERC just dismissed without ever conferring with the EPA.

They also pointed out the fact that if this facility would be constructed, the tankers would have to go under three different bridges in the river, and all three bridges would have to be shut down for a period of time for safety concerns. And the problem with that is that neighboring communities would then be denied access to hospitals that are located in Fall River and other emergency facilities. Again, FERC totally ignored that.

The community raised security concerns which were supported by a report prepared by counterterrorism expert Richard Clarke talking about the potential threat to the community in the case of a terrorist attack or an accident. Yet the Department of Homeland Security was never included in the review process. In fact, despite repeated requests from members of the Massachusetts and Rhode Island delegations, officials from Homeland Security have yet to comment on the site, let alone visit the site.

□ 1530

Instead, they referred our request to the Coast Guard, which is only required to present its recommendation prior to the actual construction of the LNG tanks. So in the end, without any coordination with the necessary Federal agencies, FERC approved the construction of the LNG storage tank in Fall River, Massachusetts.

Now it was only after the Navy intervened, pointing to additional threats to national security, that FERC finally took a step back and are now deciding whether to consider an appeal by the State of Massachusetts.

This one case in Fall River illustrates a larger problem. Our current system fails to ensure a thorough review of all of the issues surrounding LNG sites; and the Markey amendment, by bringing the Coast Guard to the table before new LNG sites are approved, I think is a necessary step in that direction.

As our Nation's energy demands continue to grow, we must work to ensure that adequate energy sources are available; and I would be the last person to argue otherwise. We do need additional LNG facilities in this country. But we must be mindful that our public health, security and safety are not disregarded in the process.

I have never had a more maddening experience in my life than dealing with FERC. They did not consider, let alone discuss, any of the issues that were raised by the Commonwealth of Massachusetts, by our governor or by local officials or by local public safety officials. They went ahead and approved this and justified the approval without considering any of the evidence that was brought before them, evidence,

quite frankly, that points to major security concerns.

I think that what the gentleman from Massachusetts (Mr. MARKEY) has done here is proposed an amendment that, you know, should not be controversial. I think all of us here should want to make sure that these facilities are sited in the safest possible areas.

I have a prediction. That is, in the not-too-distant future, some homeland security chief is going to weigh in on this and recommend that LNG facilities not be sited in heavily populated areas and that, instead, they be sited in areas that are not in the middle of a growing urban area or offshore them because of the safety concerns.

So this amendment should be approved. I would hope that my colleagues would join with me in supporting the Markey amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Under the agreement that we have in committee, we do not support amendments that one or the other side disagrees with; and I support the committee position. I do want to observe, however, that this amendment is relatively benign. Had it been drafted differently, I think it easily could have been accepted.

The Coast Guard does have largely this authority. And while the chairman of the subcommittee has expressed a concern about the Coast Guard being drawn afield from its normal mission in looking into on-land facilities, actually if the Coast Guard felt there were a problem with their existing authority they could do what the gentleman's amendment proposes to direct them to do, they could say, look, we think this is a security problem or a safety problem and inspect it. And, in fact, any contractor with an ounce of sense would invite the Coast Guard in and say look at it before we go ahead.

I do want to observe, however, there is new technology that may make such facilities unnecessary in the short term and long term.

During this storm of Katrina in the gulf, an LNG facility offloaded 3 billion cubic feet of natural gas 100 miles offshore because the tanker had on board the new regassification technology that allows it to make the conversion necessary to discharge from the ship; and with 8-foot seas, they were able to discharge 3 billion cubic feet of natural gas. With the rate at which natural gas prices are rising, I think we need more of that capability.

I certainly sympathize with my colleagues in Massachusetts along Fall River who do not want to see one of these LNG ports in their river, close to human population, with all of the potential, but this is not the appropriate place to make that fix.

Mr. SHIMKUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will try to be brief.

The issue is we have fought this amendment before. There is a critical demand for natural gas in this country. The Coast Guard, as has already been stated, is already involved in this process. They establish access control measures. They establish security measures for cargo handling and delivery. They provide surveillance and monitoring. They ensure security communications. They create security incident procedures. They coordinate with local, State and Federal authorities to respond to security incidents, personnel training and drill requirements and identify a facility security officer who is responsible for ensuring compliance with the facility security plan. So the Coast Guard is already doing a lot of these intercoastal activities.

In addition to the U.S. Coast Guard, the LNG terminal safety and security are subjected to additional layers of Federal oversight. FERC and the Department of Transportation are responsible for exercising regulatory authority over LNG facilities.

This country can no longer continue down the route of saying we want to use energy, but we do not want any energy brought into this country. We just cannot. It kills our manufacturing base. We are no longer competitive.

Now we are paying $10 per million BTus for natural gas use, when our opponents, our competitors worldwide like Russia pay 95 cents. How can we compete? We have to have energy.

If we cannot drill in our own country, if we cannot explore, if you are going to put the whole Continental United States off limits, we have to import liquefied natural gas. We can do it. We have done it safely. We can do it economically.

The Coast Guard is involved. And to say that this is not an attempt to stop LNG facilities on the United States is just a false premise. I reject it.

Now we have had this amendment numerous times and tried to stop the development of LNG facilities during the energy bill. We have defeated it every time, and we are going to defeat it now.

Mr. TERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Markey amendment. As the gentleman from Illinois (Mr. SHIMKUS) just mentioned, we have been through several attempts in the energy bill to recognize the NIMBY, not in my back yard movement, against LNG. You cannot have it both ways.

This House spoke overwhelmingly to say that we need and will support more natural gas supply within the United States by beating or not adopting the Markey amendments in the energy bill, which I think is the proper place to discuss the topic of liquefied natural gas and its safety.

And, by the way, what we adopted in that energy bill is a streamlined process that does give FERC the ultimate authority on permitting and siting but also in that bill mandates to FERC that they have to take into account the safety concerns. It is stated right there in black and white. They have to adopt or they have to take into account the safety concerns, the procedural concerns from both the local, the county, the State governments and all of the Federal agencies, including the Coast Guard, that are involved in this process.

As the gentleman from Illinois (Mr. SHIMKUS) mentioned, the Coast Guard is already part of the process. It has jurisdiction over part of the safety plan that makes sure that the ships are safely brought in to the port facility. It escorts those ships, in fact. You know, I just have got to say that we have got to get away from this NIMBY mentality here.

Right now, we are paying $10 per Btu for natural gas. Mexico is a fraction of it. We look at what we use natural gas for in the United States, it is not just heating our homes. Eighty percent of the homes in Nebraska are heated with natural gas. I would presume that the majority of homes along the East Coast are heated with natural gas.

Go tell your folks that you are in favor of their natural gas heating bill going up by 30 or 40 percent this December, January and February. Because that is what we are looking at.

But, also, it is a major element in cost in manufacturing, manufacturing chemicals, manufacturing fertilizer; and I am telling you our farmers in Nebraska cannot withstand the price increases that they are going to have to incur with fertilizer. Chemical plants are pulling out of the United States to avoid the high cost of natural gas.

We need this product in the United States. Let us keep it as this body has already decided with the streamlined approach that already incorporates all of the safety concerns from all of the local and State and Federal agencies.

Let us join the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Alaska (Mr. YOUNG), the gentleman from New Jersey (Mr. LOBIONDO), and all of the others that are in opposition to this amendment.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, first of all, let me clear up some misinformation which has been disseminated out here on the House floor. We have, in fact, not debated this issue ever before in the House.

What happened in the energy bill was that the Republican majority made a determination that they were going to remove governors and mayors from the decision-making process as to where an LNG facility can be sited. Until August of 2005, mayors and governors had a say. Now they do not because of the energy bill.

Now we all know that when and if a catastrophic event occurs, people in our country have learned not to depend

upon the Federal Government. They know that the first call has to go to the local fire, the local police. That is who they are going to call, and they have good reason to after what happened in New Orleans. I do not think any city or town is going to repeat the mistake which New Orleans made in waiting for Department of Homeland Security to respond.

But let us just say for the sake of discussion that we are going to remove the mayor and we are going to remove the governor from any say on where an LNG facility can go in the most densely urban populated parts of this State. What my amendment says is, at least allow the Federal Government to have a role. At least allow the Department of Homeland Security to have a role. But the Republican majority says, no, we are only going to allow the Federal Energy Regulatory Commission, which has no jurisdiction over homeland security, no responsibility to look at the public safety issues, they alone will look at these issues.

Well, you know, the recriminations which have taken place in the last 2 weeks all turn on one question. Why did not people listen to the Corps of Engineers? Why did not we give more protection to those people in that community? But we all know that the Corps of Engineers was ignored, that their warnings were ignored.

What the majority Republican party wants to do is to tell the Coast Guard, we do not want to have your view on where an LNG facility should be sited if you are going to tell us you disagree with the energy decision.

It should be all energy. No homeland security at all. No protection for the people who will be living in the mile or two around that facility. Now that, ladies and gentlemen, is what this debate is all about.

The gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Nebraska (Mr. TERRY) and, by the way, each of them could not try harder to get more geographically far away in Nebraska and Illinois from the coastline, our experts today. Mark Twain used to say, an expert is anyone who lives more than 1,000 miles away from a problem, and we have got two experts here today telling us on the coastline what we need.

Well, what we need, ladies and gentlemen, is the Coast Guard to make a determination as to whether or not they can protect against a catastrophic event, and what they are saying is no Coast Guard, no governor, no mayor, nobody but the energy companies. That is what it is all about. It is about the energy companies.

Yes, we need a doubling, yes, we need a tripling, a quadrupling of LNG in our country.

□ 1545

I have the number one facility in America in my district. We need it in New England more than anyone else. But as a homeland security issue, it should have the Coast Guard making a determination as to whether or not it can be protected against a terrorist attack. And if an alternative is possible offshore or in a more remote area of that State, then they should be given the right to participate in that decision.

If you just leave it to the energy companies, which is what the Republicans want to do, this is just a continuation of their energy bill, letting the consumers get tipped upside down because the energy companies do not want to spend a few extra bucks to add into homeland security, the same way as the catastrophic events of New Orleans were just over saving a few bucks.

Well, this is your chance to do something about LNG facilities in densely populated areas, to give a say to the Coast Guard, rule out your Governor, rule out your mayor, but at least the Coast Guard, at least a part of the Federal Government should be part of this. If you want a Federal solution to the energy problem, you also have to have a Federal component to homeland security in 2005.

Al Qaeda is not taking a break. Al Qaeda is out there. Al Qaeda used the Boston LNG terminal as the route to bring in their Al Qaeda agents.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

(By unanimous consent, Mr. MARKEY was allowed to proceed for 1 additional minute.)

Mr. MARKEY. Richard Clarke in his book said on September 11, 2001 when he was asked to take over in charge of all homeland security response, his first thought was shut down the port of Boston, call the Coast Guard commandant there. That is where Abdul Meskini and the other al Qaeda agents had come in on the LNG tanker from Algeria into Boston Harbor. That is how they got here. Abdul Meskini is in prison right now for the LAX millennium bombing plot.

So let us not kid ourselves. They are coming for urban areas. They are coming for the high-impact areas. They are coming for LNG facilities. They are coming for nuclear facilities. They want to use airplanes. They want the biggest event possible. They want London. They want Madrid. They want New York. They want L.A.

They want the big urban populated areas. Let us not kid ourselves. Vote ''aye'' on the Markey amendment. Give the Coast Guard the homeland security ability to be able to make a decision to protect the citizens of our country.

Mr. ANDREWS. Mr. Chairman, I rise in support of the amendment offered by my esteemed colleague, Congressman MARKEY. His amendment seeks to protect the citizens of our cities and towns from the potential threat posed by liquefied natural gas, LNG, tankers traversing our waterways.

I fully grasp the need to import additional quantities of fuel, particularly natural gas. Our energy supplies are dwindling and have been further hampered by the recent events in the Gulf. However, I must question the haste of our efforts to import LNG without the proper planning to ensure the public's safety. As it stands now, the Federal Energy Regulatory Commission, FERC, has the preeminent authority in siting these LNG facilities. The recently passed Energy Bill even included a provision that usurped State's rights in the siting process. The problem here is that FERC is an agency concerned with energy policy, yet they have limited expertise in security and public safety. In the past, we could rely on individual States to make security decisions, but now that authority is in jeopardy.

The most prudent action we can take at this time to ensure the safety and security of our citizens is to bolster the power of the Coast Guard. While the Coast Guard is already involved in siting LNG facilities, this amendment offered by Congressman MARKEY would give the Coast Guard the specific direction they need to properly and thoroughly examine risks posed to the public.

There is no doubt that LNG will become an increasing part of our Nation's energy supply. Moreover, there will be some prospective sites that are suitable for LNG facilities and others that are not. I am not here to make a judgment on any specific sites. Rather, I want the professionals in the Coast Guard to do the security analysis. Our energy needs cannot take precedent over the safety of our citizens. Once again, I support Mr. MARKEY's amendment and I urge my colleagues to include it in the final bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

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

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

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

AMENDMENT NO. 4 OFFERED BY MR. FOSSELLA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FOSSELLA:

At the end of title IV add the following:

**SEC. . VOYAGE DATA RECORDER REQUIREMENTS.**

(a) AUTHORITY TO PRESCRIBE REGULATIONS.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

**§ 3507. Voyage data recorders**

(a) The Secretary shall prescribe regulations that require that a passenger vessel described in section 2101(22)(D) carrying more than 399 passengers shall be equipped with a voyage data recorder approved in accordance with the regulations.

''(b) Regulations prescribed under subsection (a) shall establish—

''(1) standards for voyage data recorders required under the regulations;

''(2) methods for approval of models of voyage data recorders under the regulations; and

''(3) procedures for annual performance testing of voyage data recorders required under the regulations.

''(c) To implement this section and regulations prescribed under this section there is authorized to be appropriated to the Secretary $1,500,000 each fiscal year.''.

(b) DEADLINE FOR REGULATIONS.—The Secretary (as that term is used in chapter 35 of title 46, United States Code) shall initiate the prescribing of regulations under section 3507(a) of title 46, United States Code, as amended by this section, by not later than 6 months after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 35 of title 46, United States Code, is amended by adding at the end the following:

''3507. Voyage data recorders.''.

Mr. FOSSELLA. Mr. Chairman, I thank the chairmen of the subcommittee and the full committee for their efforts here.

First at the outset, let me commend the great men and women of the United States Coast Guard for what they do. In Staten Island and Brooklyn, we are privileged that they are watching the Port of New York and the hundreds, if not thousands, of personnel who dedicate their lives to helping us and saving many and protecting us. And after a very aggressive summer boating season, many of them have been redeployed to the gulf region and serving once again with honor and distinction and rescuing many and really serving full support to the United States Coast Guard.

The amendment I have offered today deals with what happened several years ago in Staten Island. On October 15, 2003, the Staten Island Ferry boat, the *Andrew J. Barberi*, was on a regularly scheduled trip from Manhattan to Staten Island, as it does 365 days a year; but on that day, it collided with the maintenance pier at the Staten Island Ferry Terminal. The tragic accident resulted in the death of 11 people, 11 innocent people with over 70 injured, many severely.

Despite the exceptional report issued by the National Transportation Safety Board, which conducted a very thorough investigation, we still do not know the full story of what happened on that tragic day. The N.T.S.B. concluded a probable cause of the incident was ''the assistant captain's unexplained incapacitation.''

The unwillingness of those with knowledge of what happened in the wheelhouse to talk unfortunately ensures that the full story of that tragedy will never be known.

In light of these circumstances, the amendment I have offered today requires that voyage data recorders, or VDRs, not too unlike the famous, or infamous, black boxes that exist in every airplane cockpit, be installed in ferries carrying more than 399 passengers.

For a point of fact, that is probably more than 50 ferry boats nationwide. The devices are similar to the black boxes. In addition to recording all communication and navigation data in a ship's wheelhouse, the devices can also be used to track vessels en route and determine whether or not a ship is veering off course, which would have arguably prevented this tragic accident as well.

In addition to helping determine whether or not ships may be on a dangerous course, the devices also provide critical information in the event of future accidents that will give investigators a more complete understanding of events and in helping investigators understand root causes, such as greatly assist them in offering recommendations for safety improvements.

The amendment sets forth very practically to allow these VDRs in passenger ferries of 399 or more passengers. The Staten Island Ferry in and of itself carries tens of thousands people every day.

I think it is a commonsense measure. Furthermore, I want to commend the chairmen of both the full and the subcommittee for agreeing to continue to dialogue, to figure out ways we can prevent such accidents from occurring.

One of the other issues that clearly happened here was the pilot in control basically provided fraudulent physicals. And we need to find a way that we can effectively protect the public from those pilots, and I would argue physicians that provided false medicals to allow people who really do not belong in a wheelhouse to be responsible for the lives of tens of thousands of people on a daily basis.

I urge support of this commonsense amendment.

Mr. LoBIONDO. Mr. Chairman, I am prepared to accept the amendment.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate that the majority is going to accept the amendment. We have previously agreed on the outcome.

Voyage data recorders are as important as they are in aviation. The flight data recorder, the voice data recorder in the cockpit helps us to understand outcomes of accidents or causes of accidents in investigating the tragedies in aviation.

The Coast Guard is working with the IMO to amend the Safety of Life At Sea Convention to require voyage data recorders for ships in the international service. But doing so for newly built ships, those that are under construction is one thing. The cost can be absorbed in the construction of the vessels. But older vessels that do not have automated engine rooms, do not have automated sensors are going to result in a huge cost, as much as $300,000 I have heard from vessel owners to retrofit vessels.

So in accepting the gentleman's amendment, we must also have language when we get through conference, in the conference report, about somehow alleviating the cost on older vessels just as we do in aviation. There are ways of phasing in newer technology in aviation, the flight data recorder that records up to 150 parameters of operations of an aircraft, for example. We give airlines time and manufacturers time to incorporated the new technology into newer general aircraft.

I just raise this as a caution because I know the chairman has great concern for the financial effects on maritime navigation of actions we take in committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FOSSELLA).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. LORETTA SANCHEZ of California:

Page 25, line 15, strike ''**REPORT**'' and insert ''**REPORTS**''.

Page 25, line 16, strike ''IN GENERAL.—'' and insert ''ADEQUACY OF ASSETS.—''.

Page 26, after line 14, insert the following:

(c) ADEQUACY OF ACTIVE DUTY STRENGTH.—The Commandant of the Coast Guard shall review the adequacy of the strength of active duty personnel authorized under section 102(a) to carry out the Coast Guard's non-homeland security missions and homeland security missions, as those terms are defined in section 888 of the Homeland Security Act of 2002 (6 U.S.C. 468). Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review and any recommendations to enhance mission capabilities of the Coast Guard.

MODIFICATION TO AMENDMENT NO. 2 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I ask unanimous consent to modify this amendment with the modification placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 2 offered by Ms. LORETTA SANCHEZ of California:

In lieu of the matter proposed to be inserted at page 26, line 14, insert the following:

(c) ADEQUACY OF ACTIVE DUTY STRENGTH.—The Commandant of the Coast Guard shall review the adequacy of the strength of active duty personnel authorized under section 102(a) to carry out the Coast Guard's missions, including search and rescue, illegal drug and migrant interdiction, aids to navigation, ports, waterways and coastal security, marine environmental protection, and fisheries law enforcement. Not later than 180 days after the date of the enactment of this Act, the Commandant shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that includes the findings of that review.

Ms. LORETTA SANCHEZ of California (during the reading). Mr. Chairman, I ask unanimous consent that the

modification be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. Is there objection to the modification?

There was no objection.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, my amendment would have the commandant of the Coast Guard review and report on whether the currently authorized level of active duty personnel is adequate for carrying out all the Coast Guard's missions, including its newly expanded homeland security missions.

In the wake of Hurricane Katrina, we have seen how much our country relies on our Coast Guard. Currently, there are 2,400 Coast Guard members on the ground working on rescue and recovery efforts in the gulf coast, and to date they have saved over 33,000 lives.

The Coast Guard's contribution to disaster response is extremely valuable, and it is only one part of what the Coast Guard's broad mission is, which includes port, waterways and coastal security, recreational boater safety, search and rescue, illegal drug and migrant interdiction, aids to navigation, and the protection of our natural resources.

In the last couple of years, the Coast Guard security mission has grown exponentially as they work to secure our Nation's ports, our ships, and the cargo. But despite these growing responsibilities, the Coast Guard's authorized active duty personnel level is the same as it was in the early 1990s.

In the ''Department of Homeland Security's Inspector General Fiscal Year 2003 Report'' on the mission performance of the Coast Guard, the demand for experienced and trained Coast Guard personnel was cited as one of the major barriers to improving and sustaining mission performance. So we must ensure that the Coast Guard has the personnel resources to achieve their broad and their very complex security missions while maintaining high performance on all of their other missions.

I would like to thank the chairman and ranking member and their staff for working with me on this issue, and I ask for my colleagues' support of this amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I appreciate the intent and purpose of the gentlewoman's amendment and her deep conviction in offering it, her concern that the Coast Guard undertake these evaluations and which the Coast Guard does as a matter of routine. But I think this will put a spotlight on this function of the Coast Guard and give a new urgency, especially in the aftermath of Hurricane Katrina, in these new homeland security responsibilities to which the gentlewoman has referred, to do a more thorough and current evaluation of the Coast Guard active duty personnel strengths and impacts on their homeland security missions, as well as the traditional historic function of the Coast Guard.

I appreciate the gentlewoman's amendment.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I appreciate the support of my good friend from Minnesota.

Mr. LOBIONDO. Mr. Chairman, as modified, we are prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The amendment, as modified, was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. INSLEE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. INSLEE:

At the end of title IV add the following:

**SEC. ____. REIMBURSEMENT OF ADDITIONAL COSTS OF ELEVATED THREAT LEVELS.**

(a) REQUIREMENT.—The Secretary of Homeland Security shall reimburse port authorities, facility operators, and State and local agencies, that are required under Federal law to provide security services or funds to implement Area Maritime Transportation Security Plans and facility security plans under chapter 701 of title 46, United States Code, for 50 percent of eligible costs incurred by such persons in implementing protective measures and countermeasures in response to any public advisory or alert regarding a threat to homeland security that is issued under the United States Coast Guard Maritime Security (MARSEC) system or any successor to such system, and that is above the baseline threat level under that system.

(b) ELIGIBLE COSTS.—For purposes of subsection (a), eligible costs consist of any of the following:

(1) Salary, benefits, overtime compensation, retirement contributions, and other costs of additional Coast Guard-mandated security personnel.

(2) The cost of acquisition, operation, and maintenance of security equipment or facilities to be used for security monitoring and recording, security gates and fencing, marine barriers for designated security zones, security-related lighting systems, remote surveillance, concealed video systems, security vessels, and other security-related infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

(3) The cost of screening equipment, including equipment that detects weapons of mass destruction and conventional explosives, and of testing and evaluating such equipment, to certify secure systems of transportation.

(c) SUBJECT TO APPROPRIATIONS.—The requirement to provide reimbursement under this section is subject to the availability of appropriations.

Mr. INSLEE. Mr. Chairman, I appreciate the Chair's assistance on this.

We are offering this amendment in an attempt to address an inequity in the committee's clear desire, it is the committee's clear desire to have operation and maintenance costs available as outlined in the Maritime Transportation Security Act for coverage under this grant program.

□ 1600

After talking with the Congressional Research Service and with the Department of Homeland Security, it is clear that, at a practical level, on the ground at our ports, these costs, including overtime compensation for State patrol officers, are not being covered, despite the committee's best efforts.

The Department of Homeland Security, however, responds to legislation passed by the Committee on Appropriations and takes a narrow view that operations and maintenance costs are not eligible to be covered.

I believe that the chairman is of a like mind and believes that operations and maintenance costs during times of increased alert, expenses like extra operators for screening equipment, overtime for security officers, and additional K–9 bomb units, should be eligible for reimbursement by the Federal Government. I am asking for the chairman's help in addressing these issues.

These Federal security mandates place an undue burden on our ports, which are part of the lifeblood of our economy. We need to help them.

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

Mr. INSLEE. I yield to the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, is the gentleman withdrawing his amendment and asking for a colloquy?

Mr. INSLEE. Yes.

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

Mr. OBERSTAR. Mr. Chairman, before the gentleman makes that request, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman is proposing a very thoughtful amendment and making a very reasonable request, that the Secretary reimburse local port authorities, facility operators, State and local agencies when the security threat goes above green, if it goes to yellow, orange or red, and there are additional costs shouldered by local governments, that the Federal Government should pick up 50 percent of that cost. Is that the thrust of the amendment?

Mr. INSLEE. Mr. Chairman, that is the thrust of the amendment.

Mr. OBERSTAR. If the gentleman will further yield, that is generally what our concern is, that they should not shoulder all these additional costs. I think there should be some way that we can reach accommodation when we go to conference with the other body on accommodating the gentleman's concern.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, as hard as it is for me, I am going to support the gentleman's amendment, but my concern when I look at it is we have got to make sure that this does not come out of the Coast Guard's budget. It either comes out of Homeland Security or some other arena, and that is what we can work out in this bill when we put it in. Because I do not want the Coast Guard's budget to take money and go into it when they raise that alert state.

So I think the gentleman has got a good idea, and I am more than willing to work with him and see if we can solve it. I agree with the gentleman. Because when they put us on a higher alert, even though it might not even be in the arena of a port, it is a national higher alert, and it is a huge cost, and they have to carry that burden.

As long as we get the money from some other source than the Coast Guard, I am highly in support of it.

Mr. INSLEE. Mr. Chairman, we appreciate the gentleman from Alaska's (Mr. YOUNG) comment.

I would yield to the gentleman from New Jersey (Mr. LOBIONDO) if he wanted to make a further comment, but the gentleman from Alaska (Mr. YOUNG) seems to have covered the map.

Mr. LOBIONDO. Mr. Chairman, if the gentleman will further yield, still with the understanding that the gentleman from Washington (Mr. INSLEE) is going to withdraw the amendment, I commend the gentleman from Washington for his strong concern about the increased costs to local ports involved in complying with the Maritime Transportation Safety Act.

These same concerns were on the minds of the members of the Committee on Transportation and Infrastructure when we first passed the Act in 2002. We had extensive discussions about it, and at that time we authorized a port security grant in the Act.

Unfortunately, as the gentleman has pointed out, it seems that the Department is not following the intent of the law, and that is a problem, and that is a mistake we would like to correct.

We pledge, myself and the gentleman from Alaska (Mr. YOUNG), to work with the gentleman and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from California (Mr. FILNER) to continue as we move along with this bill to ensure that the port security grant program follows the criteria that we set out in the Maritime Transportation Safety Act. We will be very pleased to work with the gentleman on that.

The CHAIRMAN. Is there objection to the gentleman from Washington's unanimous consent request to withdraw the amendment?

There was no objection.

AMENDMENT NO. 9 OFFERED BY MR. MARKEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. MARKEY: Add at the end the following new title:

**TITLE ____.—REQUIREMENTS FOR MARITIME TRANSPORTATION SECURITY PLANS AND ASSESSMENTS**

**SEC. __01. REQUIREMENTS FOR AREA MARITIME TRANSPORTATION PLANS.**

Section 70103(b)(2) of title 46,United States Code, is amended by redesignating subparagraphs (C) through (F) as subparagraphs (E) through (H), respectively, and by inserting after subparagraph (B) the following:

''(C) include a list of each facility located in the area covered by the plan that could reduce the health, environmental, or economic consequences associated with a transportation security incident through the substitution of chemicals or processes currently used in the facility with alternative chemicals or processes that would not significantly impair the ability of the facility to conduct its business;

''(D) for areas that include or are near a large population, or that are of special economic, environmental, or national security importance and that might be damaged by a transportation security incident, include a list of special efforts, measures, or procedures required of any new facility proposed to be located within or near the area that will deter a transportation security incident involving the facility;''.

**SEC. __02. REQUIREMENTS FOR UNITED STATES FACILITY AND VESSEL VULNERABILITY ASSESSMENTS.**

Section 70102(b) of title 46,United States Code, is amended—

(1) in paragraph (1)(C) by inserting after ''contingency response,'' the following: ''chemicals or processes used by a facility that could be replaced with alternative chemicals or processes that could reduce the health, environmental or economic consequences associated with a transportation security incident in a manner that would not significantly impair the ability of the facility to conduct its business,''; and

(2) in paragraph (4) by striking ''includes'' and inserting ''adequately addresses''.

Mr. MARKEY. Mr. Chairman, I will notify the majority that I intend on withdrawing my amendment, but I just wanted to make this commonsense suggestion at this time that perhaps we could continue to discuss and work on in the months ahead.

My amendment deals with the reality that, especially in coastal areas, that there are huge containers of very dangerous chemicals and other toxic chemicals that are stored in those coastal areas right onshore and that, in many instances, those particular toxic materials have a now more modern, substitutable chemical which could be used in order to achieve the same purposes for the industries within our country.

What my amendment says is that when the Coast Guard writes an area maritime transportation security plan, it will now be required to list facilities located within the area that could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack, but the Coast Guard will also have to recommend special efforts or procedures for proposed new facilities that might be built near densely populated areas or other sensitive areas that might have important economic or national security significance so that the consequences of a toxic release caused by a future natural disaster or terrorist attack might be reduced.

When the Department of Homeland Security does its vulnerability assessment for these facilities, as required under the law, it will also have to assess whether the facility could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack, and it will also have to recommend special efforts or procedures that could reduce these consequences for proposed new facilities in its national maritime transportation security plan.

Finally, if the Department of Homeland Security agrees to accept the facility's own vulnerability assessment or assessment by a third party, which it can do under the law, it will now need to ensure that the assessment adequately addresses all the elements of the assessments DHS does on its own.

Hurricane Katrina taught us a lesson. They will probably have to level a couple of hundred thousand homes in New Orleans, largely because of the toxic materials that have now infiltrated into those homes. Here we have an opportunity moving forward to make sure that we are reducing the most toxic chemicals, even as we substitute other chemicals that can be used in the very same processes to keep our American economy humming.

Mr. Chairman, the events of the past few weeks have served as a wake-up call in so many areas of our lives. We've learned just how vulnerable some of our cities are to Mother Nature, how vulnerable our oil and gas infrastructure is, and, frankly, how vulnerable we all are as we contemplate the implications of our failed response to Hurricane Katrina to future terrorist attacks that will come with no National Weather Service warnings and could be even more devastating.

While the debate over how we can ensure that we move more quickly and efficiently to respond to the next Katrina or 9/11 will wait until another day, there are aspects of the bill in front of us today that can be changed to increase the chances that the potential consequences of such a catastrophe are minimized.

We have learned, for example, that the hurricane has rendered several gulf coast refineries inoperable, and in some cases this may be the status quo for months. We have also learned that the extent to which the hurricane caused breaches in these and other facilities storing toxic chemicals is not yet clear—the very preliminary EPA tests show highly elevated levels of lead and other toxic materials in some areas of New Orleans, and EPA is really only just beginning its environmental sampling process. We may be looking at an environmental catastrophe that requires an enormous amount of money to remediate, in addition to all the other reconstruction and relief costs.

And, though the hurricane was certainly a catastrophe in and of itself, the reality is that a terrorist attack on just one facility containing toxic chemicals could have led to even more

fatalities. According to a recent Congressional Research Service report I requested, there are about 50 facilities in Louisiana at which a worst-case release could put 100,000–999,999 people at risk, as well as 2 facilities that could impact more than 1 million people. In Florida, there are more than 20 facilities at which a worst-case release could put 100,000–999,999 people at risk and 7 facilities that could impact more than 1 million people, and in Mississippi, there are 2 facilities at which a worst-case release could put 100,000–999,999 people at risk. Nationwide, more than 100 facilities pose a risk to more than 1 million people—an attack on or major natural disaster near any of these facilities could result in widespread deaths, injuries and environmental contamination.

While some of the chemicals stored in these facilities are necessary to the products or processes being undertaken there, others are not. For example, a 2003 report entitled ''Eliminating Hometown Hazards'' by Environmental Defense lists several wastewater treatment facilities in Louisiana that use chlorine in amounts that could place hundreds of thousands of people at risk, even though safer and economically competitive alternatives exist and are currently in use elsewhere. Press reports indicate that many wastewater treatment facilities in the areas impacted by Hurricane Katrina have been disabled, but it is unclear as to the status of the stores of toxic chlorine that must have been onsite. Another 2003 report entitled ''Needless Risk: Oil Refineries and Hazard Reduction'' by the U.S. PIRG Education Fund describes a cost-effective alternative to hydrofluoric acid, which is used by many refineries, including Chalmette Refining in New Orleans which reportedly has 600,000 pounds of hydrofluoric acid stored on site. According to the Energy Information Administration and press reports, the Chalmette facility spilled tens of thousands of barrels of oil into the surrounding neighborhoods and could be closed for months, but it is unclear as to the status of the stores of hydrofluoric acid that must have been onsite.

The Maritime Transportation Security Act addressed some of the security concerns associated with chemical facilities located at or near ports and waterways. As the damage assessment and remediation associated with Hurricane Katrina proceeds, I believe that we need to focus not just on cleaning up the damage, but also on trying to reduce the consequences of similar damage occurring in the future, be it due to hurricanes, earthquakes or terrorist attacks. Other legislation may address the need to strengthen the levee system surrounding New Orleans so that future hurricanes can't breach them as easily—my amendment seeks to reduce the potential environmental consequences associated with a future breach of the facilities that house toxic materials.

Specifically, my amendment makes the following common-sense changes to the Maritime Transportation Security Act:

When the Coast Guard writes its Area Maritime Transportation Security Plans, it will now be required to list facilities located within the area that could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack.

The Coast Guard will also have to recommend special efforts or procedures for proposed new facilities that might be built near densely populated areas or in other sensitive areas that might have important economic or national security significance, so that the consequences of a toxic release caused by a future natural disaster or terrorist attack might be reduced.

When the Department of Homeland Security does its vulnerability assessments for these facilities as required under the law, it will also have to assess whether the facility could substitute safer chemicals or processes in order to reduce the consequences of a toxic release caused by a future natural disaster or terrorist attack, and will also have to recommend special efforts or procedures that could reduce these consequences for proposed new facilities in its National Maritime Transportation Security Plan.

Finally, if the Department of Homeland Security agrees to accept a facility's own vulnerability assessment or assessment by a third party, which it can do under the law, it will now need to ensure that the assessment adequately addresses all the elements of the assessments DHS does on its own.

Hurricane Katrina taught us that we can't ignore the experts' warnings forever—sooner or later, being shortsighted will catch up to us, and as we've seen, the price we may pay may be both costly and to some extent avoidable. My amendment incorporates some of the experts' warnings on chemical facility security into existing requirements for these facilities. Let's not be short-sighted again. I urge my colleagues to support my amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

First, let me suggest that the statement they are going to bulldoze down thousands and thousands of homes because of Katrina that were not blown down is not true. The EPA gave us a briefing. The gentleman should have sat in on it. If he did not know, they found little toxicity in the water. There was nothing there that was being harmful. There could be mildew, but it is not from the toxicity in the water. I do not like to use the statement. Overexaggeration is not good for debate.

Secondly, may I suggest it is the Coast Guard being required to do another mission, taking from the Coast Guard's real mission and requiring them to do something that should be done with EPA or Homeland Security but not the Coast Guard?

I can tell the gentleman, he serves on the Committee on Homeland Security, I serve on that committee, and I can tell everybody on that committee and this committee, you are not going to whittle away at the Coast Guard having to do things that did not have to do with the mission to begin with. That is not going to happen on my watch.

The idea that the Coast Guard will be required to find an alternative fuel or alternative toxic chemical in place of another, that is the EPA's job, not the Coast Guard.

I do not know why the gentleman does not offer it to the energy bill or to the homeland security bill or some other bill. But why muddy the waters of the Coast Guard and require them again to have another mission? They have enough missions on their plate right now.

I do believe this is a mischievous amendment. I believe that most of it could actually be done in the communities in which they live. I believe that the port cities can make those decisions themselves. Why should the Coast Guard have to do this, taking money away from the mission they should be doing, that search and rescue, saving our seamen, attending to our fishing pirates, doing the things they are charged to do?

I am not going to add another responsibility to this Coast Guard. I had hoped the gentleman would withdraw his amendment. He has made his other statements. He can put this on another piece of legislation. He can argue, but this is a bill we have put together bipartisanwise. It is a bill agreed to by the gentleman from Minnesota (Mr. OBERSTAR) and myself and the gentleman from California (Mr. FILNER) and the gentleman from New Jersey (Mr. LOBIONDO), and it is a bill that should be left intact.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to strike the last word.

The Acting CHAIRMAN (Mr. GINGREY). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, I want to begin just by stating that we were briefed by the EPA yesterday and that the EPA has indicated that they have only just begun sampling and that they have, in fact, found highly elevated levels of lead, e.coli and other toxic substances. We are only at the beginning of this entire story.

If I may say to the gentleman from Alaska, I know what the gentleman is saying about making amendments on this issue to other bills. He has to understand the frustration of being in the minority in this institution.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield, try 22 years of being in the minority. That is longer than the gentleman has been in the minority.

Mr. MARKEY. Mr. Chairman, I know that the gentleman has now been able successfully, I would say, to have all of his amnesia treatments be completely accepted by his system because I do not think he can really appreciate how many times I have gone before the Committee on Rules and asked for an amendment on this subject, on the energy bill, on the homeland security bill. So it is out of frustration, and I will admit that, it is out of frustration that I attempt to make it on the Coast Guard bill.

The gentleman has some good points, but this is a point that should be raised, and it should be raised especially in the aftermath of New Orleans and the toxicity that is now rampant throughout that community. There is just the need for us to have this discussion, and it is a Coast Guard mission in

general, safety and security, although I accept the gentleman's point that the EPA would be the point on that, but it is difficult for the minority to have amendments successfully accepted on any issue that deals with the EPA out here on the House floor.

That is the reason I raise the point, and that is the reason I announced I was going to ask unanimous consent to withdraw it as well, so the point would be made that it is an important subject. It should be made in other bills. This was an aperture that I was taking advantage of to really just begin the process of political education, although I know that political activation and political implementation are much further down the line and dependent upon the goodwill of the Committee on Rules and the Republican leadership that we have an amendment like that.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will further yield, I do hope the gentleman will withdraw the amendment for numerous reasons.

I have to acknowledge one thing. He has been allowed to offer this amendment because I asked for an open rule. I did ask for an open rule because I knew the gentleman and some other people wanted an opportunity to use the platform to bring up this type of subject, and I respect that. I just suggest respectfully that this is not the bill to do this on, and I really request the gentleman to think about withdrawing the amendment.

Mr. MARKEY. Mr. Chairman, if I may reclaim my time, I appreciate the fact that it is an open rule; and, from a rules perspective, even a blind squirrel finds an acorn once in a while. So I am out here, and all of a sudden I run into an open rule; and, believe it or not, for me, it is just you have got to make hay when the sun shines, my father used to say. So this is just my opportunity to be able to make the case, knowing at the end of the day that there were other bills that were more appropriate and agencies that had more expertise to be able to do the subject, and at the end of the day knowing that the Coast Guard will be the agency that deals with the consequences of something not being done.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

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

There was no objection.

□ 1615

AMENDMENT NO. 6 OFFERED BY MR. MARKEY

The Acting CHAIRMAN (Mr. GINGREY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 254, not voting 16, as follows:

[Roll No. 473]

AYES—163

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonner
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Conyers
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Napolitano
Neal (MA)
Obey
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Roybal-Allard
Royce
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Snyder
Solis
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—254

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Bean
Berry
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Michaud
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tauscher
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Barton (TX)
Beauprez
Bishop (UT)
Calvert
Cooper
Cunningham
Istook
Melancon
Miller, Gary
Nadler
Olver
Pickering
Rogers (MI)
Rothman
Tanner
Taylor (NC)

□ 1639

Messrs. EVERETT, GERLACH, DeLAY, McHENRY, GILCHREST, SWEENEY, OSBORNE, AL GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas and Ms. WASSERMAN SCHULTZ changed their vote from ''aye'' to ''no.''

Messrs. FATTAH, BRADY of Pennsylvania, JONES of North Carolina, and RANGEL changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN (Mr. GINGREY). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr.

GINGREY, 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. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes, pursuant to House Resolution 440, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

REQUEST TO LIMIT VOTING TIME

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to limit voting time to 5 minutes, if ordered, on final passage.

The SPEAKER pro tempore. The Chair cannot entertain that request without prior notification to the Members.

The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 889 will be followed by a 5-minute vote, if ordered, on adoption of H. Res. 437.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 18, as follows:

[Roll No. 474]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Barton (TX)
Beauprez
Berman
Bishop (UT)
Calvert
Cooper
Cunningham
Ford
Istook
Melancon
Miller, Gary
Nadler
Olver
Pickering
Rogers (MI)
Rothman
Tanner
Taylor (NC)

□ 1658

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ESTABLISHING THE SELECT BIPARTISAN COMMITTEE TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA

The SPEAKER pro tempore (Mr. PUTNAM). The pending business is the de novo vote on adoption of House Resolution 437.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 188, not voting 21, as follows:

[Roll No. 475]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart

Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
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Hostettler
Hulshof
Hunter
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Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
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Wolf
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Andrews
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Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
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Frank (MA)
Gonzalez
Gordon
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Harman
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Israel
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Jefferson
Johnson, E. B.
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Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
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Murtha
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Oberstar
Obey
Ortiz
Owens
Pallone
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Payne
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Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
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Watt
Waxman
Weiner
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Beauprez
Berman
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Cooper
Cunningham
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Gallegly
Istook
Melancon
Miller, Gary
Musgrave
Nadler
Olver
Pickering
Rogers (MI)
Rothman
Tanner
Taylor (NC)

□ 1706

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 889, COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2005

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 889, the Clerk be authorized to correct section numbers, punctuation and cross-references, and to make such other necessary technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. PUTNAM). Is there objection to the request of the gentleman from Alaska?

There was no objection.

## GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 889.

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

There was no objection.

## AMENDMENT PROCESS FOR H.R. 2123, SCHOOL READINESS ACT OF 2005

Mr. SESSIONS. Mr. Speaker, the Committee on Rules may meet the week of September 19 to grant a rule which would limit the amendment process for floor consideration of H.R. 2123, the School Readiness Act of 2005. The Committee on Education and the Workforce ordered the bill reported on May 18 and filed its report with the House on June 16.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 1 o'clock on Tuesday, September 20. Members should draft their amendments to the text of the bill as reported by the Committee on Education and the Workforce.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purposes of inquiring of the majority leader the schedule for the week to come, and I am pleased to yield to the distinguished majority leader, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the distinguished whip for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. The final list of those bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will consider additional legislation under suspension of the rules, as well as two measures under a rule: H.R. 2123, the School Readiness Act of 2005, and H.R. 250, Manufacturing Technology Competitiveness Act of 2005.

Mr. HOYER. Mr. Speaker, I thank the majority leader for that information.

First of all, on the general proposition for the month of October, we had had discussions last week; and it is clear that the second week of October, it will not be practical to meet because of the various important dates on that week. The first week was somewhat in flux at that point in time.

Could the majority leader bring us up to date on where currently the thinking of the leader's office is on where we will be on the first week of October?

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. As the gentlemen knows, the Rosh Hashanah holiday falls in the middle of that week; and while we wanted to plan the voting schedule for that week around that holiday, and we are still trying to do that, we still believe it may be necessary for the House to be in session at some point in that week.

Mr. HOYER. Mr. Speaker, I thank the gentleman. I realize the problems of doing that; but many of our Members, particularly those who come from

far away, are concerned about traveling on that Wednesday, as the gentleman knows, which makes it problematic because we will have to be very late Thursday. We will obviously accommodate what the majority believes it is going to do.

In that regard, last week, we had thought we probably, or might, be in tomorrow. We are not going to be in tomorrow. Can the majority leader give us a view on what might be the status of next Friday? I yield to my friend.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding. At this point we believe that we can complete the legislation we have scheduled for next week by Thursday night of next week. However, however, given the still fluid situation in the gulf coast area, we are not yet prepared to cancel the session next Friday.

Mr. HOYER. Mr. Speaker, reclaiming my time, I am presuming, and there was some discussion about this last week, that at some point in time in the next couple of weeks, we are going to have to do some sort of continuing resolution. Is that the gentleman's belief as well? I yield to my friend.

Mr. DELAY. Mr. Speaker, I thank my friend for yielding. Yes, the way things look, the gentleman knows that we have passed all of our appropriations bills out of the House and did so before July 4. The Senate does not have the same schedule, and it is quite obvious to all of us that they will not be able to get all of their appropriations bills across their floor in a timely manner. So we do anticipate to do some sort of CR before the end of this month. Whether it is next week or the following week, we do not know yet.

Mr. HOYER. Mr. Speaker, does the gentleman have any thoughts at this point in time regarding the length of time of the initial CR that we would consider? I yield to my friend.

Mr. DELAY. I thank the gentleman for yielding. No, I have not been advised by the Committee on Appropriations as to what they are thinking. I am sure they will start having those discussions with the Senate and the gentleman's leadership starting next week, because we are going to have to deal with that issue.

Mr. HOYER. I thank the gentleman.

The GSE, the GSE bill was initially, our thought was that would be on the floor this coming week.

□ 1715

The gentleman from Massachusetts (Mr. FRANK), the ranking Democrat on the Committee on Financial Services, is on the floor and has been very involved in this bill.

I am not sure you even know this, but the gentleman from Massachusetts (Mr. FRANK) informs me that there are very significant sums that would be available to the gulf area for housing in the GSE bill, which will be regular order, and the benefit would be that this money would be available, and we know we are going to have to spend money in that area.

Can you tell me why the GSE bill is not on the floor? This deals, as you know, with Fannie Mae and Freddie Mac.

Mr. DELAY. Well, we do understand that this bill came out of the Committee on Financial Services I think with a vote of 65 to 5.

It is a bill that is anticipated, and we really want to bring it to the floor. To be quite honest with you, we have some Members on this side of the aisle that are still wanting to negotiate some changes in that bill before we bring it to the floor; and we are in that process. As soon as we can get a consensus of where our Members are on that bill, then we will bring it to the floor.

Mr. HOYER. Mr. Speaker, if the gentlemen from Texas (Mr. DELAY) does not object, let me yield to the gentleman from Massachusetts (Mr. FRANK), the ranking member, because I know he has worked very hard with the gentleman from Ohio (Mr. OXLEY), as you well know, in a very bipartisan way. You mentioned 63 to 5, 65 to 5; and so we did not perceive there to be much opposition to the bill.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

Mr. Speaker, we did obviously get overwhelming consensus in the committee; and the vote among the Republican members of the committee was something 6 to 1 in favor of the bill. By the way, we have had some negotiation since, as the gentleman from Texas (Mr. DELAY) knows because he has been participating in them.

Some of the objections of some of the more conservative Members have been accommodated. Some safeguards were put in. Not everything was done that we liked on our side. We have been trying to be conciliatory, although people obviously had the power to go ahead.

Then, most recently, we decided this is a way to get money, if this bill were to pass quickly, to do housing so badly needed in the gulf area, frankly bypassing some of the normal problems you would have in terms of the need for regulations at OMB.

It would not go on the deficit. There has been a lot of concern about relief efforts that add to the deficit. This would be hundreds of millions of dollars, because it comes from the profits of Fannie Mae and Freddie Mac, not on the deficit.

The only other point I would say, and I would hope the majority would have something to say about it, he said people do not like some things about the bill. Well, as I read the Constitution, I did not find the word negotiation in private among the majority party as part of article I.

I thought bringing bills to the floor and having debates and votes was the way to do it. Now I understand you want to establish some limits. But I do think we are reaching the point where democracy is suffering.

A bill adopted in an open process with hearings and debates in committee and amendments passes 65 to 5. It has been, what, months since that bill was voted out of committee; and there have been some negotiations.

The notion that the bill cannot come to the floor until all but three Members of the majority are satisfied really flies in the face of democracy. If there are differences, what is the objection to letting the majority of the House of Representatives vote? We are not enormously far apart.

I have voted in the past for this thing called Reg-Neg, negotiated regulations. I do not think it ought to displace democracy. We have a bill that has an overwhelming vote in committee. There are some legitimate differences. Why cannot we let democracy work, and then, whichever side wins, the bill passes and hundreds of millions of dollars are available for the gulf.

Mr. HOYER. Reclaiming my time, I know the leader understands those were largely rhetorical questions.

The gentleman from Massachusetts (Mr. FRANK), however, does express a view that a bill that can be very helpful to us that came out 65 to 5, overwhelming agreement, came out months ago. We do hope that this bill can be brought to the floor, certainly before, hopefully if not the end of next week, the week following. Because we believe it is the kind of legislation that people would be proud of. Democrats and Republicans came together, worked on it, came out with a bill, and it is a very good bill.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentlewoman from California (Ms. WATERS), the ranking member of the Subcommittee on Housing, has said giving assurance to the people of New Orleans, the poorer people in particular of New Orleans, and, frankly, a lot of African American people, that we will be committed to rebuilding the city so they can come back home is very important. The longer we delay on this bill, the longer we delay giving people what is very important reassurance at a critical time.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. I appreciate the gentleman yielding.

The bill that passed out of committee, by the way, would do nothing for New Orleans, nor would it do anything for the disaster relief in Alabama or Mississippi either.

What the gentleman from Massachusetts (Mr. FRANK) is referring to is a negotiation that has been ongoing to create, out of this building fund, at the GSEs an opportunity to change the bill and allow housing to be built in these devastated areas. That is the process around here. It is democracy when Members are negotiating a change to the bill; and in changing that bill in the way that has been suggested and

supported, obviously, by the gentlemen from Massachusetts (Mr. FRANK) other Members ought to have the opportunity to look at this bill and negotiate a bill that would receive the same sort of ratio here on the floor, rather than having a contentious battle on the floor and writing the bill on the floor.

We try our best to write bills in committee, but when the bill changes from committee to the floor, negotiations are created, and we are in the process of those negotiations, and that is the way this process works. The gentleman from Massachusetts has been here a lot longer than me, and he understands that.

Ms. WATERS. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, one of the things I have been terribly worried about is the inability of Congress to move quickly to do something about the victims of Katrina. I am very, very worried that we are going to be seen as a body that cannot get its act together when we are confronted with this terrible disaster. We have an opportunity to utilize resources that will not be taken from our budget. We have an opportunity to use substantial resources that could be applied toward the rebuilding of homes, to getting people started again; and if we keep fumbling and if we keep fiddling, then we are going to come under great criticism because we are not doing what we can do.

So I would just simply urge all of my colleagues, do not play with this. There are people who are suffering and people who are depending on us. We have got a great way by which to provide real assistance. Let us get it done.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. I guess the gentlewoman from California (Ms. WATERS) forgets or has a short memory. I think we came into special session to spend $10.5 billion just a few days after the disaster hit, came back the next week and spent $51 billion to go to immediate relief.

We have passed some six to eight bills in the last few days that directly affect people and their ability to get their lives back together. I do not think anybody, and certainly not this House, is dragging its feet on anything.

What the gentlewoman is talking about is a process that, frankly, will take months to get the money that we are talking about in order to build the houses that she wants; and being able to negotiate a few weeks or days to get this bill right and not get it wrong I think is very much the responsible way to proceed.

Mr. HOYER. Mr. Speaker, reclaiming my time.

I appreciate the majority leader's response. There obviously is a difference of view of how soon that those dollars could flow from the ranking member of the subcommittee and the ranking member of the full committee.

You mentioned days. I would certainly hope it could be days. Because I think we would all be advantaged in a bill, particularly if we could pass it with the overwhelming majority that was received both in the subcommittee and in the full committee.

Moving on, Mr. Leader, in addition to the bills you have listed for next week, do you anticipate any Hurricane Katrina-related legislation will come to floor? And if so, will those bills go through the committee of jurisdiction and be considered under rules on the floor that allow full debate?

You mentioned, as a preface to that, obviously almost all of us voted for the $52 billion. But I think everybody on the floor was concerned about the level of information we had about what had been spent of the $10 billion, how much was going to be spent, on what, of the $52 billion.

In that context I ask that question.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, the total of $62 billion that we have authorized FEMA to spend is designated already in present law. FEMA already knows what they can and cannot spend that money on, and that I know has created some frustrations with people. You cannot have it both ways. You cannot say this is too much money, and we do not know how to spend it, yet be frustrated when FEMA is complying with the law and when they are spending the money. That creates a problem.

As the gentleman knows, the problem is we have a disaster unlike we have seen in this country, not just the hurricane but the displacement of hundreds of thousands of people for a very long period of time and displaced not just out of the area but out of their State, which has created new concerns and new problems; and we are trying to address those immediately.

But the administration is addressing many of these issues within the law through waivers or redesigning certain programs, and a lot of it is being taken that way. But there are some things that we must do. The committees, hopefully working in a bipartisan way, are looking at all of those kinds of issues; and that is where the six or eight bills that we have passed over the last 2 weeks have been coming from.

Understanding that those students, for instance, that may have lost their Pell Grants, in anticipation of going to universities that have closed, need some fix. We fixed that. We tried to develop a system where we could make available more TANF funds earlier, and we fixed that. We went down the line fixing those things that we thought needed fixing immediately. We are still working on others.

I have to tell you that the Senate does not see it the same way, and they are sitting on these bills and not passing them, and I would urge all Members of the House to contact their Senators and talk to them about picking up these bills and passing them, because they are incredibly important to people that need these changes.

Mr. HOYER. Mr. Speaker, reclaiming my time. I thank the leader for that observation and information.

I would urge the leader, as we bring additional bills to the floor, that we give the opportunity to have these bills fully considered by the floor. We want to move them. We want to move them quickly.

The overwhelming majority of us on both sides of the aisle have voted for all of the bills that you just referenced on the theory, as you said, that we need to move ahead on the Pell Grants and TANF and on the dollars themselves, on liability issues.

But the failure to give full consideration to them, assuming full consideration does not mean days and weeks delay but a full day of consideration of these pieces of legislation, we believe is appropriate, particularly if we deal with another very large money bill.

We hope it goes through committee, and we hope it comes to the floor with an opportunity for Members to make suggestions in forms of amendment, either cutting or adding or shifting, as the case may be, those resources. Because we think that is, you know, the theory of the process is, our collective judgments are better than our individual judgments. And that is what democracy is.

□ 1730

Mr. DELAY. The gentleman is absolutely right, and I hope Members will pay attention to this unusual process that we are using. The gentleman is right. To what extent we can, we ought to use regular order, but these are unusual times. And there are things that need to be done immediately. And I do not think the people that have been devastated by this disaster want us to wait a week to vet things and that kind of stuff, particularly if you were one of those students that was trying to get into another university and could not transfer your Pell grant to that other university. I think they are appreciating that we are trying to move as quickly as possible so they can do that. That is just one example of many examples.

The point is that we are trying to do this in a bipartisan way. If there are ranking members that are not being consulted, then I want to hear about it. Members should understand that we are trying to get it out to the Members and we are more than willing to hear anything from anybody, so they should be working through their ranking member and on our side of the aisle, their full committee chairman. But there are some things that we need to get to the floor as quickly as possible.

At any rate, it is taking several days to get these bills done so Members have

an opportunity to participate and have their input. We are going regular order on most of the bills, but there are some that need attention immediately; and that is why we moved quickly in consultation and cooperation with the other side of the aisle. And we thought these were all bills that had everybody's consent because we even checked with the Senate, we checked with the administration, and we thought these bills could move quickly. Unfortunately, the Senate sees it differently.

Mr. HOYER. I thank the gentleman. I would simply add again that as the gentleman indicated, trying to go regular order, obviously, both sides understand that these are things we need to move with great dispatch so we can help the people that need help and get it to them when they need the help. We are all for that.

On the supplemental, the President has indicated there is going to be a need for another supplemental. Do you know when we might consider such a supplemental; how much that supplemental might be for? And if we start considering it early, while the $52 billion is still available to be expended to assist those, it will give us a little bit of time to go through the process that the gentleman indicates is the best process.

I yield to the gentleman.

Mr. DELAY. I appreciate the gentleman yielding. I do not know, other than in the press, and in many of these issues the press has gotten it wrong, that there has been any supplemental suggested by the President of the United States. He has not contacted my office. As far as I know, he has not contacted the Speaker's office, nor the chairman of the appropriations office about another supplemental. Quite the contrary. They are trying to avoid having another supplemental and trying to spend the money properly and get it to the people that need it. So I am not aware of any supplemental certainly in the short term.

Mr. HOYER. I thank the gentleman for that information.

Now, there is some speculation about an energy bill being considered. Obviously, gasoline prices are extraordinarily high. The American public is very concerned about their energy costs, about the policies of this country. Do you anticipate an energy bill coming to the floor any time within the next 2 weeks or 3 weeks?

Mr. DELAY. I appreciate the question, because Members need to be aware that the Committee on Energy and Commerce is working on a fuel bill to try to address the concerns, particularly of supply and the lack of refining in this country.

The gentleman knows that there were a lot of issues that were dropped out of the energy bill that was signed by the President about a month ago that would be having an effect right now. We are going to revisit those issues.

There are other issues that have come to mind. People are starting to understand that as the cold weather starts closing in on us that the cost of fuel oil is going to be astronomical, that the increase in electricity costs are going to be astronomical. The cost of natural gas is going up, and we all understand that supply is the real problem; and we are going to try to address that and hopefully address it as soon as we can, do it in regular order, and bring it to the floor for consideration of this House.

Mr. HOYER. I thank the gentleman. Do you have any idea what ''as soon as possible'' is, the time frame? Next 3 weeks, next month, late October, November? Do you have any idea on that?

Mr. DELAY. There is really no way of knowing. It is really up to the committee and how fast they can do their work. I might say that the chairman of the committee's wife is having a baby today so that has created a problem. Not for him, but for our schedule. So they are working as hard and as fast as they can, and it is incredibly important for us to deal with this issue as soon as possible.

Mr. HOYER. Reclaiming my time, and I agree with you that is not a problem. Please convey the Democratic congratulations to the chairman and more importantly his wife, the mother.

Two last bills I will ask you about, Mr. Leader, and I appreciate the time we are taking on this. Reconciliation: There was a discussion about putting off reconciliation. We have put off reconciliation at least until the end of the month, as I understand it probably until October. Can you tell me whether or not we still anticipate reconciliation moving forward and, if so, are there going to be two bills? One the $35 billion in mandatory spending cuts among which is $10 billion in Medicaid cuts, and/or the $70 billion in tax cuts that was included in the budget reconciliation instructions.

Mr. DELAY. I appreciate the gentleman yielding and for the question. The gentleman probably knows that I think today the Committee on the Budget has sent a notice to the House that they have postponed the process until the end of October because of what is facing us now. We thought it would be better to do that, and the Committee on the Budget agreed. And so this process will not even be started until the middle of October.

As the gentleman also knows, the budget that was passed by the House allows for two bills, one an entitlement reform bill and another a tax bill. We anticipate taking advantage of both and trying to reform entitlement spending so that real money is getting to real people that need it. And we also anticipate some sort of tax bill because we feel like, particularly under the present circumstances, to continue this good economy that we have got, we hope to enhance it even more.

Mr. HOYER. Reclaiming my time, the last bill I would ask you about is the subject matter that has been one of the biggest subjects that we have been considering this year. The President put it on the agenda, the Social Security privatization, private accounts act. Can you tell me whether or not we anticipate a Social Security bill coming to create private accounts or privatize in some way Social Security coming to the floor this year.

Mr. DELAY. The Committee on Ways and Means remains focused on developing a comprehensive retirement security package. And I still hope that the House will be able to consider legislation in this area before we end this session. That is about as much as I am informed as to where the bill is, what is in it, and when it will come.

Mr. HOYER. I thank the gentleman. Let me say on behalf of the minority, the Democrat side of the aisle shares your concern and commitment to assuring retirement security for our people. As you know, we strongly disagree with the suggestion that has been made by the administration with reference to the creation of private accounts and what we perceive as privatizing parts of Social Security. But I want you to be assured that we share your view that we want to make sure that retirement accounts are secure and that Americans have opportunities to participate in the creation of retirement accounts. I thank the gentleman for his observation.

## ADJOURNMENT TO MONDAY, SEPTEMBER 19, 2005, AND HOUR OF MEETING ON TUESDAY, SEPTEMBER 20, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 20, 2005, for morning hour debates.

The SPEAKER pro tempore (Mr. PUTNAM). Is there objection to the request of the gentleman from Texas?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

## ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. DELAY. Mr. Speaker, I offer a resolution (H. Res. 445) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 445

*Resolved*, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mrs. Schmidt to rank after Mr. Fortenberry.

Committee on Government Reform: Mrs. Schmidt to rank after Ms. Foxx.

Committee on Homeland Security: Mr. King of New York, Chairman; Ms. Ginny Brown-Waite of Florida to rank after Mr. Dent.

Committee on Transportation and Infrastructure: Mrs. Schmidt to rank after Mr. Boustany.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## WELCOMING PRESIDENT CHEN SHUI-BIAN OF TAIWAN TO THE UNITED STATES ON SEPTEMBER 20, 2005

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 237) expressing the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on September 20, 2005, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 237

Whereas for more than 50 years an iron-clad relationship has existed between the United States and Taiwan which has been of enormous economic, cultural, and strategic benefit to both nations;

Whereas the United States and Taiwan share common ideals and a clear vision for the 21st century, where freedom and democracy are the foundations for peace, prosperity, and progress;

Whereas Taiwan has demonstrated its unequivocal support for human rights and a commitment to the democratic ideals of freedom of speech, freedom of the press, rule of law, and free and fair elections routinely held in a multiparty system;

Whereas the upcoming September 20, 2005, visit to the United States of Taiwan's President Chen Shui-bian is another significant step in broadening and deepening the friendship and cooperation between the United States and Taiwan;

Whereas on September 20, 2005, Taiwan's President Chen Shui-bian will be presented the Human Rights Award by the Congressional Human Rights Caucus for his efforts in promoting tolerance, democracy, and human rights;

Whereas Taiwan's President Chen Shui-bian will bring a strong message from the Taiwanese people that Taiwan will cooperate and support the United States campaign against international terrorism and efforts to rebuild and bring democracy and stability to Afghanistan and Iraq; and

Whereas the Government of Taiwan has donated $2 million to the Government of the United States to help with relief efforts in the devastated areas of the Gulf Coast of the United States stricken by Hurricane Katrina: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress—

(1) offers its warmest welcome to President Chen Shui-bian of Taiwan upon his visit to the United States on September 20, 2005;

(2) asks President Chen Shui-bian to communicate to the people of Taiwan the support of Congress and of the American people;

(3) recognizes that the visit of President Chen Shui-bian of Taiwan to the United States is a significant step toward broadening and deepening the friendship and cooperation between the United States and Taiwan;

(4) recognizes the commitment and efforts of President Chen Shui-bian of Taiwan to maintain the peace and stability in the Taiwan Strait;

(5) congratulates President Chen Shui-bian on his receiving the Human Rights Award from the Congressional Human Rights Caucus; and

(6) thanks President Chen Shui-bian and the government and people of Taiwan for their contribution to relief efforts in the devastated areas of the Gulf Coast of the United States stricken by Hurricane Katrina.

The concurrent resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. CHABOT:

In the first clause of the preamble, strike ''iron-clad relationship'' and insert ''enduring friendship''.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Ohio (Mr. CHABOT).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

## COMMUNICATION FROM THE HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable WILLIAM J. JEFFERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*September 15, 2005.*

Hon. J. DENNIS HASTERT,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the Eastern District of Virginia.

I will make the determinations required by Rule VIII.

Sincerely,

WILLIAM J. JEFFERSON,
*Member of Congress.*

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3763

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3763.

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

There was no objection.

## REPORT CONTAINING RECOMMENDATIONS OF DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–56)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services and ordered to be printed:

*To the Congress of the United States:*

I transmit herewith the report containing the recommendations of the Defense Base Closure and Realignment Commission pursuant to sections 2903 and 2914 of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, 104 Stat. 1810, as amended. That report includes changes referenced in errata sheets submitted to me by the Commission, including the enclosed errata sheets dated September 8, September 9, September 12, and September 13, 2005.

I note that I am in receipt of a letter from Chairman Principi, dated September 8, 2005, regarding a district court injunction then in effect relating to the Bradley International Airport Air Guard Station in Windsor Locks, Connecticut. Chairman Principi's letter states that, as a result of that injunction, ''you should consider the portion of Recommendation 85 . . . that recommends realignment of the Connecticut 103rd Fighter Wing withdrawn from the Commission's report.'' The Chairman's letter further states that ''[i]f the court's injunction is later vacated, reversed, stayed, or otherwise withdrawn, it is the intent of the Commission that the entirety of the recommendation be a part of the Commission's report.'' On September 9, 2005, the United States Court of Appeals for the Second Circuit granted a stay of the district court's injunction. Because the injunction is no longer in effect, Recommendation 85 in its entirety is part of the Commission's report.

I certify that I approve all the recommendations contained in the Commission's report.

GEORGE W. BUSH.
THE WHITE HOUSE, *September 15, 2005.*

## KATRINA RELIEF

(Mrs. BLACKBURN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I look forward to hearing the President address the Nation this evening on our plan to be certain that America's Gulf Coast States continue to receive the assistance they need to rebuild.

I want him to know that Tennessee is doing our part to help those that are affected by Katrina. The past few days I have talked about some of the good work our west and middle Tennessee organizations have done to assist the recovery effort.

Today I want to thank our Clarksville and Montgomery County, Tennessee, volunteers and organizations, especially those providing food, like Urban Ministries, Loaves & Fishes, and the Department of Human Resources. The Hilldale Church of Christ and the Cumberland Baptists Association are providing shelter. The Salvation Army Thrift Store and First Call For Help have provided clothing.

□ 1745

We have seen Gateway Health System and our County Health Department assist with medical care.

Austin Peay State University has opened their doors, and they are receiving displaced students.

Mr. Speaker, in the aftermath of the hurricane, we have seen ordinary Americans do extraordinary things. I want to thank our Tennessee communities for pitching in.

## GAZA PULLOUT

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Mr. Speaker, Israeli Prime Minister Ariel Sharon has shown bold leadership. Prime Minister Sharon took a significant risk to both his political future and personal safety to organize the Israeli pullout of Gaza.

Thousands of Israelis were moved from their homes in Gaza to give peace a chance. With no guarantees from the Palestinians, the Israelis moved all that was important to them, moved their home, their goods, including the remains of their families and friends.

Mahmoud Abbas and the Palestinian Authority must show leadership and root out radical terrorist groups like Hamas. Israel took the first step in the hope of developing a lasting peace with the Palestinians. Abbas must confront violence against Israelis, eliminate the terrorist infrastructure, disarm and arrest those involved in terrorist plots and institute democratic reforms in all Palestinian-controlled areas.

Mr. Speaker, Prime Minister Sharon showed bold leadership and courage. Now the Palestinians must act.

## AIRLINE EMPLOYEES

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, yesterday, two cornerstones of the airline industry filed for bankruptcy. The headlines this morning talk about Delta and Northwest and the customers, but what should be on the front page are headlines about the employees. The employees are the ones who will be impacted the most. Delta and Northwest combined have over 90,000 employees, and that number does not include the retirees who will also have to deal with this issue.

People who have worked a lifetime to retire comfortably are now in jeopardy of having their promised benefits cut by 75 percent. Can you imagine that, 75 percent?

Delta and Northwest Airlines are the latest casualties in a competitive airline industry, and these recent Chapter 11 filings are a symptom of a greater problem and must serve as a wake-up call for all of us. Employees must have the flexibility to choose how they wish to secure their retirements if legacy carriers are to remain in the industry. This means IRAs and 401(k)s, the power to secure your retirement should be in your own hands.

Mr. Speaker, the news today affects all of us, and I ask my colleagues to support comprehensive airline pension reform so these employees retain a more secure future.

## IN MEMORY OF JUDGE MARC WESTBROOK

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, South Carolina has lost a judicial statesman with the death of Judge Marc Westbrook. In dedicating the Lexington County Courthouse main courtroom in his honor, Marc was fondly recognized as a loving father, devoted husband, dedicated son, conscientious legislator and brilliant judge. These accolades are truer today than ever before.

Judge Westbrook is a role model and mentor of integrity and competence for young lawyers who served as clerks, such as my son Alan and my Chief of Staff Eric Dell. In addition to his passing, we give tribute to his law clerk Randall Davis, Junior, who also sadly was killed in yesterday's traffic accident.

The Wilson family, especially our oldest son Alan, who considered the judge an uncle, extends its deepest sympathies to his wife, Linda; his sons, Thad and Richard; his father, Herb; his sister, Dottie; his beloved granddaughter, Abby; and his additional family members. We also express our deepest sympathies to the Davis family and his father Randy and sister Julie.

In conclusion, God bless our troops, and we will never forget September 11.

## APPOINTMENT OF HON. MAC THORNBERRY TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 20, 2005

The SPEAKER pro tempore (Mr. DAVIS of Kentucky) laid before the House the following Communication from the Speaker:

WASHINGTON, DC,
*September 15, 2005.*

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 20, 2005.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will proceed to recognize Members for Special Order speeches without prejudice to possible further legislative business.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## THE COMING CATEGORY 5 FINANCIAL HURRICANE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the tragic events of abject poverty in New Orleans revealed on national TV by Katrina's destruction were real eye-openers for many. These scenes prompted two emotional reactions. One side claimed Katrina proved there was not enough government welfare and its distribution was based on race. The other side claims we need to pump billions of new dollars into the very agency that failed, FEMA, while giving it extraordinary new police powers. Both sides support more authoritarianism, more centralization, and even the imposition of martial law in times of natural disasters.

There is no hint that we will resort to reason now that the failed welfare policies of the past 60 years have been laid bare. Certainly no one has connected the tragedy of poverty in New Orleans to the flawed monetary system that has significantly contributed to the impoverishment of a huge segment of American society.

Congress reacted to Katrina in the expected irresponsible manner. It immediately appropriated over $60 billion with little planning or debate. Taxes

will not be raised to pay the bill, fortunately. There will be no offsets or spending reductions to pay the bill. Welfare and entitlement spending is sacrosanct, spending for the war in Iraq and the military industrial complex is sacrosanct, but there is no guarantee that gracious foreign lenders will step forward, especially without raising interest rates. This means the Federal Reserve and the Treasury will print the money needed to pay the bills.

The sad truth is that monetary debasement hurts the poor people the most, the very people we saw on TV after Katrina. Inflating our currency hurts the poor and destroys the middle class, while transferring wealth to the ruling class. This occurs in spite of the good intentions and the misplaced compassion.

We face a coming financial crisis. Our current account deficit is more than $600 billion annually. Our foreign debt is now more than $3 trillion. Foreigners now own over $1.4 trillion of our Treasury and mortgage debt. We must borrow $3 billion from foreigners every business day to maintain our extravagant spending. Our national debt is now increasing over $600 billion per year; and, guess what, we print over $600 billion per year to keep the charade going. The national debt is approaching $8 trillion, but there is a limit, and I am fearful we are fast approaching it.

Runaway inflation is a well-known phenomenon. It leads to political and economic chaos of the kind we witnessed in New Orleans. Hopefully, we will come to our senses and not allow that to happen, but we are vulnerable, and we have only ourselves to blame.

The flawed paper money system in existence only since 1971 has allowed for the irresponsible spending of the past 30 years. Without a linkage to gold, the Washington politicians and the Federal reserve have no restraints placed on their power to devalue our money by merely printing more to pay the bills run up by the welfare-warfare State.

This system of money is a big contributing factor in the exporting of American jobs, especially in the manufacturing industries.

Since the last link to gold was severed in 1971, the dollar has lost 92 percent of its value relative to gold, with gold going from $35 an ounce to $450 per ounce.

A major adjustment of the dollar and the current account deficit can come anytime, and the longer the delay the greater the distortions will be in terms of a correction. In the meantime, we give leverage to our economic competitors and our political adversaries, especially China.

The current system is held together by a false confidence in the U.S. dollar that is vulnerable to sudden changes in the economy and political events.

This is my suggestion to my colleagues. Any new expenditures must have offsets greater in amount than the new programs. Foreign military and foreign aid expenditures must be the first target. The Federal Reserve must stop inflating the currency merely for the purpose of artificially lowering interest rates to perpetuate a financial bubble.

This policy allows government and consumer debt to grow beyond sustainable levels, while undermining incentives to save. This, in turn, undermines capital investment, while exaggerating consumption. If this policy does not change, the dollar must fall, and the current account deficit will play havoc until the house of cards collapse.

Our spending habits, in combination with our flawed monetary system, if not changed will bring us a financial whirlwind that will make Katrina look like a minor storm. Loss of competence in the dollar and the international financial system is a frightening possibility, but it need not happen if Congress can curb its appetite for buying the people's support through unrestrained spending.

If Congress does not show some sense of financial restraint soon, we can expect the poor to become poorer; the middle class to become smaller; and the government to get bigger and more authoritarian—while the liberty of the people is diminished. The illusion that deficits, printing money, and expanding the welfare and warfare states serve the people must come to an end.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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## RECOGNIZING THE ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, today, in the Committee on International Relations a remarkable thing happened. Not one but two resolutions recognizing the facts of the Armenian genocide passed out of the committee with strong bipartisan support, indeed with the support of both the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), the ranking member.

One of those resolutions I introduced to recognize the first genocide of the 20th century, the genocide which claimed the lives of 1.5 million Armenian men, women and children. The facts of that genocide are clear. The facts of genocide are incontrovertible. They are bourne out in thousands of pages of documents in our own archives. They are bourne out in the words and the transmitted telegrams of our Ambassador, Henry Morgenthau, at the time.

The only obstacle that the Congress has faced, and it has been a formidable one, in recognizing the Armenian genocide is the resistance of the Republic of Turkey, the well-documented efforts of its powerful lobbyist, and the feeling of some that, by recognizing what all historians have recognized, that we will somehow jeopardize our relations with an ally.

□ 1800

I have never taken issue with the fact that Turkey is an ally to the United States. It is an ally. It is at a strategic crossroads. It is an important member of NATO. At the same time, we cannot equivocate about the murder of 1.5 million people; and the differences that we have had with Turkey, and they have been considerable, over a whole host of issues have not ruptured our relationship.

During the run-up to the Iraq war, many of my colleagues will remember, we sought the permission of Turkey to allow American and Coalition ground forces to enter Iraq through Turkey. The Turkish Parliament voted on that, and they voted against it. That was of enormous significance to this country.

As a result of that, we could not open that second northern front; as a result of that, many melted away to the Iraqi population, many of the insurgents that we now fight with so bitterly. That had enormous consequences, but it did not end the relationship with the United States, and recognition of the historic facts of the genocide will not end the relationship with Ankara, either. There are strong mutual interests at stake which will transcend the recognition of the historic facts.

In the past, American leaders have recognized the genocide. Ronald Reagan spoke eloquently of the facts of the genocide. Winston Churchill in his memoirs documents the murder of hundreds of thousands of Armenians in a crime at the time that was unequaled. Yet here we are, fresh from recognizing, as indeed we should and as indeed we must, the genocide going on in Darfur, but unwilling to recognize the murder of 1.5 million Armenians.

What does that say about American policy? Can our policy be that we will recognize genocide when it is committed by the politically impotent, as in the case of Sudan, but not in the case of the politically powerful as in the case of the Ottoman Empire and its Turkish successors? This certainly cannot be the policy of the United States. We must recognize unequivocally that, beginning in 1915, 1.5 million people were murdered merely because of who they were as a people, the very definition of genocide.

With the passage of these resolutions, with the support of the chair and the ranking member, with the overwhelming support on both sides of the aisle in committee, I hope that we can get a vote on the House floor, something we have not had in more than a decade, so that we can once again reestablish the moral authority and clarity

that comes with recognizing genocide, past or present, foe or friend, alike. I urge the Members of this House to join in an effort to call upon the leadership to hear the genocide resolution, and I hope the leadership will heed that call.

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## ANGELS IN ADOPTION AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, this week we have had a lot of focus on various sad issues, but there was a wonderful situation that occurred in Washington this week: people came from all over the country for a program called Angels in Adoption.

There was a wonderful couple from the fifth district who came to receive the Angels in Adoption award, George and Brenda Ball. I nominated them for this award and had the opportunity to talk with them and meet with them while they were here. They are a wonderful couple who have taken into their home a lot of children who need love and care, and I would like to share parts of an article written about them from the Winston-Salem Journal and hold them up to ourselves and to others for the great work that they are doing. They live in a little town called Tobaccoville, and here is part of the article:

''When George and Brenda Ball hear of a child in trouble, they open their arms. Never mind that, before they married in 1980, he had already raised five children and she had raised three. Never mind that they are great grandparents in their 60s. Their house still rings with the voices of children. Over the past 19 years, they have cared for about 30 foster children and adopted seven of them, most with special needs. They plan to adopt their current foster child, an 18-month-old girl . . .

''`I see it as an award for Forsyth County and North Carolina and for all the foster parents and adoptive parents,' Brenda Ball said. `I'm just thrilled to death.'

''The Balls took in their first foster child, Kelly, in 1986. `We just didn't have any children in the home,' Brenda Ball, said. `We kept hearing all these horrible stories about children being abused and neglected.'

''The decision to adopt Kelly was a hard one, she said. `We weren't sure we were ready to commit the rest of our lives to having children around,' but they did not want to put Kelly through any more heartache so they decided to keep her. Kelly is now 21 and married. After Kelly, the decision to adopt became easier.

''Next came Eugene, 22, who now lives nearby with his biological mother. The Balls have always encouraged their adopted children to stay in touch with their biological families and are willing for them to be reunited if the parents are able to care for them.

''With Kelly and Eugene in the house, Brenda Ball decided to retire from her job in reservations with U.S. Airways. George Ball is retired from the Winston-Salem/Forsyth County schools, where he was an assistant supervisor in housekeeping, and from the Air Force.

'' `We made the decision that, with all their needs, it was more important to be here for them,' Brenda Ball said. `We just decided that children needed us more than we needed the money.'

''And the children kept coming. The Balls asked for children with medical problems because they knew they could handle them. Most of their adopted children had mild to severe medical problems caused by premature births and the effects of alcohol and drugs that their biological mothers used when they were pregnant.

''George Ball, 68, roller blades and plays basketball with the children. His wife stays on the move.

''The Balls have served as surrogate parents to the children in their neighborhood. `I never know when I cook a meal how many will sit there or how many shifts will run,' she said.

''She is happy to think that her children are not among the many who have to worry about where their next meal will come from, or who move every month when the rent comes due, or who lie awake at night listening to their parents fight over drugs. `There is nothing sadder than a kid wanting a family,' she said. `That is why I have ended up having eight.' ''

We are so fortunate to have wonderful people like George and Brenda Ball and all the Angels in Adoption, and I salute them tonight.

## FEMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I have before me a speech given by James Lee Witt who was the director of the Federal Emergency Management Agency during the Clinton administration. It is actually testimony given on May 22, 2004. I think it is very relevant to the debate we had here today about what went wrong and how we are going to fix it and how we are going to understand what went wrong.

Basically, Mr. Witt predicted what happened. Here is some of his testimony.

Particularly on this issue of Department of Homeland Security and FEMA as an independent agency as the organization that responded for 8 years to the American people's needs in a customer-serviced focused way, that has been destroyed. It is not there now. It is buried down in the bottom of a huge bureaucracy. It now has no communications within the agency itself, nor does it have communications with State and local government where, before, we had a partnership working with State and local governments.

There is not even communications from FEMA headquarters in Washington to their 10 regional offices. FEMA employees call me constantly. They have got so many vacant offices within FEMA headquarters now that I doubt they could respond to a catastrophic event.

This was testimony on May 22, 2004. Because, when we left in 2001, FEMA was ranked as one of the top agencies in the Federal Government to work for. Just recently in the Washington Post, it was ranked dead last at 28. The morale within the agency is so bad some of the senior level people have quit, some that have the historical knowledge and capabilities to respond, recover, repair, everything the agency did. Our Nation right now suffers on the interoperability of public safety communications. It is zero.

This is James Lee Witt, May 22, 2004, talking about the state of the Federal Emergency Management Agency that this administration had said of the former director, Brownie, you're doing a great job. Of course, Brownie is now gone. But it is a much bigger problem than Brownie, the political hack appointed by the President to head this agency, which had been downgraded, underfunded, and basically dismissed by the Bush administration. It is a problem that is of tremendous magnitude.

Today, the House voted to investigate itself. I doubt that we will get an honest report out of the Republican majority here.

We offered an amendment on the floor. We said: if you put FEMA into this bureaucracy, you will degrade its capabilities. On a virtually partisan line vote, I think 10 brave Republicans voted with us, that amendment was rejected. I guess we were a little bit wrong. It is even worse and quicker than we could have thought that FEMA has been destroyed. It is extraordinary.

I hear so many speeches on the floor every night. One gentleman ended tonight with: ''We will never forget 9/11.'' We will not forget 9/11? What was the most basic lesson of 9/11 that killed many first responders who could have survived? The fact that they did not have secure interoperable communications. And what has the response of this administration been? The President recommended zero dollars to assist local communities, sheriffs, police, fire, emergency personnel to purchase interoperable or upgrade to interoperable communications in his budget this year. And the appropriations moved through this House doing the same.

Now, my colleagues will say, oh, no one could have anticipated this, and how could we have known, and this was a disaster of untold magnitude, and those local officials, they did not do their job. But it is actually the Congress that has to bear a lot of the responsibility here. It was the Congress that agreed with the politically motivated plan out of the White House to stick FEMA into the Homeland Security bureaucracy. It was the Congress that agreed with the President to cut the budget of FEMA, to cut the disaster teams from three to two. And we wonder why they could not respond and why people died unnecessarily?

We need a fair and honest evaluation and investigation comparable to the 9/11 Commission to unearth the facts around this. There are things that need to be done besides restoring FEMA to an independent, professionally led agency status with a robust budget. We are also entering into the greatest rebuilding effort and restoration and relief effort in the history of our country. We need to see that those monies will not be misspent; that those monies will not go to crisis profiteers; that they will get to the people and the communities that need it and the rebuilding will be done appropriately; that we will invest in the infrastructure that was not invested in to protect New Orleans.

And it is not unique to New Orleans. I have jetties failing in the State of Oregon. The Corps of Engineers has no money to fix them. If they fail much more, it will cost 10 times as much to rebuild them. I have a dam that was failing in my district, and the corps had to scramble all around the country to find the money to begin to rebuild that dam. It is not their fault. Congress has not given them the funds, and the President has not recommended the funds to protect the American people from disaster.

So we need to invest not only in a reconstructed FEMA but also in a more robust budget for the Corps of Engineers for prevention. And we need to make certain the dollars we are borrowing, because every dollar of this is borrowed, are spent wisely. And maybe we should reconsider the tax cuts for people who earn over $300,000 a year and have estates worth $600,000. Maybe they should contribute to the recovery effort too.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## IN MEMORY OF WILBUR MYRICK, A GREAT AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 5 minutes.

Mrs. MYRICK. Mr. Speaker, I come to the floor tonight to honor the memory of a great American, my father-in-law, Wilbur Myrick. He saw a lot of change during his 95 years on this Earth.

He lived during the time when indoor plumbing replaced outhouses and water wells, when wooden stoves were replaced by electric stoves, and when food no longer needed to be cooked fresh, but could be refrigerated and cooked in a microwave. He saw transportation change from a wheel and wagon to cars, buses, and then airplanes. And he even saw a man walk on the Moon. He saw great medical advances like the eradication of smallpox and the treatment of life-threatening diseases with advanced medicine and surgery. He saw communications change from mail to telephones to faxes and to e-mail.

He lived through World War I, World War II, Korea, Vietnam, the gulf war, and the war on terror. He saw America rise to a world superpower, and he saw the Iron Curtain spread across Europe only to see it crumble years later. He saw the tragedy at Pearl Harbor and the tragedy on 9/11. He saw leaders like Churchill and Roosevelt.

In his later years, Wilbur still kept up with current events. He would sit and watch C–SPAN and call me about specific bills. He could quote the bill number and tell me what it was and what it would do, and then he would ask what were we going to do about it.

□ 1815

It taught me a lot about him and how much he loved America. If only we had more Americans like Wilbur Myrick. At a time when most Americans are filled with apathy, he stood out as an example of who we should all strive to be. He was filled with hope, hope for a better tomorrow and for a better America.

Perhaps the best words to be said about him are from his granddaughter, Mia Myrick Alderman:

''My grandfather died last night.

''Granddaddy was old, very old. His 96th birthday is just over a month away. He is no longer languishing in a convalescent home, his body giving out more every day. He is free again and with the others, the others who have gone before him. My grandmother, his wife, who called him 'Myrick.' His large family, including a sister who died during the 1918 flu epidemic when my grandfather was 9 years old. He did not get sick and all by himself he cared for his family and their farm. A strong 9-year-old, my grandfather grew to be a strong man.

''He was not a complicated man. I do not know much about his life before me. I am the oldest of his five grandchildren, seven great-grandchildren and four great-great-grandchildren, but I know all about my granddaddy, who was just 51 when I was born.

''My grandfather is just another old man to die in a small North Carolina town called Weldon. One of many who die every day, but to me he was a magical, special person. He was not in any way unique compared to all the other old men in Weldon, but when I went to visit my grandfather as a child he was very unique to me: His North Carolina-Virginia border accent; those southern sayings; the way he hugged me and laughed; the way his house and even the earth around his house smelled; the things he knew, secrets I thought only granddaddy knew, like how to thump a watermelon to see if it is ripe. I find myself doing that any time I buy one. I am not sure how it works, but I believe in magic. I loved my grandfather.

''I remember sitting on his lap as a very small child touching the black hair on his arm and I loved him. The last time I saw my grandfather in the hospital, I held his hand and looked at the hair on his arm, now barely there and I knew he would soon be free.

''When my grandfather died I lost forever a person and a culture that was magical and unique. Fascinating to me as a child and with me always in my child heart. My grandfather was a very unique and important man to me and I wanted to do this one last thing for him.

''As another old man from a little town called Weldon dies, so does my granddaddy, a very important man.''

## STORMS DO NOT RECOGNIZE STATE BOUNDARIES, WHY DOES FEMA?

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today, first of all, to thank the gentleman from New York (Mr. RANGEL), the gentleman from California (Chairman THOMAS) and the gentleman from Louisiana (Mr. MCCRERY). It is because of their flexibility and sensitivity that the residents of Florida who suffered damage as a result of Hurricane Katrina are one step closer to getting emergency tax relief for those affected by the hurricane.

Today, we provided emergency tax relief for Floridians affected by Hurricane Katrina as well as for those affected in our neighboring States to our west. I am so pleased to have been able to come together with my Florida colleagues, Messrs. Foley, Diaz-Balart, and Shaw to make this possible.

As a Member of Congress that represents South Florida, I can empathize with the victims of Hurricane Katrina because my home, South Florida, has been struck by numerous hurricanes and is threatened by them every year.

The scenes of the destruction throughout Louisiana, Mississippi and Alabama have reminded South Floridians of the devastation of Hurricane Andrew, a Category 5 hurricane which struck South Florida 13 years ago.

The pain of those who lost loved ones, their homes, their pets, and who now find themselves in temporary housing, thousands of miles from home, their pain is palpable and every Floridian's heart goes out to them. However, I rise tonight to call the Nation's attention to something that I think has been overlooked, understandably, by the Nation, and that is the plight of those residents in Florida who suffered damage because of Hurricane Katrina.

Hurricane Katrina's first victim was Florida as it struck the Broward and Miami-Dade counties as a Category 1 storm on August 25, leaving hundreds of damaged or destroyed homes in its wake. Many of the farmers and agricultural workers that grow and tend these crops that were damaged will be out of jobs or will lose significant income this year as a result of this storm.

Craig Fugate, Florida's emergency management chief, told FEMA officials last week that the State expects the loss of over 2,000 farm-related jobs in Miami-Dade County alone. Okra, malanga, sweet potato and cassava crops have been destroyed, he said, resulting in about a $492 million loss.

That is why it came as a surprise to many homeowners in Florida when FEMA announced that it would not be providing individual assistance to residents of Florida who suffered damage as a result of Hurricane Katrina. I want to make it very clear what the effect of this decision means to the residents of South Florida who suffered damage in Hurricane Katrina.

This year, this is what FEMA will not pay for after Hurricane Katrina struck Florida. This woman here, who has had the roof ripped off her house and most of her possessions water damaged: FEMA's response to her, You are on your own, good luck.

How about this family here? This woman is standing in water up to her knees. Her cars are halfway submerged. These are not fancy cars. These are later model, 10-year-old cars. What was FEMA's response to her family's request for assistance? The same as it was to the people in New Orleans during the first days following Hurricane Katrina's aftermath when it hit the Gulf States: You are on your own.

My question to FEMA is this: Storms do not know State boundaries, so why does FEMA?

FEMA has set an arbitrary and discretionary threshold of 800 homes that have been destroyed or badly damaged as a result of Hurricane Katrina. Let me reiterate this is a purely discretionary number. Title 44 in the Code of Federal Regulations states, ''There is no set threshold for recommending individual assistance.''

It is estimated that more than half of the residents who need assistance with storm recovery in Broward and Miami-Dade counties live on less than $20,000 a year. Yet FEMA denied Federal aid to those who qualified. Most of the mobile home residents in Broward impacted by Katrina are primarily uninsured or underinsured.

My State has been hit by six hurricanes over the past year and a half. This is a constant plague that the residents of Florida deal with, and the denial of aid to those in need is irresponsible and unconscionable.

I introduced legislation last week that calls on FEMA to provide the much-needed assistance to the residents of Florida who are victims of Hurricane Katrina. I plead with my colleagues, as we did today with the Katrina Tax Relief bill, let us make sure we do not turn our backs on the first victims of Hurricane Katrina and give help to those in need, regardless of State line.

## VALLE VIDAL PROTECTION ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce the Valle Vidal Protection Act of 2005. The Valle Vidal is located in the heart of the Sangre de Cristo Mountains in northern New Mexico and is home to abundant populations of Rocky Mountain wildlife, including the largest herd of elk in our State. This ''living valley'' is an incredibly important ecological treasure whose value lies in its wilderness and natural beauty, not in its finite supply of energy.

The Valle Vidal is a special place for New Mexicans and people from around the world who come to relax in its alpine majesty and enjoy outdoor recreation and sporting opportunities. Boy Scouts from all over the country have come to the adjacent Philmont Scout Ranch for decades and each year spend thousands of hours doing conservation work and earning merit badges in the Valle Vidal.

Over the past 2 years, I have followed closely numerous events concerning the Valle Vidal. I have traveled to the Valle Vidal to witness its beauty, spoken with my constituents and others from the State, tracked political developments, and reviewed regulatory or policy initiatives undertaken by this administration. I have also received thousands of calls, e-mails, faxes, and letters against drilling and practically none in support of it. As a result, I have come to the inescapable conclusion that the Valle Vidal should be protected from oil and gas development.

The modern history of the Valle Vidal dates back to 1841 when Mexican Governor Manuel Armijo granted 1.7 million acres, the largest single landholding in the western hemisphere, to Guadalupe Miranda of Taos and a French trapper named Carlos Beaubien. This land grant, which included the 100,000 acre piece now known as Valle Vidal, is probably the most famous ever made by Mexico. It later became known as the Maxwell Land Grant after Lucien Bonaparte Maxwell, a Kansan who married Beaubien's daughter and later became the sole owner of the vast property.

Thirty years ago, the Pennzoil Company purchased nearly 500,000 acres of this land, which they used as a hunting park. Pennzoil maintained the area as such until 1982 when it donated a 100,000-acre parcel of it to the Federal Government, which was at the time the largest donation in Forest Service history. Interestingly, no drilling was ever done in the Valle Vidal when Pennzoil owned it. What an ironic travesty it would be for the government to now turn its back on this unique gift and allow the area to be blighted.

I do not want the Valle Vidal to be opened up for drilling. New Mexicans and thousands of Americans are overwhelmingly against drilling in the refuge. These concerned citizens realize that the Valle Vidal's minimal contribution to our energy needs now is not worth despoiling such an important ecological and watershed system. The consequences are just too great.

Moreover, many of my constituents, as confirmed by recent economic studies, recognize that the protection of special public lands like Valle Vidal is good for local economies; and, in fact, exploration of these places for a few hours of energy will hurt long-term economic growth and community sustainability.

Fundamentally, drilling in the Valle Vidal to create more energy is a false choice. We must consider alternative and more effective measures for solving our Nation's energy needs. For example, an increased use of renewable fuels and improved fuel efficiency standards would contribute greatly to solving many energy-related problems. The key is to make the best renewable and alternate energy systems competitive with today's nonrenewable sources of energy so they can be developed for use in the United States and even for sale abroad. We simply cannot hope to drill our way to energy independence. The fact that this special place is being targeted for oil and gas leasing radically demonstrates what is wrong with this administration's energy policies.

In this case, the Forest Service's commitment to a leasing environmental impact statement, before the agency has even prepared a forest plan amendment, demonstrates that legislative action is necessary to ensure that the Valle Vidal's nonmineral resources and values are given the attention and protection they deserve. Moreover, the Forest Service, even with irrefutable reason to do so, is without the legal authority to permanently protect this special place from mineral development.

New Mexico is home to a strong oil and gas industry which I openly support. I believe there are many places suitable for oil and gas drilling. Valle Vidal, however, is not one of them.

Mr. Speaker, to that end, today I am introducing the Valle Vidal Protection Act to permanently protect the Valle Vidal from mineral

extraction. In so doing, my legislation does not interfere with the Forest Service's Forest Plan Amendment process. That process is allowing the Forest Service to exercise its expertise and listen to the people and thereby establish a long-term management plan for the Valle Vidal commensurate with its importance as a critical component of our natural and cultural heritage. In my view, which I know is shared by many of my constituents, the Valle Vidal's ecological health and integrity should be restored and protected and enjoyed to the utmost by current and future generations.

Mr. Speaker, I urge my colleagues both in the New Mexico delegation as well as in the entire Congress to join me in passing this legislation and protecting the Valle Vidal permanently. This ecosystem is too valuable to the people of New Mexico and the nation, and the energy gains too miniscule to justify the potential damage to this pristine area. We must protect it.

## VICENTE FOX, HURRICANE LOOTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, it seems tonight is the night for many of us to talk about the hurricane and the disastrous effects it has had on our country. I heard earlier a couple of my Democratic colleagues berating the majority leader about hurry up with money, hurry up and get it done.

We want to help our friends on the Gulf Coast, but it is also important that we do it sensibly and we pay some attention to the taxpayers here. Just yesterday, in Atlanta, one of the FEMA cards for $2,000 was used to buy a handbag. I guess you need a handbag if you are in dire straits, but this one was a Louis Vuitton, which does not mean much to me, except it was an $800 handbag. That is ludicrous. That is not what the American people expect for us to let happen.

□ 1830

We will be rebuilding the gulf coast States for years to come. We will do so with both public and private moneys, with cost estimates now running into the hundreds of billions of dollars. Estimates are that at least a half million Americans from the affected areas have permanently lost their jobs as their workplaces are totally destroyed.

Mr. Speaker, we do want to help these people. We must help these people. It makes perfect sense that we ought to employ as many of these folks as possible in the rebuilding effort of the gulf coast. It is for their personal good we do that, and it is for the good of the country.

Last week, the President approved a temporary waiver of Davis-Bacon labor rules for exactly that purpose, to allow many of these individuals to participate in federally funded reconstruction projects as general labor helpers. They cannot do that under Davis-Bacon. We need to follow that up with providing whatever vocational training is necessary to allow displaced workers to gain the skills necessary to fully participate in these reconstruction efforts.

Let us do two things at once here.

We need a revival of the Civilian Conservation Corps from the 1930s for this unprecedented national emergency. We should offer every able-bodied displaced person an immediate training wage of $10 an hour on top of whatever other Federal benefits they may be receiving, and full-time participation in this if they are receiving Federal benefits should be mandatory for all except the elderly or disabled. People who can work and yet will not help themselves should not ask other taxpayers to do it for them. There is good-paying work here for years for every able-bodied American who needs a job if we do the right thing. This has a great potential to build careers.

But there is already somebody else with an eye for these construction jobs, Mexican President Vicente Fox. '''The reconstruction of that city,''' meaning New Orleans, '''and of that region is going to require a lot of labor,' Mr. Fox said of New Orleans, Mississippi, and Alabama. 'And if there is anything Mexicans are good at, it is construction.''' That is a quote from the New York Times, September 5.

While we appreciate the disaster aid assistance Mexico is providing by sending a military convoy across our southern border, we cannot afford to pay them back with American jobs of our hurricane victims. Rebuilding our gulf coast with labor from Mexico would divert a large part of the estimated $200 billion cost to rebuild, paid for by the American taxpayers, out of our economy and into ''foreign remittances,'' the monies sent back to Mexico from the United States by illegal immigrants. These ''remittances'' have now surpassed oil revenues as the number one source of income for Mexico. This is drawn directly out of our economy.

We should not allow our national tragedy to become Mexico's gain.

The time for talk should be over. The time for pleas for the administration to simply enforce the law should be over. Every police and sheriff's department in this Nation should begin vigorously enforcing immigration law while in the course of their routine duties. For every illegal worker not employed to rebuild the gulf coast, there is a ready job for the hundreds of thousands of legal American residents who just lost their jobs in this tragedy.

The CLEAR Act that we just reintroduced has an excellent chance of passing this session; and, if it does, the Federal Government will be responsible for paying 100 percent of these local law enforcement costs for immigration law enforcement efforts.

Hardship has a way of bringing families together. If there is anything positive that can come from such an incomprehensible disaster as Hurricane Katrina, it could likely be in forcing us to come back together to help defend each other, instead of letting potential taxpayer-funded jobs for storm victims to be looted by illegal immigrant labor cheered on by Mexican President Vicente Fox.

## STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2005 AND THE 5-YEAR PERIOD FY 2005 THROUGH FY 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2005 and for the five-year period of fiscal years 2005 through 2009. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act. This status report is current through September 2, 2005.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95, the conference report on the budget resolution. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2005 because those years are not considered for enforcement of spending aggregates.

The second table compares, by authorizing committee, the current levels of budget authority and outlays for discretionary action with the ''section 302(a)'' allocations made under H. Con. Res. 95 for fiscal year 2005 and fiscal years 2005 through 2009. ''Discretionary action'' refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of budget authority and outlays for discretionary appropriations for fiscal year 2005 with the total of ''section 302(b)'' suballocations among Appropriations subcommittees. The comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures reported by the Appropriations Committee that would breach its section 302(a) discretionary action allocation of new budget authority.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005

(On-budget amounts, in millions of dollars)

| | Fiscal year 2005 | Fiscal years 2005–2009 |
|---|---|---|
| Appropriate Level: | | |
| Budget Authority | 2,078,456 | (1) |
| Outlays | 2,056,006 | (1) |
| Revenues | 1,483,658 | 8,519,748 |
| Current Level: | | |
| Budget Authority | 2,076,534 | (1) |
| Outlays | 2,056,107 | (1) |
| Revenues | 1,484,105 | 8,596,434 |
| Current Level over (+) / under (−): | | |
| Appropriate Level: | | |
| Budget Authority | −1,922 | (1) |
| Outlays | 101 | (1) |

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005—Continued

(On-budget amounts, in millions of dollars)

| | Fiscal year 2005 | Fiscal years 2005–2009 |
|---|---|---|
| Revenues | 447 | 76,686 |

[1]Not applicable because annual appropriations acts for fiscal years 2006 through 2009 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2005 in excess of $1,922,000,000 (if not already included in the current level estimate) would cause FY 2005 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2005 (if not already included in the current level estimate) would cause FY 2005 outlays to further exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would reduce revenue for FY 2005 in excess of $447,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2005 through 2009 in excess of $76,686,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005

(Fiscal years, in millions of dollars)

| House Committee | 2005 | | 2005–2009 Total | |
|---|---|---|---|---|
| | BA | Outlays | BA | Outlays |
| Agriculture: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Armed Services: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Education and the Workforce: | | | | |
| Allocation | 0 | 0 | 400 | 400 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | –400 | –400 |
| Energy and Commerce: | | | | |
| Allocation | 0 | 0 | 1,525 | 1,525 |
| Current Level | 0 | 0 | 2,004 | 1,942 |
| Difference | 0 | 0 | 479 | 417 |
| Financial Services: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Government Reform: | | | | |
| Allocation | 0 | 0 | 50 | 50 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | –50 | –50 |
| House Administration: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Homeland Security: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| International Relations: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Judiciary: | | | | |
| Allocation | 0 | 0 | 6 | 6 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | –6 | –6 |
| Resources: | | | | |
| Allocation | 6 | 6 | 45 | 45 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | –6 | –6 | –45 | –45 |
| Science: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Small Business: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Transportation and Infrastructure: | | | | |
| Allocation | 3,488 | 0 | 12,238 | 0 |
| Current Level | 1,603 | 8 | 27,787 | 376 |
| Difference | –1,885 | 8 | 15,549 | 376 |
| Veterans' Affairs: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Ways and Means: | | | | |
| Allocation | 554 | 64 | 1,800 | 1,558 |
| Current Level | 81 | 45 | 417 | 415 |
| Difference | –473 | –19 | –1,383 | –1,143 |

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2005 COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(A) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(B) SUBALLOCATIONS

(In millions of dollars)

| Appropriations Subcommittee | 302(b) Suballocations[1] | | Current level reflecting action completed as of September 2, 2005 | | Current level minus suballocations | |
|---|---|---|---|---|---|---|
| | BA | OT | BA | OT | BA | OT |
| Agriculture, Rural Development, FDA | n.a. | n.a. | 18,689 | 18,844 | n.a. | n.a. |
| Defense | n.a. | n.a. | 352,127 | 398,270 | n.a. | n.a. |
| Energy & Water Development | n.a. | n.a. | 30,533 | 30,107 | n.a. | n.a. |
| Foreign Operations | n.a. | n.a. | 18,892 | 25,898 | n.a. | n.a. |
| Homeland Security | n.a. | n.a. | 38,469 | 31,925 | n.a. | n.a. |
| Interior-Environment | n.a. | n.a. | 28,469 | 26,994 | n.a. | n.a. |
| Labor, HHS & Education | n.a. | n.a. | 143,180 | 141,773 | n.a. | n.a. |
| Legislative Branch | n.a. | n.a. | 3,545 | 3,785 | n.a. | n.a. |
| Military Quality of Life-Veterans Affairs | n.a. | n.a. | 80,263 | 76,417 | n.a. | n.a. |
| Science-State-Justice-Commerce | n.a. | n.a. | 58,438 | 57,956 | n.a. | n.a. |
| Transportation-Treasury-HUD-Judiciary-DC | n.a. | n.a. | 67,873 | 117,669 | n.a. | n.a. |
| Total (Section 302(a) Allocation)[1] | 840,036 | 929,520 | 840,478 | 929,638 | 442 | 118 |

[1]Appropriations Committee has not submitted the subcommittee allocations since the restructuring of the committee.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
*Washington, DC, Sept. 15, 2005.*

Hon. JIM NUSSLE,
*Chairman, Committee on the Budget,*
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2005 budget and is current through September 2, 2005. This report is submitted under section 308(b) and in aid of section 311 ofthe Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concucrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated July 12, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2005:

The Surface Transportation Extension Act of 2005, Part III (Public Law 109–35);

The Surface Transportation Extension Act of 2005, Part IV (Public Law 109–37);

An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (Public Law 109–39);

The Surface Transportation Extension Act of 2005, Part V (Public Law 109–40);

The Interior Appropriations Act, 2006 (Public Law 109-54);

The Energy Policy Act of 2005 (Public Law 109–58);

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59); and

The Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109–61).

The effects of the actions listed above are detailed in the enclosed report.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
*Director*

Enclosure.

FISCAL YEAR 2005 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 2, 2005

(In millions of dollars)

| | Budget Authority | Outlays | Revenues |
|---|---|---|---|
| Enacted in previous sessions: [1] | | | |
| Revenues | n.a. | n.a. | 1,484,024 |
| Permanents and other spending legislation | 1,191,357 | 1,102,621 | n.a. |
| Appropriation legislation | 1,298,963 | 1,369,221 | n.a. |
| Offsetting receipts | −415,912 | −415,912 | n.a. |
| Total, enacted in previous sessions: | 2,074,408 | 2,055,930 | 1,484,024 |
| Enacted this session: | | | |
| Authorizing Legislation: | | | |
| Surface Transportation Extension Act of 2005 (P.L. 109–14) | 16 | 0 | 0 |
| TANF Extension Act of 2005 (P.L. 109.19) | 81 | 45 | 0 |
| Surface Transportation Extension Act of 2005, Part II (P.L. 109–20) | 15 | 0 | 0 |
| Junk Fax Prevention Act of 2005 (P.L. 109–21) | 0 | 0 | * |
| Surface Transportation Extension Act of 2005, Part III (P.L. 109–35) | 3 | 0 | 0 |
| Surface Transportation Extension Act of 2005, Part IV (P.L. 109–37) | 5 | 0 | 0 |
| An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (P.L. 109–39) | 0 | 0 | * |
| Surface Transportation Extension Act of 2005, Part V (P.L. 109–40) | 2 | 0 | 0 |
| Energy Policy Act of 2005 (P.L. 109–58) | 0 | 0 | 40 |
| Safe, Accountable, Flexible, Efficient Transportation Equity Act: | | | |
| A Legacy for Users (P.L. 109–59) | 1,562 | 8 | 0 |
| Appropriations Acts: | | | |
| Emergency Supplemental Appropriations Act tor Defense, the Global War on Terror and Tsunami Relief, 2005 (P.L. 109–13) [2] | −1,058 | 4 | 41 |
| Interior Appropriarions A 2006 (P.L. 109–54) | 1,500 | 120 | 0 |
| Total, enacted this session: | 2,126 | 177 | 81 |
| Total Current Level [2,3] | 2,076,534 | 2,056,107 | 1,484,105 |
| Total Budget Resolution | 2,078,456 | 2,056,006 | 1,483,658 |
| Current Level Over Budget Resolution | n.a. | 101 | 447 |
| Current Level Under Budget Resolution | 1,922 | n.a. | n.a. |
| **Memorandum:** | | | |
| Revenues, 2005–2009: | | | |
| House Current Level | n.a. | n.a. | 8,596,434 |
| House Budget Resolution | n.a. | n.a. | 8,519,748 |
| Current Level Over Budget | n.a. | n.a. | 76,686 |
| Resolution Current Level Under Budget Resolution | n.a. | n.a. | n.a. |

1. The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

2. Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $83,140 million in budget authority and $33,034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13), and $10,500 million in budget authority and $1,150 million in outlays from the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (P.L. 109–61).

3. Excludes administrative expenses of the Social Security Administration, which are off-budget.

Notes. n.a. = not applicable; P.L.. = Public Law; * = less than $500,000.

Source. Congressional Budget Office.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2006 AND THE 5-YEAR PERIOD FY 2006 THROUGH 2010

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2006 and for the five-year period of fiscal years 2006 through 2010. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 401 of the conference report on the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95). This status report is current through September 2, 2005.

The term ''current level'' refers to the amounts of spending and revenues estimated

for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2006 because those years are not considered for enforcement of spending aggregates.

The second table compares, by authorizing committee, the current levels of budget authority and outlays for discretionary action with the "section 302(a)" allocations made under H. Con. Res. 95 for fiscal year 2006 and fiscal years 2006 through 2010. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2006 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation as well as the 302(a) allocation.

The fourth table gives the current level for 2007 of accounts identified for advance appropriations under section 401 of H. Con. Res. 95. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills or amendments thereto that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 2006 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005

(On-budget amounts, in millions of dollars)

| | Fiscal year 2006 | Fiscal years 2006–2010 |
|---|---|---|
| Appropriate Level: | | |
| Budget Authority | 2,144,384 | (1) |
| Outlays | 2,161,420 | (1) |
| Revenues | 1,589,892 | 9,080,006 |
| Current Level: | | |
| Budget Authority | 1,354,534 | (1) |
| Outlays | 1,665,799 | (1) |
| Revenues | 1,607,200 | 9,176,258 |
| Current Level over (+) / under (−): | | |
| Appropriate Level: | | |
| Budget Authority | −789,850 | (1) |
| Outlays | −495,621 | (1) |
| Revenues | 17,308 | 96,252 |

[1]Not applicable because annual appropriations acts for fiscal years 2007 through 2010 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2006 in excess of $789,850,000,000 (if not already included in the current level estimate) would cause FY 2006 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2006 in excess of $495,621,000,000 (if not already included in the current level estimate) would cause FY 2006 outlays to exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would reduce revenue for FY 2006 in excess of $17,308,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2006 through 2010 in excess of $96,252,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005

(Fiscal years, in millions of dollars)

| House Committee | 2006 | | 2006–2010 Total | |
|---|---|---|---|---|
| | BA | Outlays | BA | Outlays |
| Agriculture: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Armed Services: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Education and the Workforce: | | | | |
| Allocation | 100 | 100 | 500 | 500 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | −100 | −100 | −500 | −500 |
| Energy and Commerce: | | | | |
| Allocation | 100 | 100 | 2,000 | 2,000 |
| Current Level | 141 | 231 | 2,283 | 2,240 |
| Difference | 41 | 131 | 283 | 240 |
| Financial Services: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Government Reform: | | | | |
| Allocation | 50 | 50 | 50 | 50 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | −50 | −50 | −50 | −50 |
| House Administration: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Homeland Security: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| International Relations: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Judiciary: | | | | |
| Allocation | 6 | 6 | 6 | 6 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | −6 | −6 | −6 | −6 |
| Resources: | | | | |
| Allocation | 8 | 8 | 50 | 50 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | −8 | −8 | −50 | −50 |
| Science: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Small Business: | | | | |
| Allocation | 0 | 0 | 0 | 0 |

DIRECT SPENDING LEGISLATION COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005—Continued

(Fiscal years, in millions of dollars)

| House Committee | 2006 | | 2006–2010 Total | |
|---|---|---|---|---|
| | BA | Outlays | BA | Outlays |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Transportation and Infrastructure: | | | | |
| Allocation | 3,027 | 0 | 4,107 | 0 |
| Current Level | 3,444 | 36 | 36,374 | 520 |
| Difference | 417 | 36 | 32,267 | 520 |
| Veterans' Affairs: | | | | |
| Allocation | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 |
| Ways and Means: | | | | |
| Allocation | 350 | 346 | 1,537 | 1,914 |
| Current Level | 175 | 192 | 406 | 440 |
| Difference | –175 | –154 | –1,131 | –1,474 |

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2006 COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(A) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(B)

(In millions of dollars)

| Appropriations Subcommittee | 302(b) Suballocations as of June 22, 2005 (H.Rpt. 109–145) | | Current level reflecting action completed as of September 2, 2005 | | Current level minus suballocations | |
|---|---|---|---|---|---|---|
| | BA | OT | BA | OT | BA | OT |
| Agriculture, Rural Development, FDA | 16,832 | 18,691 | 7 | 5,399 | –16,825 | –13,292 |
| Defense | 363,440 | 372,696 | 27 | 126,306 | –363,413 | –246,390 |
| Energy & Water Development | 29,746 | 30,273 | 36 | 11,092 | –29,710 | –19,181 |
| Foreign Operations | 20,270 | 25,080 | 0 | 17,091 | –20,270 | –7,989 |
| Homeland Security | 30,846 | 33,233 | 0 | 14,762 | –30,846 | –18,471 |
| Interior-Environment | 26,107 | 27,500 | 26,159 | 28,760 | 52 | 1,260 |
| Labor, HHS & Education | 142,514 | 143,802 | 19,166 | 98,279 | –123,348 | –45,523 |
| Legislative Branch | 3,719 | 3,804 | 3,804 | 3,809 | 85 | 5 |
| Military Quality of Life-Veterans Affairs | 85,158 | 81,634 | –2,170 | 16,515 | –87,328 | –65,119 |
| Science-State-Justice-Commerce | 57,453 | 58,856 | 0 | 23,080 | –57,453 | –35,776 |
| Transportation-Treasury-HUD-Judiciary-DC | 66,935 | 120,837 | 4,223 | 70,800 | –62,712 | –50,037 |
| Unassigned | 0 | 430 | 0 | 0 | 0 | –430 |
| Total (Section 302(a) Allocation) | 843,020 | 916,836 | 51,252 | 415,893 | –791,768 | –500,943 |

STATEMENT OF FY 2007 ADVANCE APPROPRIATIONS UNDER SECTION 401 OF H. CON. RES. 95 REFLECTING ACTION COMPLETED AS OF SEPTEMBER 2, 2005

(In millions of dollars)

| | *Budget Authority* |
|---|---|
| Appropriate Level | 23,158 |
| Current Level: | |
| Elk Hills | 0 |
| Employment and Training Administration | 0 |
| Education for the Disadvantaged | 0 |
| School Improvement | 0 |
| Children and Family Services (Head Start) | 0 |
| Special Education | 0 |
| Vocational and Adult Education | 0 |
| Payment to Postal Service | 0 |
| Section 8 Renewals | 0 |
| Shipbuilding and Conversion, Navy | 0 |
| Total | 0 |
| Current Level over (+) / under (–) Appropriate Level | –23,158 |

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
*Washington, DC, Sept. 15, 2005.*

Hon. JIM NUSSLE,
*Chairman, Committee on the Budget,*
*House of Representatives, Washington, DC.*

DEAR: MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2006 budget and is current through September 2, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concucrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated July 12, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2006:

An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (Public Law 109–39);

The Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109–53);

The Interior Appropriations Act, 2006 (Public Law 109–54);

The Legislative Branch Appropriations Act, 2006 (Public Law 109–55);

The Energy Policy Act of 2005 (Public Law 109–58);

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59); and

The Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (Public Law 109–61).

The effects of the actions listed above are detailed in the enclosed report.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
*Director.*

Enclosure.

FISCAL YEAR 2006 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 2, 2005

(In millions of dollars)

| | Budget Authority | Outlays | Revenues |
|---|---|---|---|
| Enacted in previous sessions: [1] | | | |
| Revenues | n.a. | n.a. | 1,607,650 |
| Permanents and other spending legislation | 1,351,021 | 1,318,426 | n.a. |
| Appropriation legislation | 0 | 382,272 | n.a. |
| Offsetting receipts | – 479,872 | – 479,872 | n.a. |
| Total, enacted in previous sessions: | 871,149 | 1,220,826 | 1,607,650 |
| Enacted this session: | | | |
| Authorizing Legislation: | | | |
| TANF Extension Act of 2005 (P.L. 109–19) | 148 | 165 | 0 |
| Junk Fax Prevention Act of 2005 (P.L. 109–21) | 0 | 0 | * |
| An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (P.L. 109–39) | 0 | 0 | – 1 |
| Dominican Republic-Central America-United States Free Trade Aggreement Implementation Act (P.L. 109–53) | 27 | 27 | 3 |
| Energy Policy Act of 2005 (P.L. 109–58) | 141 | 231 | – 588 |

FISCAL YEAR 2006 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 2, 2005—Continued

(In millions of dollars)

| | Budget Authority | Outlays | Revenues |
|---|---|---|---|
| Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109–59) | 3,444 | 36 | 9 |
| Appropriations Acts: | | | |
| Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13) [2] | −39 | −21 | 11 |
| Interior Appropriations Act, 2006 (P.L. 109–54) | 26,211 | 17,301 | 122 |
| Legislative Branch Appropriations Act, 2006 (P.L. 109–55) | 3,804 | 3,185 | 0 |
| Total, enacted this session: | 33,736 | 20,924 | −450 |
| Entitlements and mandatories: | | | |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted | 449,649 | 424,049 | n.a. |
| Total Current Level [2,3] | 1,354,534 | 1,665,799 | 1,607,200 |
| Total Budget Resolution | 2,144,384 | 2,161,420 | 1,589,892 |
| Current Level Over Budget Resolution | n.a. | n.a. | 17,308 |
| Current Level Under Budget Resolution | 789,850 | 495,621 | n.a. |
| Memorandum: | | | |
| Revenues, 2006–2010: | | | |
| House Current Level | n.a. | n.a. | 9,176,258 |
| House Budget Resolution | n.a. | n.a. | 9,080,006 |
| Current Level Over Budget Resolution | n.a. | n.a. | 96,252 |
| Current Level Under Budget Resolution | n.a. | n.a. | n.a. |

1. The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

2. Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $30,757 million in outlays from funds provided in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13), and $7,750 million in outlays from the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising from the Consequences of Hurricane Katrina, 2005 (P.L. 109–61).

3. Excludes administrative expenses of the Social Security Administration, which are off-budget.

Notes. n.a. = not applicable; P.L. = Public Law; * = less than $500,000.

Source: Congressional Budget Office.

## IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, as the International Atomic Energy Agency meets on Monday to determine whether to refer Iran to the Security Council, the United States must clearly and firmly state its position on Iran.

Iran's clandestine nuclear weapons program has been in the works for the past 2 decades. As a member of the Nuclear Nonproliferation Treaty, all of Iran's nuclear activities must be constantly monitored by the International Atomic Energy Agency. Since 1987, Iran has pursued a hidden nuclear program in flagrant violation of its treaty obligations.

Mr. Speaker, Iran's actions over the past 18 years are clearly directed toward building a nuclear weapons capability. Yet Iran calls upon the western countries to trust Iranian intentions. But how could we possibly do that, Mr. Speaker? Iran claims its nuclear program is intended only for peaceful purposes, but that claim is simply not credible.

Iran has the world's second largest proven natural gas reserves and huge crude oil reserves as well. It is neither cost effective nor expedient to develop nuclear capabilities for Iran's energy needs.

The world must not be so naive in this grave situation. We must look at Iran's past and present actions as the most reliable indication of its true intent.

For years, since the early 1990s, Iran has persistently stated its need for nuclear weapon development. Its newly elected president pledged that he will continue to support Hezbollah's struggle against ''the enemies of Islam.'' He has even vowed to reinforce Hezbollah; and he announced just today, Mr. Speaker, that his country is prepared to provide nuclear technology to other Islamic nations.

Mr. Speaker, the spiritual adviser to and supporter of the president, Ayatollah Misbah Yazdi, issued a call for the public to join the swelling ranks of Iran's homegrown suicide bombers, stating that ''Suicide operations are the peak of the nation and the height of its bravery.'' And President Ahmadinejad himself has equated martyrdom with art and made known his ambition to spread his government's Islamic ideology to the world.

Mr. Speaker, the possibility of the regime in Iran having indigenous nuclear capability is a recipe for destruction that is simply unthinkable, and we absolutely must not make the cataclysmic error of believing that those now ruling in Iran have only peaceful purposes in developing nuclear capabilities.

Iran attempts to allay international concerns, pledging that its nuclear program will be subject to inspection by the International Atomic Energy Agency. Yet this assurance is completely unassuring when we put it in the context of 18 years of unremitting deception in the IAEA's ineffectiveness. Iran has violated its obligations and forfeited its credibility.

On Sunday, Iran's Foreign Minister Mottaki warned that referral to the UN Security Council would be a political no-win situation with ''certain consequences affecting Iran's decisions.'' It is totally disingenuous for Iran to appeal to the West's conscience in this regard. Iran has set on a course that it has never wavered from, and it is seeking only to buy time. Mr. Speaker, the International Atomic Energy Agency should refer Iran to the Security Council.

It goes unnoticed, Mr. Speaker, that it is the Iranian people who are suffering the most as a result of this radical clerical regime. The people of Iran should know that they have at least this Nation's unequivocal support to take the stand that they have yearned for for so many years. This support should be stated openly, clearly, and repeatedly.

Regardless of what the International Atomic Energy Agency decides, United Nations policy should be clear. It should be articulated, and it should be open support for the freedom-loving people of Iran to establish a restored Iran, an Iran that contributes to its people and to the world, as it classically has done. What is required, Mr. Speaker, as Assad Homayoun has articulated, is ''legitimization through recognition'' and the people of Iran will rightfully have the resolve and recourse to establish a government by the people and for the people. This is a day we all should look forward to with gratitude to the good people of Iran.

Mr. Speaker, as the International Atomic Energy Agency meets to determine in the next days whether to refer Iran to the Security Council, the United States must clearly—and firmly—state its position on Iran.

Iran's clandestine nuclear weapons program has been in the works for the past two decades. As a member of the Nuclear Non-Proliferation Treaty, all of Iran's nuclear activities are treaty-bound to be constantly safeguarded by the International Atomic Energy Agency. Since 1987, Iran has pursued a hidden nuclear program in flagrant violation of its obligations under the Nuclear Non-Proliferation Treaty.

Iran's actions over the past 18 years are clearly directed toward building a nuclear weapons capability. The Iranians have already built a pilot uranium enrichment facility and are currently completing a huge facility capable of producing enough highly enriched uranium to produce forty nuclear weapons per year.

Iran has secretly imported 18 tons of uranium yellowcake from China and constructed a conversion facility to produce uranium hexafluoride gas for enrichment.

Iran has also experimented with separating plutonium, and are presently building a heavy water reactor.

Further, it has now been reported that Iran has experimented with polonium. Polonium is a radioactive isotope with only one principal use: to trigger a nuclear explosion.

Further, Mr. Speaker, analysis by the U.S. Department of State released as of August 2005 states that ''the United States believes

that Iran has manufactured and stockpiled blister, blood, and choking chemical agents, and weaponized some of these agents into artillery shells, mortars, rockets and aerial bombs in contravention to the Chemical Weapons Convention.

In July, Iran announced that it succeeded in developing solid fuel technology for ballistic missiles, which can be launched with almost no warning, far more quickly and reliably and with greater accuracy than those with liquid fuel.

In August, Iran resumed converting uranium to gaseous state. This is a step that precedes enrichment which then can produce nuclear material usable both as fuel in nuclear reactors and as material for an atomic bomb.

Mr. Speaker, Iran calls upon the Western countries to trust Iranian intentions, but how could we possibly do that?

Iran's claim is that its nuclear program is intended for peaceful purposes only—to produce electricity. That claim is simply not credible. Iran has the world's second largest proven reserves of natural gas, along with huge crude oil reserves. It is neither cost effective nor expedient to develop nuclear capabilities for Iran's energy needs.

The world must not be so naive in this grave situation—we must look at Iran's past and present actions. They are the most reliable indications of its true intent.

For years—since the early 1990's, Iran has persistently maintained the need for nuclear weapon development. Ali Akbar Hashemi-Rafsanjani, who some hail as a ''moderate'', has repeatedly stated that nuclear development was a ''necessity.'' Rafsanjani has also stated that ''If a day comes when the world of Islam is duly equipped with the arms Israel has in possession, the strategy of colonialism would face a stalemate because application of an atomic bomb would not leave any thing in Israel but the same thing would just produce damages in the Muslim world.'' What frightening words.

Iran is in violation of numerous treaties—and continues its patterns of deceit. Iran is trying to create a Euro dominated exchange of oil, and has a strategic economic relationship with China.

Iran suppresses its people with the harshest and most brutal kind of treatment. Just last Tuesday, September 6th, prosecutors' offices in provincial centers announced that ''Women who violate Iran's strict Islamic dress code will be flogged immediately''—they will appear before an Islamic judge immediately after arrest to receive a sentence, which is usually 100 lashes in public.

Its newly elected President Mahmoud Ahmadinejad pledged that he will continue to support Hezbollah's struggle against the ''enemies of Islam.'' He has even more recently vowed to reinforce Hezbollah.

And, Mr. Speaker, the spiritual advisor to and supporter of President Ahmadinejad, Ayatoilah Misbah Yazdi, has issued a call in an Iranian newspaper for the public to join the swelling ranks of Iran's homegrown suicide bombers, stating that ''Suicide operations are the peak of the nation, and the height of its bravery.'' And President Ahmadinejad himself has stated that ''Is there art that is more beautiful, more divine, and more eternal than the art of martyrdom?'' The Iranian President has said that his ambition was to spread his government's Islamist ideology to the world.

Mr. Speaker, the possibility of the regime in Iran having indigenous nuclear capability is a recipe for destruction that is unthinkable. And we absolutely must not make the cataclysmic error of believing that those now ruling in Iran have only peaceful purposes in developing nuclear capabilities.

Mr. Speaker, Iran is attempting to allay international concerns, pledging that its nuclear program will be subject to inspection by the International Atomic Energy Agency. Yet this assurance is completely unassuring when put in the context of 18 years of unremitting deception, and the IAEA's ineffectiveness. Iran has violated its obligations and forfeited its credibility. We must not allow this defiant threat to the world to pass by unnoticed. The IAEA should refer Iran to the Security Council. The world cannot allow the current ruling regime of Iran to obtain and develop indigenous nuclear capability.

It goes unnoticed, Mr. Speaker, that it is the Iranian people who are suffering the most as a result of this radical clerical regime. It seems all too possible that Iran wishes to develop nuclear capability to stifle international support for an Iranian popular revolt as much, and possibly more so, than to counter an Israeli nuclear ''threat''. The people of Iran should know that they have this nation's support—unequivocal support to take the stand that they have yearned for, for so many years. This support should be stated openly, clearly, and repeatedly.

Regardless of what the IAEA determines—Security Council or not, United States' policy should be clear, articulated support for the freedom-loving people of Iran to establish a restored Iran, an Iran that contributes to its people and the world, as it classically has done.

What is required, Mr. Speaker, as Dr. Assad Homayoun the President of the Azadegan Foundation has articulated, is ''legitimization through recognition'' and the people of Iran will rightfully have the resolve and recourse to establish a government—by the people and for the people. That is a day we should all look forward to, with gratitude to the good people of Iran.

## HATE CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, yesterday, this body passed the gentleman from Michigan's (Mr. CONYERS) hate crime bill with very little notice. Some here were heard to say, oh, well, they will just take it out in conference. However, there is a decent chance that will not happen.

It is true that people who act out of hate can and do cause devastation and severe hurt. There is no question about that. Those who cause such harm deserve and should be punished severely. As a former judge, I have sentenced and severely punished people acting out of hate, including signing legal orders that the perpetrators should be put to death.

Ironically, the cases often cited as a basis for creating hate crime laws usually include the horrible dragging death of the African American in Texas or the poor young man in Texas who was killed for being a homosexual. The main perpetrators in those cases got the death penalty that I believe they deserved. Those were cases in which no hate crime law would have made any difference whatsoever; yet they are constantly cited as a reason for it.

In the dragging death case, I personally might support punishment by allowing the victim's despondent family to choose the rope or chain and the terrain over which to drag the heartless defendant to inflict the death penalty. But the hate crime laws do not offer a more painful form of capital punishment. The one yesterday certainly does not, so it would have had absolutely no effect on the very cases its proponents often herald as poster examples.

What was done yesterday created a vague, ambiguous Federal offense which sends a message that random, senseless acts of violence are far more preferable in our society than such acts with a motive. Never mind that sociopaths or antisocial personalities who commit random, senseless acts of violence are unlikely to be rehabilitated. They will not get punished under this new law passed out of this House yesterday.

This new hate crimes bill that passed yesterday, this body said to the world that ''sexual orientation'' and not just ''gender,'' which should be respected, but ''gender identity,'' whatever that is, are in the same category as those unfortunate individuals who have suffered because of the color of their skin or their religious preference.

Have the Members ever stopped to think about the words ''sexual orientation''? Regardless of what definition they may give those words, when we pass laws, the words used create an exceptional chance that at some point down the road someone is going to say the words mean exactly what they say. In the case of ''sexual orientation,'' someday someone can look at those words and say they have the very meaning they state: That includes those who are sexually oriented towards animals, those who are sexually oriented towards corpses, those who are sexually oriented towards children. That is abominable. But someday those words could be cited by some appellate court as having their very plain meaning, not just the meaning that is socially or culturally accepted at the time they were passed.

There is another aspect that is not discussed or debated but is coming some day through this new law. It is true that the law addresses crimes of violence or attempted crimes of violence. However, under Article 18 U.S. Code 2(a) of the Federal Criminal Code, ''whoever aids, abets, counsels, commands, induces, or procures'' a crime's commission is punishable just as if he is the principal.

Do the Members understand what that means? Let me ask my colleagues if a Christian, Jewish, or Muslim religious leader teaches and preaches that

homosexuality is wrong or is a sin and someone in the leader's flock commits a crime against a person who chooses to practice such acts, has the religious leader counseled or induced such an act through his or her teaching? Someday someone will say so, and ministers will be arrested for their preaching. They will be said to have incited such conduct through hateful teaching. As a matter of fact, some people already blame religious leaders for acts of violence in such cases, and I do not defend any minister who encourages such conduct. That should be punished.

□ 1845

They are wrong. But having harshly sentenced people who have committed crimes of hate, and also those who have committed crimes at random, cold-blooded, heartless thugs, I can tell my colleagues that the victims and their loved ones in all of these cases are all traumatized and distraught and deserving of sympathy and compassion.

So what is the message our great hate crime legislation sends? Apparently, through hate crime legislation, we are simply saying to the world, if you are really going to hurt me, please, please do not hate me. Instead, make it a random, cold-blooded, senseless act of violence. That is what we prefer in this country, according to this bill.

## VICTIMS OF SEXUAL PREDATORS

The SPEAKER pro tempore (Mr. SODREL). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. POE) is recognized for 60 minutes as the designee of the majority leader.

Mr. POE. Mr. Speaker, this past week, we have been reaping the destruction of a hurricane that brought the wind and rain and flooding of a natural and national disaster. But we have been for years reaping the greater destruction of a hurricane that continues to bring the wind, rain, and floods of the effects of child predators on America. We are talking about the murder of America's children by those child predators who live among us.

The children I am referring to tonight have all been kidnapped, murdered, some sexually assaulted, and some are still missing. It is because of them, Mr. Speaker, we passed the Child Safety Act yesterday.

Tonight, I will read just a few names of those children, the roll call of the dead: Cary Ann Medlin, 8, Tennessee; Nicole Parker, 8; California; Chris Byers, 8, Tennessee; Sherrice Iverson, 7, Nevada; Amanda Brown, 7, Florida; Christina Long, 13, Connecticut; Michelle Vick, 14, Washington; Maryann Measles, 13, Connecticut; Amber Hagerman, 9, Texas; Adam Walsh, 6, Florida; JonBenet Ramsey, 6, Colorado; Danielle Van Dam, 7, California; February the 1st, 2002.

This, Mr. Speaker, is a photograph of Danielle Van Dam. She was 7 when she was abducted and murdered in California on February 1, 2002. She grew up in Sabre Springs, California. She loved coloring, playing with dolls, and writing and drawing in her journal. Danielle was a piano player and active in her Girl Scout troop. Her friends' parents described her as strong-headed, but very obedient. She loved sleepovers with her friends. Her father, Damon Van Dam, described Danielle as a caring, studious child who adored her family.

Danielle Van Dam was last seen alive when her father tucked her into bed on February 1, 2002. Danielle's parents reported her missing the next morning after her mother went to wake her up; she was not there.

Almost a month later, Danielle's decomposed, brutalized body was found. Searchers found her on February 27 in a lot full of trash 25 miles from San Diego, California. David Westerfield was the only neighbor that was not home the morning Danielle Van Dam was discovered missing. Investigators recovered child pornography from his home. His home was two doors from the Van Dam family. This child predator lived in the neighborhood. The motive for her abduction was sexual.

Authorities also said they found traces of Danielle's blood in Westerfield's motorhome and was on an article of his clothing. He was charged with murder, kidnapping, and possession of child pornography. Two days before Danielle disappeared, she had sold Girl Scout cookies to Westerfield. He was sentenced to death, and he is currently in San Quentin on death row, where he ought to be.

There are more, Mr. Speaker. Christopher Meyer, 10, Illinois; Mary Mount, 10, Connecticut; Jeannie Singleton, 8, Michigan; Kenny Dawson, 11, Virginia; Jackson Carr, 6, Texas; Troy Ward, 6, Utah; Brittany Lochlear, 5, North Carolina; Bradley Lions, 6, Washington; Brianna Jackson, 5 months, Alabama; Tommy Gibson, 2, Oregon; Rosy Tapia, 6, Utah; Rosie Gordon, 10, Virginia; Richard Stetson, 11, Maine; Jeralee Underwood, 11, Idaho; Samantha Runnion, 5, California, July 2002.

Samantha, like all of these others, Mr. Speaker, was a real person. She was a real child that lived in America. She was a beautiful and bright and joyful little girl. It is said she loved to read and write stories, paint, draw, play with guitar, sing, and dance. Most of all, she loved to play games with her family and friends. She liked Peter Pan and Hercules. She approached each day as a new adventure, eager to learn and play. She looked forward to growing up, being a teacher and a mommy.

Samantha was playing a board game with her 5-year-old friend when a man drove up. The two children were seated on a short wall about 150 feet from Samantha's home. The man got out of his car next to the girls and asked them to help him find his dog. Samantha and the man spoke to each other for a minute, but then he grabbed her and drove off in his car. She was last seen, Mr. Speaker, screaming and kicking, saying, ''Tell my grandma, tell my grandma.'' She was saying this to her 5-year-old friend. This 5-year-old ran to the house and was able to give a good description of the man and his car.

She was found a day later. Alejandro Avila kidnapped, sexually molested, and brutally murdered Samantha Runnion. He left her body on the side of a road 50 miles north of her home. A day later, he was arrested charged with kidnapping, sexual assault, and murder.

Just one year before he kidnapped Samantha, Avila was accused of molesting two other young girls. This past July he was convicted and sentenced to death for the murder, kidnapping, and sexual assault of this little girl, Samantha Runnion. He is awaiting execution and, hopefully, justice will not be delayed or prolonged.

There are others, Mr. Speaker. Shelby Barrackman, 3, Texas; Jamaree Coleman, 2 months, Georgia; Destiny Marie Flores, 4, Texas; Cecil Turner, 2, California; Jared Kitchen, 1, Michigan; Kendrick Broadway, 5, Missouri; Amy Sue Seitz, 2, California; LaTonya Wilson, 7, Georgia; Jennifer Noon, 5, Connecticut; John Short, 3, New York; Richard Short, 7, New York; Timothy Wiltsey, 5, New Jersey; Summer Rogers, 5, Oregon; Deborah Palmer, 8, Washington; Carlie Brucia, 11, Florida; February 1, 2004.

Mr. Speaker, Carlie, a little girl from Florida of the age of 11, disappeared February 1, 2004. Her grandmother described her as blond and bubbly, affectionate, a great hugger. When she was in New York, she loved to go to the movies with her dad, go shopping, and go out for ice cream. Her favorite ice cream was mint chocolate chip. Her grandmother said, I always had that in the house when she visited me. When she was at our house, she would shoot baskets in the driveway with her Aunt Ginny, play softball in the back yard with her Aunt Catelyn and the rest of the family.

She liked music. She was especially fond of Jennifer Lopez and knew all the words of all the songs that Jennifer Lopez sang. Carlie liked to help her dad at home, especially when the family was over for dinner. She pitched right in and helped with the serving and cleaning up. Here grandmother says, I can just picture her now, loading the dishwasher. She was a very good student, voted most popular, and a math whiz at McIntosh Middle School.

Carlie disappeared February 1, 2004, while walking home from a friend's slumber party in Sarasota, Florida. A surveillance camera behind a car wash taped Carlie's abduction. The sixth grader may have walked through the car wash's parking lot as a shortcut to her home in her neighborhood. Carlie's remains were found 5 days later, just a few miles from where the car wash was. The defendant: Joseph Smith. The

Sarasota Police Department questioned Joseph Smith after they received tips from anonymous sources. He had been in their custody the day after Carlie was abducted on an unrelated parole violation. A woman who said she lived with Smith was one of the tipsters who contacted the police.

Of course, he refused to admit any involvement with the disappearance until later when the investigators questioned him more and he told them where he had hidden her body. On February 6, 2004, it was announced that Carlie's body had been found. Mr. Speaker, she had been brutally murdered and thrown in a church parking lot just miles from her home.

Joseph Smith was a 37-year-old car mechanic, father of three who had been arrested at least 13 times in Florida since 1993. He had been previously charged with kidnapping and false imprisonment, and he was held in custody as the main suspect of the murder of this little girl, Carlie. On February 20, Smith was indicted on a first-degree murder charge and separate charges of kidnapping, capital sexual battery, and others were filed by Florida's attorney general's office. He had previous convictions: aggravated battery, carrying a knife, possession of heroin, possession of drugs without prescriptions, possession of cocaine, and attempts to obtain controlled substances by fraud.

Mr. Speaker, thanks to the gentlewoman from Florida (Ms. HARRIS), part of the Child Safety Act includes legislation that is a result of Carlie's murder. Joseph Smith, on the other hand, is scheduled to stand trial on the kidnapping and murder charges of Carlie Brucia on November 7. Prosecutors are seeking, and rightfully so, the death penalty. Until then, he will be in the county jail where he has been housed since his arrest.

Mr. Speaker, I can continue with more names of real kids in America: Adam Finch, 4, Florida; Harley Hall, 6 months, South Carolina; James Hargon, 4, Mississippi; Tahisha Clay, 6, California; Elizabeth Byrd, 8, Arizona; Maile Gilbert, 6, Hawaii; Tracy Neef, 7, Colorado; Isaiah Lewis, 3 months, Michigan; Tara Huffman, 5, Illinois; Patricia Miles, 6, Arkansas; Alonzo Daniels, 4, Utah; Brittany Hendrickson, 7, Ohio; Danny Davis, 4, Utah; Amy Yates, 8, Georgia; Dylan Groene, 9, Idaho; May 16, 2005.

Mr. Speaker, to my left is a photograph of Dylan at the age of 9 and his sister, Shasta, at the age of 8. This is his story: Dylan liked to be outdoors. He liked camping, fishing, and catching crawdads. He also liked to play games on his Play Station. He loved playing with his sister.

Dylan and his sister, Shasta, were declared missing on May 16, 2005 after police found the beaten and bound bodies of their mother, their older brother, and their mother's boyfriend. Authorities believe that Joseph Edward Duncan, III, a registered sex offender, abducted Shasta and Dylan from their home and held them for 7 weeks at a primitive camp site in the vast forests of Montana. According to Shasta, Duncan repeatedly molested the children and eventually he killed Dylan. Shasta was discovered on July 2 at a local restaurant with Duncan. Two days later, human remains were discovered at that primitive, remote, western Montana camp site and on July 10, the remains were identified as Dylan Groene, this person, 9 years of age.

□ 1900

Investigators have not really told us exactly what they believe happened to Dylan or how long they believe the boy was alive after the children's mother, 13-year-old brother and her boyfriend were beaten to death, but they have given us some information.

Sheriff Rocky Watson has said that he believes the motives for the killings, of course, was to acquire these two children as sex objects. Watson always said authorities believe the family was chosen at random, but the attack was carefully planned.

The police have interviewed Shasta a couple of times, and the details are agonizing, and they are slow in being revealed, but she has provided certain information that is astonishing. Dylan, when he was 9, like the others that I have mentioned, was a real person. He wanted to live like all kids, but he never made it to his tenth birthday, because of this criminal, this individual by the name of Joseph Duncan, III.

Joseph Duncan, by the time he was 16, he had committed 13 sexual assaults. In 1980, Duncan was arrested for breaking into a neighbor's house, stealing guns and then accosting a 14-year-old and sexually assaulting him at gunpoint.

He was convicted of the rape and sentenced to a maximum of 20 years in the penitentiary. However, in lieu of prison, somebody sent Duncan to the Sex Offender Treatment Center at Western State Hospital. An evaluation at Western State Mental Hospital found that Duncan, who was then 17, met the definition of a sexual psychopath, so Western State Hospital had given up on Duncan.

Then, at 19, he announced that he wanted to leave treatment and serve the rest of his time in the penitentiary. So he received 14 more years for the rape and sexual assault and 3 more for parole violations. When he got out of the penitentiary, he moved to Fargo, North Dakota.

Then, after leaving the penitentiary, he decided to create a blog on the Internet. Many of the entries appear to focus on his own sexual abuse crimes, and he seemed to be proud of it. It also shows us his rage over how sex offenders are treated in our community.

Brenda Grone and her boyfriend, Mark McKenzie, and the 13-year-old Slade Grone were killed in their home sometime on May 15 by Joseph Edward Duncan, III. They were beaten to death with a hammer.

Duncan, after kidnapping Shasta, he told her and explained to her what he did to these three before he murdered them. He said he watched the house and specifically had watched her for 2 or 3 days. At night, he would sneak up to the house and peer into the windows. He said it was real simple to kidnap them and kill the other three.

He said he used a night vision goggle to learn about the family's layout before breaking into the home. And he bragged to Shasta about killing her family with a hammer, and he even taunted her with the hammer that he had used to kill her family.

Duncan was charged with first-degree murder, first-degree kidnapping in the bludgeoning deaths of this family. He is awaiting trial.

Dylan, four-foot, 60 pounds, blond crew-cut, blue eyes and 9 years of age when he was murdered.

I continue, Mr. Speaker.

Carol Dougherty, 9, Pennsylvania; Sarah Pryor, 9, Massachusetts; Jennifer Short, 9, Virginia; Anthony Martinez, 10, California; Michelle Norris, 7, Rhode Island; Roxann Reyes, 4, Texas; Brandon Dyson, Jr., 1, California; Benjamin Brenneman, 12, California; Mary Lou Olsen, 10, from California; Joshua Walden, 10, Tennessee; Constance Carrillo, 8, Ohio; Louis Peytonn, Jr., 5, Arkansas; Janet Perkins, 9, Missouri; Charlie Keever, 13, California; Megan Kanka, 7, New Jersey, July 29, 1994.

Mr. Speaker, this is Megan Kanka, 7, from New Jersey. In July of 1994, she disappeared. She grew up in the quiet suburban Hamilton township of New Jersey. She was a chatty little girl who loved chocolate chip ice cream, cookies and milk.

In July of 1994, at the age of 7, Megan, an enthusiastic animal lover, was lured into a neighbor's home, 100 feet from her own door. Once again, another child predator living in our neighborhoods. She went over to his house with the hopes of seeing his new puppy he claimed he had. That neighbor, unknown to Megan's parents, was a convicted sex offender.

The chatty little girl rode her bike over to Jessie Timmendequas' home. He told her that he had a puppy, but it was too young to go outside, so she needed to go inside to see it. Of course, there was no puppy. It was a lie.

The defendant, Timmendequas, was a previously convicted sex offender, and he sexually assaulted Megan. Then, like the others, he murdered her.

When he got her into the house, he tried to kiss her, but she attempted to escape. So he strangled Megan with a belt. He says he slammed her head into the dresser and strangled her. He sexually assaulted her. He tied two bags over her head. Mr. Speaker, he tied two bags over her head. He put her body into a toy box, and he drove his pickup truck to a nearby park with her in the toy box. He sexually assaulted her again and dumped her body into a patch of high weeds.

In the hours following Megan's disappearance, a massive search effort

took place all over the quiet Hamilton township of New Jersey. The red and blue lights of police cars filled the once quiet suburban neighborhoods.

Police were instantly drawn to Timmendequas' home after learning that he and his roommates were both convicted sex offenders. They immediately questioned him, and only 1 day later, he confessed and led the police to Megan's body.

His history? Well, he had a criminal history of sexual assault of children. In 1979, Timmendequas pled guilty to the attempted and aggravated sexual assault of a 5-year-old girl in New Jersey. He was given a suspended sentence. Mr. Speaker, that means, in simple terms, he did not go to jail.

But somebody recommended that he get counseling for his sexual assaults. He did spend 9 months in the Middlesex Adult Correction Center.

Then, in 1981, he pled guilty in regard to the sexual assault of a 7-year-old girl. He was imprisoned for 6 years.

In May of 1997, he was sentenced to death for the murder of Nichole Kanka. He remains on death row in New Jersey State Prison in Trenton. Hopefully, justice will be done, and he will see his maker soon.

In honor of Megan's memory, a section of the Child Safety Act creates the Megan Nichole Kanka and Alexandra Nichole Zapp Community Notification Program. This program requires appropriate officials to notify the communities within 5 days of a change of a registered sex offender's information.

Megan's parents had no idea that a sex offender was living across the street from them in their quiet suburban neighborhood. Hopefully, the Child Safety Act will rectify this in the future, and parents will know who lives among them.

Kelly Albright was 12 when she disappeared in Kansas; James Francis Connelly, 15, from Illinois; Sandy Hoyt, 14, from Connecticut; Andrea Harriet Sax, 16, from Illinois; Tamika Turks, 7, from Indiana; James David Richards, 15, California; Stacey Sue Simpson, 4, Georgia; Tyrna Middleton, 14, Ohio; Clifford Grant Sheppard, III, 11, Alabama; Reginald Brown, 16, Illinois; Carla Jo Otto, 14, from Michigan; Lori Ann Hill, 14, Ohio; Carmen Joy Otto, 10, from Michigan; Jacob Wetterling, 11, from Minnesota, October 27, 1989.

Mr. Speaker, Jacob Wetterling, this is a photograph of him. He lived to the age of 11, and then he was kidnapped and hasn't been seen since. He was born on February 17, 1978. He grew up in St. Joseph, Minnesota, with his parents, Patty and Jerry Wetterling, and his three bothers and sisters.

On the night of October 27, 1989, Jacob and his brother, Trevor, and a friend rode their bikes to a local convenience store to pick up a movie and a snack. On the way home, a man wearing a mask carrying a gun stopped the boys on a dark stretch of road less than a mile from Jacob's home. The gunman, wielding a pistol, told the boys to throw their bikes into a nearby ditch and lay face down on the ground. He then asked each of the boys their age. After the boys responded, he instructed Jacob's brother and friend to run into the woods and not look back or he would shoot them both.

As they ran away, they glanced back to see the gunman grab Jacob's arm. When they reached the wooded area and turned around again, the gunman and Jacob had disappeared into the night.

Local police were called to the scene of the abduction minutes later, and a search ensued that involved hundreds of volunteers, local law enforcement, the FBI and others. To date, law enforcement and Jacob's family still do not know what happened to Jacob or his abductor or where they are now.

Sixteen years later, and the Wetterlings refuse to change their phone number or move from their four-bedroom home in hopes that Jacob would come back some day. He would be 27 this year.

Mr. Speaker, in 1994, the Jacob Wetterling Crimes Against Children Sexually Violent Offender Registration Act was passed as a part of the Federal Violent Crime Control and Law Enforcement Act of 1994 by Congress. This requires States to implement a sex offender and crimes against children registry.

Part of the Children's Safety Act that was passed yesterday amends the Jacob Wetterling Act that was passed in response to his kidnapping. It improves the sex offender registration and notification program on many levels. It seeks to ensure that sex offenders register and keep current where they reside, work and where they go to school. It creates a national sex offender database and requires that it be on-line and easily accessible to everyone in this country.

The law also expands community notification requirements and creates harsher punishments for sex offenders.

I would like to continue, Mr. Speaker.

Jonathan Sellars, 9, California; Charlie Stevens, 12, Georgia; Christina Benjamin, 13, Texas; Brittany Billette, 1, Michigan; James Bryan King, 14, Texas; John Pius, 13, New York; Lacy Chandler, 16, California; Amy Rachelle Schulz, 10, from California; Lazaro Figueroa, 3, Florida; Mickey David Niles, 7, Texas; Christe Rogers, 14, Florida; Naja Smallwood, 5, Pennsylvania; Sarah Cherry, 12, Maine; Stephen Wicks, 10, Colorado; and Jetsetta Gage, 10, Iowa, March 25, 2005.

Mr. Speaker, this is Jetsetta Gage, 10. She was kidnapped and sexually assaulted and murdered this year, in 2005, in Iowa, Cedar Rapids. According to news reports, Jetsetta Gage's goal each day was to give 20 compliments to people. She wanted to give them to her teacher. She gave them to a cab driver who took her to school. She gave them to her grandmother and anybody that came into her view.

Her mother said that she was friendly, and she liked to say hi to everyone. She would come up to you and say, you look nice today. She would tell everyone that, even strangers. The adults who knew Jetsetta described her as bubbly, a happy girl. She would wear colorful but mismatched outfits. She loved the outdoors, and she loved her mother and her grandmother.

Trina Gage was attending classes at Hamilton College the night her daughter was taken. Roger Bentley, a family friend, went to the Gage's home on the evening of March 25 of this year supposedly to fix the car. While there, he kidnapped Jetsetta.

□ 1915

He took her to an abandoned mobile home in rural Johnson County about 45 miles south of Jetsetta's Cedar Rapids home in Iowa. In the darkness of the night he sexually abused her. He bound her feet. He suffocated her by putting a plastic bag over her heard. Twelve hours after killing and kidnapping Jetsetta, authorities came to the mobile home, and Roger answered the door with blood stains still on his cloth. Officials searched the home and they found the little girl's body.

Jetsetta's mother, Trena Gage, had met Roger Bentley through his brother James Bentley whom she had dated several years ago. Court documents suggest that Jetsetta was sexually abused over a 2-year period by this James Bentley. James Bentley, well, he had already been arrested and charged with sexually assaulting Jetsetta in two counties. He is scheduled for trial on October 3 in Linn County. The second trial on the same charges follows in November 3 in Benton County.

His brother Roger was charged with first degree murder and first degree kidnapping in the death of Jetsetta. His trial is scheduled for November 28 of this year. Hopefully, justice will be served in both of these cases.

Shaun Jenkins, 5, from Pennsylvania. Kevin Wooden, 6, from Louisiana. Anthony Carter, 9, from Georgia. Durga Owens, 8, Alaska. Laura Arroyo, 9, California. Donald Todd, 13, from California. Angela Barnes, Washington, D.C., 14. Mary Angela Comacho, 8, Texas. Michael Lyons, 8, California. Mary Jennifer Love, 6, Ohio. Diana Hernandez, 7, Nevada. Liana Sandoval, 1, Arizona. Angie Housman, 9, Missouri. Samuel Rice, 9, Florida. Polly Klass, 12, California, October 1993.

Mr. Speaker, this is Polly Klass, 12. She, like the others, kidnapped. She was born in January of 1981 in Fairfax, California. When she grew up she liked Mel Gibson as her favorite actor. She also liked a football player, a guy by the name of Joe Montana. She liked to read Archie comics and Judy Blume books. She liked popcorn and hot fudge sundaes. She had two cats, Spooky and Milo. She enjoyed performing in school plays and had dreams of becoming an actress. She loved music and she was

active in the school band, but on the night of October 1, 1993, Polly Klass was hosting her first sleepover party with two of her friends.

When Polly went to retrieve pillows from another room, she was confronted by a large hulking man armed with a knife. The man, Richard Allen Davis, threatened to kill all the girls if they did not do as he told them to. Davis made his way into the bedroom of the 12-year-old Polly Klass and he tied her up with her two sleepover companions and then he abducted her.

When Polly's body was found later, she had been brutally sexually assaulted and strangled to death. Davis is a career criminal whose life has a twisted tangle of much violence and criminal activity. A few days after Polly's abduction, Davis confessed to the murder and led the police to her body. After a trial, he was found guilty of first degree murder. He was sentenced to death, as he should have been.

Perhaps the most telling part of Polly's story is this: according to Polly's father, she had always had a fear of the dark. She had trouble sleeping unless there was a night light on. As many children are, she was scared of the boogey man and the possibility of being kidnapped.

It is unfortunate, Mr. Speaker, in our culture too many kids go to sleep afraid of the boogey man, like Richard Allen Davis. It was something that she had discussed often with her parents, and her father Mark recalls with bitter irony how he had assured his daughter that everything would be all right and that he would be there to protect her.

Mr. Speaker, there are more children, there are many more in this country. Tonight I have just listed a few, a few over 100.

Felicia Elliot was 8 in Arkansas. Mary Caussin, 6, in Michigan. Jason Verdow, 9, in Florida. Marcia Trimble, 9, in Tennessee. Christi Meeks, 5, in Texas. Michael Cameron Rainey, 14, in Nevada. Shelby Barrackman, 3, in Texas. Adam Benjamin Clark, 6, Arizona. Jenny Waltz, 16, California. Molly Ann Bish, 16, Massachusetts. Jessica Lunsford, 9, Florida. February 23, 2005, this year, just a few months ago.

Mr. Speaker, we have all seen this photograph of Jessica Lunsford with her pink hat. She was 9 years of age this year. She had a lot of spunk. She was always smiling.

When Jessica walked into the room, she was always having a good time. She and her grandmother collected dolls together. She loved people. She loved purple, and she loved pink.

Jessica liked to do cheerleading and gymnastics. She and a friend were going to have a band, but they did not have any instruments, only a microphone, so they just decided to sing and to dance. She liked doing karaoke. She liked doing it with her friends. She also liked to ride bikes. And even though Jessie had several two-wheeled bikes, the one she liked riding best was an old three-wheeler with no brakes that her grandpa Archie had given her.

She loved jewelry. She liked shoes. She liked putting on clothes and she liked putting clothes on her dog, Corky, and she loved make-up. She liked music. She liked to sing and dance. And she always said, I love you.

Her father, Mark Lunsford, will always remember his last hug from her. Mr. Speaker, I have had the opportunity to meet Mark Lunsford and to talk to him at length. He is a good person. He loved his daughter, and he says he will never get over the fact that he lost his daughter the way that he did.

John Couey, the criminal, well, he was a convicted sex offender and he was living in a mobile home within eyesight of the Lunsford home. On February 24 of 2005, he snuck into the Lunsford home and he stole Jessica from her bed. He took her to his place and Couey said he watched for the police and noticed that they went to the Lunsford home.

He then, Mr. Speaker, did the following: he chose to sexually assault her. When he was not sexually assaulting her, he stuffed her in a closet in his habitation. When he was through having his way with her, Mr. Speaker, he says he did the following: he decided it was time to get rid of this little girl, so he took stereo wire and tied her feet and her hands. He then wrapped her inside two plastic garbage bags. He dug a hole in his yard and as he said, he threw her in a hole. He buried her alive.

When she was found days later, Mr. Speaker, she had poked her fingers through the plastic bags seeking air.

John Couey, well, he was a registered and convicted sex offender with a long criminal history. It included 24 arrests and went back more than 30 years. A section of the Children's Safety Act that we passed yesterday establishes the Jessica Lunsford Address Verification Program. Although Couey was a registered sex offender, the address that he lived in and where he had kidnapped and taken Jessica was not the address that he had used when he was a registered sex offender. He had changed address and had not told anybody.

The Jessica Lunsford Verification Program under the Child Safety Act authorizes verification and requires mailing verification of child molesters anywhere in the country every 30 days.

Since Jessica's death, Mark Lunsford has made it his mission to protect other children and families. Mark Lunsford started the Jessica Marie Lunsford Foundation to help children in crisis and to inform people about the dangers of child predators. We are thankful that Mark Lunsford, this father, this good guy from Florida, came here to Congress and went door to door talking to people about the murder, abduction, and assault of his daughter and changed the minds of many so this bill, the Child Safety Act, would pass.

Mr. Speaker, the House did pass the Child Safety Act yesterday, thanks to the leadership of the gentleman from Wisconsin (Mr. SENSENBRENNER). Many, many people were involved in the preparation and drafting of this legislation, people on both sides of the aisle, Republicans and Democrats. Because, Mr. Speaker, child safety is not a partisan issue. It is a people issue. It is an American issue. And it is important that we continue to focus on those people that do our children harm.

We know that sex offenders live among us. The risk of attack to our children grows every day. There are approximately 550,000 convicted sex offenders in the United States. We know that 100,000 of these people who have been convicted are lost in the system. We do not know where they are, where they are hiding in the United States, because they failed to have registered in communities required under current law. We do not know where they work, where they live, or what they are up to.

We know that statistics show that in this country one out of every five girls and one out of every 10 boys are sexually exploited before they reach adulthood. We also know that only 35 percent of these incidents are ever reported.

According to the Department of Justice, one out of every five children receive unwanted sexual solicitations online from their computers. And we know that 67 percent of all the victims of sexual assault are kids. So the Child Safety Act of 2005 is a comprehensive legislation to address those people who commit crimes and to try to stop the epidemic of violence and sexual abuse against our children.

We know that these crimes are not confined to any one neighborhood, any area of the country, but these types of crimes are everywhere. Federal action is needed to solve the increasing dangerousness and widespread problems of violence against children. The legislation that we passed yesterday, which I was proud to be a co-sponsor of, reforms our sex offender registration and notification laws.

It is aimed at preventing crimes against children through a coordinated law enforcement approach that includes broadening the definition of these crimes. It increases reporting requirements for new offenders. It increases the penalties for those convicted of sexual assault. It requires States to share information about sex offenders in their States. Because, Mr. Speaker, what occurs is someone will leave the penitentiary in some State. They will register under that State law, but then they will cross States lines, and they will disappear in that second State.

That is what happened to many of these children that I mentioned tonight: registered sex offenders crossed State lines. Now we will be able to keep up with them when they cross State lines because failure to register when they move to that new State is a

Federal offense. It is a Federal offense where they can go to a Federal penitentiary for up to 20 years for failure to notify law enforcement, the community, the media about their new residence.

This Child Safety Act will also enhance punishments for sex offenders who reoffend. It will require sex offenders to register and notify people in the newer neighborhoods where they move. It will require verification monthly. It will require or allow citizens Internet access to the child predators that live among them. It will create Web sites to search for sex offenders in communities, and it will require and expand sex offenses covered by registration and notification to include the military and crimes that occurred against American kids overseas.

These are some of the many, many requirements of this new law, Mr. Speaker. It will expand, in addition, law enforcement's use of DNA to solve criminal activity of these predators. This comprehensive legislation hopefully, Mr. Speaker, will send a message to those who live among us that wish to commit crimes against our children.

Portions of this law, Mr. Speaker, are named after children. I hope we get to the point in this country that we quit naming laws after murdered children. Hopefully, that day will come.

Mr. Speaker, I have four kids, three girls and a boy. I have three grandkids, one born last week. And as a parent I am very, very protective of my children. All parents are. Children are, as the Good Book says, a blessing to parents. And the worst thing that any parent can comprehend and the thing that we dread the most is the loss of a child at any age.

□ 1930

To lose a child under any circumstances is tragedy. To have a child kidnapped, assaulted and murdered in their youth is something that parents cannot comprehend, but it happens in America.

Mr. Speaker, in this Capitol, we have throughout these great hallways paintings and photographs of important people, people in our history that have done things for our country. They are of all persuasions, all parties, all races and both sexes. But I say, Mr. Speaker, that if we had on these same walls the photographs of the murdered children in our country, that this Capitol, this enormous building does not have the room for all of their photographs. We should remember who they are, their names and how they lived.

We have done a lot in this country, organizations such as the National Children's Alliance here in Washington, D.C., the umbrella organization that takes care of sexually exploited children throughout the offense and after the offense is over with and helps them in court.

One of those organizations is Children's Assessment center in Houston, Texas, one of the best advocate centers for children anywhere in the country. There are many of those, and it is unfortunate we have to have those to protect our children and take care of their needs after they are exploited.

Mr. Speaker, these children have something in common. The last person on earth that these kids saw was not their mother, not their father, not their friends, not their grandparents. The last person they saw on earth was the killer, the person who stole their life in their youth. We hope, Mr. Speaker, that when we pass from this life to the next we are surrounded by the people who care about us, the most important people in our life, but not so with these children. They were surrounded by the person, the predator, that preyed on them and stole their life and their existence.

Mr. Speaker, we have been talking a lot about resources the last few weeks, things that have happened in the country, the hurricane, but we need to remember one important factor. The greatest resource in this country is our children. They are the greatest natural resource that we have, and we should be as concerned about what happens to them and what predators do to them as we are about other resources and the disappearance of them.

The darkest of history will report the blackness in the souls of those who have committed these crimes against our children. Those barbarians that kidnap, sexually assault and pillage and murder our children will be held personally accountable for their evil choices.

It has been said in the scriptures that for whoever causes harm to a little child, it would have been better for him with a heavy millstone hung around his neck he would have been cast into the sea. Well, we do not throw child molesters in the sea. We claim to be too civilized for that, but we will throw them into the sea of accountability, the sea of consequences, the sea of humiliation and the sea of punishment. They have sown the wind of harm, shame, injury and murder. They will reap the whirlwind of justice and intolerance.

Mr. Speaker, I was a prosecutor in Houston, Texas, for 8 years. I still have in my office this photograph. This was Kevin Wanstrath. He was murdered in May of 1980. He was 14 months old. The people who took his life, took the life of his mother and his father and his grandmother saw justice. Two of them received the death penalty, and they have been executed. The other two received prison terms in the Texas penitentiary.

But, Mr. Speaker, Kevin was born the same year my son was born, Curt. Curt is a big ole strapping boy. I still call him my boy, and at times I look at my son Curt and wonder what could have happened and how Kevin could have turned out. I keep this photograph in my office as I have since that murder to remember that what we are about in this culture is to protect our greatest resource, children.

After serving 8 years in the district attorney's office, I got to be a judge in Houston for 22 years and saw 25,000 felonies during that time. Many of those were child predators, and I learned, as we all now know, a couple of things about child predators.

We know that most of them when they get out of the penitentiaries in our country they do it again. That is just a historical fact. They repeat their ways. They repeat their criminal activity against our kids.

Mr. Speaker, we do not need to give them therapy as some say. They need to be kept away from our kids. Yet that is why we build the penitentiaries, to house those individuals who seek and destroy our children.

We also know, Mr. Speaker, that most of them get out. You see, they are model prisoners when they are in the penitentiaries, so they usually come up for parole. They get parole rather early, but at least they all eventually return to society, but they want to remain anonymous in our communities.

Mr. Speaker, child molesters are not what we sometimes think of as an individual walking around with a trench coat. They do not look like that at all. They look like anybody else in our communities, and it is time that we in this country quit excusing the conduct of child predators. For whatever reason they choose to commit a crime, they must be held accountable for that.

Too often in this country we have become the land of excusable conduct. We excuse somebody's conduct because something bad happened to them when they were a kid. That is certainly no excuse for committing a crime against a child today. We can no longer live in the land of excusable conduct. We must hold people accountable for what they do.

Mr. Speaker, when a cow is born in the United States on some ranch in Texas or Montana or Kansas, we track that calf until that calf ends up as a steak on somebody's supper table. We do that for public safety. We want to make sure there is nothing wrong with that beef.

Mr. Speaker, now we are going to track child molesters when they leave the penitentiary indefinitely. We should raise at least the safety of our children to the same level as the safety of the beef that we eat and protect them from those child molesters.

Mr. Speaker, as stated by a couple of the kids, their fear each night is to be abducted by some bogeyman, and so we lock ourselves up in our homes. We put the bars on the windows. We have the alarms in our rooms to protect us from the bogeyman, those child predators.

Mr. Speaker, it is time that we quit being imprisoned in our own homes and our children imprisoned in their homes, and it is time that we make child molesters our prisoners rather than us continuing to be their prisoners.

So to the child molesters, we will state this wisdom, we will send this

word, we will spread this warning. Leave our children alone or face a lifetime of severe, unpleasant and unrelenting consequences.

Mr. Speaker, we are not judged by the way we treat the rich, the famous, the powerful, the important. We are judged by the way we treat the innocent, the weak, the children of our community; and it is time that we focus on what is important for them rather than maybe on other issues in our culture.

So it is our resolve, Mr. Speaker, as a Nation, to those child predators, we say, you cannot run, you cannot hide, you cannot avoid justice. Because as injustice hopefully will soon fade away, justice will rule this day. That is just the way it is.

## 30 SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, once again, it is an honor to come before the House of Representatives; and, also, we would like to thank the gentlewoman from California (Ms. PELOSI), the Democratic leader; and also the gentleman from Maryland (Mr. HOYER), the whip; and the gentleman from New Jersey (Mr. MENENDEZ), the caucus chairman; and the gentleman from South Carolina (Mr. CLYBURN) who is our vice chair, and all of the hardworking Members of this Congress.

I think it is important for us to remember, and I think in a few short minutes the President will address the country from New Orleans and the French Quarter, about the Federal commitment to the hurricane-devastated areas. He will be in Louisiana, but I would assume he will also be addressing Mississippi, Alabama and some of the other surrounding areas that were affected by Katrina.

I will tell you, Mr. Speaker, that I think it is important that we look at the contrast of what exactly the Federal commitment will be. There has been a lot of words, a lot of Federal jet fuel burned of the President and the Vice President going down to the affected area. There has been a lack of organized congressional visits for us to even understand what those people are going through in the South.

We are going to be talking a little bit about, the 30 Something Working Group, the Federal commitment and the response not only to rescue and recovery but also the response to a national tragedy.

There have been some good statements and some very disturbing statements, and I think the Members need to realize what has been said, what has been done and what has not been done.

I think it is important, if we are going to follow through on some of these statements that have been made here on this floor, if we are going to follow through on what the President would say tonight in another 20 minutes to the country, are we going to be here for the long haul or are we going to give the people affected in the South what we call here in Washington, D.C., the Potomac two-step?

Are we going to try to ride this media cycle out?

Are we going to allow big-time contractors to go down, make a bucket of money on the back of tragedy and cut the wages for those very same people that were victims? Are we going to allow that to happen?

Are we going to allow this House, in a vote that we took today, that I voted against, not that I am not in solidarity of the reason why we wanted to put together a select committee of the oversight of what happened in Hurricane Katrina, but the fact that the people of the South are not getting what the 9/11 families got and the American people got after 9/11.

So there is a reason I think why we are heading off, and there are strange votes that are taking place. We say we do not want to politicize the process, but we step out on politics. We say we want to get to the truth, either it be city or parish or State or Federal Government, but, better yet, we take congressional action that does not even carry the language to allow us to get to the truth, does not have the bipartisan not only flavor but bipartisan language.

If we are going to do something in the Congress to find out where government failed, where nonprofit failed and not have a 50–50 relationship with the majority side to be able to get to the truth, we are going to see partisan votes on that select committee.

I stand with the Democratic leader and I know many of the 30 Something Working Group stand with the Democratic leader as it makes to not even making an announcement now, even if we are going to appoint Members to that select committee because I will tell you 710 lives that have been lost. Better yet, we are going to appoint a committee just like it is regular business here in the Congress. Also, the largest supplemental, I must add, in the history of the Congress and this country, outside of a war supplemental. Some are saying it will go to $200 billion.

□ 1945

Well, if it goes to $200 billion, what will be the Federal commitment in the end? A, we know the people that will be working in the rebuilding process that are victims of this hurricane will not receive the prevailing wage because Davis-Bacon has been waived. They will not receive what other Federal contractors will receive using Federal money. We know that from the beginning. We are going to shortchange them from the beginning. We know they need money to rebuild, yet we are going to do that.

The whole issue, when it comes right down to it, I say to my colleague from Ohio, is that the Federal commitment is about tomorrow, a national day of prayer over at the cathedral, and that is fine, we can pray for them. But we are the Congress. We are supposed to act on behalf of those individuals that cannot stand for themselves. So I want to come out tonight and say that individuals that are in the affected area, I believe the country needs to rally around them and demand a 9/11-like commission.

We are going to let politicians stand in judgment of politicians? We are going to let a majority party stand in judgment of the majority in the executive branch? The same party that says, oh, we will get to the bottom of this, even if it is embarrassing? Well, people have lost their lives, yet we are going to sit around here as though it is another day at the office? I think not.

There are individuals right now that have mold in their homes, and individuals right now that still do not have even the simple opportunity to bury their dead. There are children right now that are lost in the hundreds, and yet it is just another day at the office? Excuse me, but I have a problem with that.

Over in the other body across the hall yesterday there was a vote that went down on a partisan party line. One individual from the State, one of the affected States, did not even vote on the amendment, and that amendment called for, down to the last sentence, a 9/11-like commission.

It is very, very unfortunate that partisan politics has found its way into this national tragedy. The only reason why this Congress is getting away with it is the fact that these individuals who have lost their lives are poor. The individuals' homes that are still under water are poor. That is the reason why. So who are we, as a country, to go somewhere else and start talking about what other people should be doing when we are not doing it?

Now, I am not saying the American people are not doing it. I am saying the leadership here in this Congress is not doing it. And if they can sleep well by doing that, so be it. But I will say this, that I believe the American spirit will rise on behalf of these individuals who are living in shelters right now and who do not even know what is happening to them.

I think the reason why people are saying, well, we are moving expeditiously and we are trying to do this, that and the other, and we want to make sure people get accountability, is that these are poor individuals, who, by the way, work every day but who may not have the education that the brokers and the stock folks and all of those folks had in 9/11. Now, I supported that 9/11 Commission, and we are better because of it. We are better because there was a 9/11 Commission.

There were families that came to this Congress. It was not the first idea of

the Congress or the administration to have a 9/11 Commission, but thank God that those family members on behalf of their families who had lost their lives took whatever money they had, came to this Congress and made it happen. The only difference between the 9/11 families and these families down south is the fact they had a little more money and had a little more influence. And God bless them for having it.

But I will say right now, Mr. Speaker and my colleagues, that we have to stand for these individuals that cannot stand for themselves. That is why we are here. We are not here to represent the haves and haves more; we are here to represent the individuals that cannot afford to come here. We are here to represent those who got up early one Tuesday morning voting for representation so that they would be represented in this House, so that Democrats and Republicans alike would be represented in this House and Independents would be represented and those that are too young to vote would be represented.

We come here and stand as though it is business as usual while the body count still goes up, the death toll and the misery. So I do not know how long this media cycle is going to go on. I just do not know. I do not know how long the press will stick with this issue to keep it in the forefront, but we cannot leave these individuals behind. We have to be resilient; and we have to make sure, even if it costs criticism from individuals who may say, well, what do you want us to do? We want you to do the right thing. We want you to pass a resolution that has some teeth in it.

Mr. Speaker, this resolution 437 is a select committee that we cannot even get people to come and talk to us. We have to ask them to come talk to us. So I say to my colleague that this is going to be one of those things, like the Committee on Ways and Means, with partisan votes up and down; like the Committee on Armed Services, partisan votes up and down; like the Committee on Appropriations, partisan votes along party lines. We cannot allow that to happen.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I think my colleague is exactly right. What happened here today, H. Res. 437, is a tragedy. What happened right here on this floor today is a tragedy for the exact reason the gentleman just mentioned.

Now, for those people who are at home and who may not completely understand the whole situation, this body is run by the majority party, which is the Republican Party. And the majority party appoints to the committees members to the Committee on Ways and Means, the Committee on Appropriations, the House Homeland Security Committee, the Subcommittee on Foreign Operations, Export Financing, and Related Programs, and all these different committees and subcommittees. The majority appoints more people to the committee than the minority, so they basically control the committee process in the House of Representatives.

Now, some committees have subpoena powers and they can subpoena witnesses. But they will only subpoena witnesses that the majority party wants to subpoena. If the minority party would want to subpoena somebody, they could not because they could not get the power out of the committee without majority party votes. So the majority rules.

What is happening in this Congress and in the House and in the Senate is that the Republican Party controls both Chambers. So the Democrats in the minority have no subpoena power. And what has happened over the past few years here, and the great example is the later Clinton years, with Ken Starr, with the House Committee on Government Reform, the Republican Party that controlled this Chamber, they were the ones conducting the investigation into President Clinton because they had the subpoena power and they had the opportunity to do it.

So what we were trying to say, what the minority party was trying to say, the Democrats were trying to say with H. Res. 437, is this select committee that will oversee and look at how the screwups went about down in the gulf coast should be equal. It should be Democrats and Republicans both having equal subpoena power to oversee the process, because the record for the majority party over the past few years has been atrocious.

Now, let us look at a couple of things. We have talked here many, many times regarding the war, with the weapons of mass destruction, all the prewar intelligence. Has anybody looked into this in a real way, in depth? Subpoenaed witnesses? Anybody? No. Has anybody been fired? No. How about the Medicare bill that we passed at 3 in the morning. Everyone was told here it was $400 billion. It ends up being 700 or $800 billion after we already voted for it.

This majority party does not have the credibility, I say to my colleague, the credibility to oversee what is going on here because they are going to do nothing but whitewash this thing. Get out the Brillo pads because we are going to scrub this thing clean, and nothing is going to happen and the country is going to be worse off for it. So, my colleagues, H. Res. 437 is a joke. It is a joke. And there will not be proper investigation.

I just could not believe the debate on the floor today. The gentleman from Mississippi (Mr. TAYLOR), a Democrat who lost his home, for God's sake, was here. He is saying, should he not, as a representative of a State in a congressional district that lost lives and homes and property and everything else, should he not be able to subpoena somebody, just like every other Member of Congress, if I am on that committee? Or should the Democrats, who many lost constituents of the 700-some that we lost, and some of those people were actually represented by Democrats, should the minority party not have the opportunity to subpoena somebody?

But, no, this thing is going to get scrubbed. Where is the transparency? Where is the equal opportunity? Where is the bipartisanship? What this bill says is there is going to be nine Democrats and 11 Republicans.

Mr. MEEK of Florida. It is a select committee. It does not have any subpoena power. You cannot subpoena anyone.

Mr. RYAN of Ohio. There is not even subpoena power.

Mr. MEEK of Florida. I mean, it is like, Will you please come and talk with us?

Mr. RYAN of Ohio. This thing is a paper tiger. It is going to be a song and dance. So let us get ready. Get out the music and the popcorn because this is going to be nothing but a dog and pony show.

I do not think anything is going to happen here, and it is going to be consistent with a lot of the other pieces of legislation that either came through this body or did not get reviewed.

So I just want to say to my colleague from Florida how disappointed I am, how disappointed the Democrats are, and I encourage the gentlewoman from California (Ms. PELOSI), our minority leader, to continue her stance and not appoint anybody to this committee. This is a toothless tiger. It is a washing machine to clean up this mess politically. I hope that our leader stands her ground and our leadership and our party stand their ground and just say that this is a joke and to appoint people to this committee would literally be contributing to the problem and lending our credibility to this issue, which I think is a joke.

Mr. MEEK of Florida. Mr. Speaker, let me just say this in order to clarify the whole issue on subpoenas. In section 5 it calls for joint operations, and it comes down to the majority party. The majority, basically, the bottom line, are the only people that can actually subpoena. So your statement was correct, the minority view on the committee or the Democratic view on the committee, if we wanted a particular individual to be subpoenaed, could not be subpoenaed if we are not in the majority to be able to do so.

Mr. RYAN of Ohio. Unless the majority wanted to help us.

Mr. MEEK of Florida. Of course. And that is in section 5 of the joint operations. But let me just say this. If there was an equal 50–50 power on the committee, then, obviously, there would be time for compromise. Okay, if you want to subpoena this witness, we want to subpoena that witness, and let us just compromise. Even though we do

not fully agree, we will get our members to vote for it.

But let me just say this. I think that it is important for us to remember that this is not the only battle as it relates to making sure that this never, ever happens again, especially after a 9/11 bill passed through, Homeland Security given all this authority, FEMA having the resources to pre-stage the equipment and to be able to move in for it to ever happen again. Whether it is something the Governor did not do in Mississippi or Louisiana or Alabama, or something that the mayor did not do in the town, wherever it may be, Gulfport, New Orleans, what have you, we have to get to the bottom of it.

Americans are pouring their hearts out and their money out, and we are using their taxpayer dollars to send down to the affected areas, and rightfully so, without the proper oversight and without any real congressional review. If a Member of Congress wanted to go down and see exactly what the Federal response was, you cannot go on what we call a congressional visit, go down there on a CODEL. No, you cannot. You have to find your own way down. Good luck, Charlie. You find your own way down there. Catch a bus if you can, or hitch a ride with a friend, or take money out of your own pocket and go.

I happened to get down there on the relief flight taking food and necessities down. That is how I got into the affected area.

□ 2000

The American people can take it for what it is. This is a coordinated campaign. Unfortunately, I do not believe it as a campaign, I see it preventing lives in the future from being lost. I cannot help but look at exactly what is going on.

U.S. News and World Report, ''What went wrong?'' We will never know.

Another edition, U.S. News and World Report, ''Who Screwed Up?'' We will never know.

Newsweek, ''Poverty, Race, Katrina, Lessons of a National Shame.'' We will never learn because the majority does not want to learn.

Some may be saying that the 30 Something Working Group, they are on the floor are talking about the majority party's failings with regards to leading and this national tragedy. This is not an issue of being partisan. This is an issue of telling the truth. The bottom line is we always talk about what would be different if we were in the majority.

Well, the Democratic leader, the gentlewoman from California (Ms. PELOSI), recommended with the council of ranking members said, let us come back from our break and go into session and give FEMA what it needs to be able to respond to this national tragedy. Number one, it is a shame that FEMA was out of money.

What did they say? The House leadership said, no, we will be back; do not worry about it.

A day later, the President got called out on it. Time was awasting. That means maybe FEMA did not have what it needed to be able to respond to people stuck in the Superdome and in shelters.

And in Mississippi, where I went, in Hancock County, they had sanctioned looting. It was sanctioned because they had no food and no water. It was not a situation where they said, fine, electricity is off, we do not have a lot of law and order going on, so we are going to go into this store and take things. These are individuals who work every day.

Second point, the Democratic leader said we need to make sure that we have a FEMA director that knows what he is doing. This one does not. He needs to step down. Because, obviously, if he was there the day before the storm and his administration was there before the storm and they watched this come in, knowing what the National Weather Center has done, and I am speaking from fact. I went down to Miami, just south of my district in Miami, and met with the director of the Hurricane Center last Friday. He was here before the Committee on Science this week and testified. He told the officials that the levees would break. A Category 4 or Category 5 storm, they will break, so it was not secret.

He called the mayor of New Orleans on Saturday night before the storm and said, Mr. Mayor, your levees potentially will break. The mayor put out the order early Sunday morning, mandatory evacuation. We knew there would be massive flooding from the simulation pattern a year prior to this storm. The officials all knew. They knew within FEMA. The State and city folks knew. The levee board knew.

Mr. RYAN of Ohio. Everybody knew.

Mr. MEEK of Florida. And people died. I think it is important. I think it is important that Mike Brown hung around. The President went down and told Michael Brown that he was doing a good job.

Mr. Speaker, people died. I am not saying that he needs to wear that on his back, but the bottom line is somebody appointed him to that position with no experience whatsoever. It is like me leaving this room, leaving this floor and saying to the gentleman from Ohio (Mr. RYAN), well, you know, I am going to carry out open heart surgery. I know nothing about it, but I stayed in a Holiday Inn Express last night.

You do not get qualifications based upon we need to fill a position, not a FEMA position. That played around, and finally the administration took him out under pressure, not only pressure from the Democratic leader but from the media who started focusing on him, saying things were going poorly because we still do not have good leadership there. He came back to Washington, and he resigned.

Then we called for this 9/11 Commission-like legislation to pass to make sure that this never happens again, never happens again. Not natural disasters, we have no control over that. That is an act of God. But when it comes down to governance and responsibility and making sure if you are poor, middle class or wealthy in this country that this government will govern on your behalf, and that did not happen. The response to that request was we are going to put together a select committee, we are going to make sure that there is a majority influence on it as relates to the Republican leadership side, and we will not get to the bottom of what happened.

Will we have a lot of show and a lot of folks getting excited in the select committee? I am pretty sure they will have it. But what I am saying, independent individuals, I am talking about people who understand emergency management, individuals who understand weather, regular citizens from the affected areas. Regular citizens were on the 9/11 Commission, a Democratic and Republican appointment, co-chairs, to look at this and professionalize our response on all levels. That will not happen, not right now.

I think it is important that the American people, Members of Congress, no matter what community you represent, if you believe in making sure that people get the same representation, for us to have a 9/11 Commission, and I must add and say to the gentleman from Ohio (Mr. RYAN), and we come to the floor to talk about what we should be doing and how we should be doing it or what we are doing on this side of the aisle, it is important for us to know the facts. This is the same Congress in the majority that the 9/11 families came up here, and they voted down two opportunities to set up a 9/11 Commission. This is the same Congress, until it just became overbearing that there were major mistakes in our intelligence, major mistakes and flags, and they are still finding stuff because of the 9/11 Commission that could have saved lives.

Better yet, we came to this floor, the 9/11 bill came to the floor, and we have better intelligence, better communications between Federal, local and State agencies because of their work. It is one of the best pieces of legislation that has passed this floor. So now the difference between the 9/11 families and what has happened down in the South is the fact that these individuals are poor, that they are still in the recovery process, and they have not been heard from yet. They have not been heard from. I think it is important that we give those individuals voice.

I am not saying just Democrats that are concerned about individuals that are affected in affected areas. I am talking about Members of Congress giving them voice to allow them to not ever go through this again and also make sure that they do not become victims when we have contractors with no restraints, no-bid contracts. They can run the tab up to whatever they

can run it up to, and then the President is going to waive Davis-Bacon which allow the people in the recovery process to receive minuscule wages, not what they would ordinarily get from Federal procured work.

I think it is important. The differences:

A, coming back here in session, it would have happened without hesitation if Democrats were in the majority.

B, Michael Brown would have gone to another job long before because the pressure, and there probably would have been a vote to remove the director, putting pressure on the White House to get someone more qualified.

C, we would have a 9/11-type commission appointed today to start pulling itself together to do the work and make sure this never happened began.

D, the procurement issue, it would not be an issue because there would be proper oversight. These are very serious issues.

The only reason I am saying Democratic leadership versus Republican leadership, because that is exactly the direction we are going in now. The votes that are going down here are partisan votes, not votes on behalf of what we know. We are not talking about a Truman Commission or something that happened 20 or 40 something years ago. We are talking about a 9/11 Commission that is still doing its work, and it is the same administration and the same majority side in Congress.

I am asking for the Members of this House on both sides of the aisle and for the American people not to give up on these poor people. That is the bottom line. Do not give up on them. They are not giving up on us. The American people, community after community, are taking care of the evacuees, taking care of these Americans, but we need to make sure that the government that they pay taxes to, that their children are fighting in a war for, making sure that they are not left behind because they do not have the economic means to be able to come up here to Washington and say we want a commission, we want it now, we want to make sure this never happens for my husband, my neighbor, for my family, for a family member or just someone who is unrepresented in this process.

Mr. RYAN of Ohio. Mr. Speaker, The Washington Post reported, just to support the gentleman's argument, five of the eight top Federal management agency officials came to their posts with virtually no experience in handling disasters and now lead an agency whose ranks of seasoned crisis managers have thinned dramatically since 9/11. Five of the top eight FEMA people had no emergency management experience at all. What did we think would happen if we had this kind of tragedy?

I still say it had a lot to do with the number of electoral votes in Louisiana and Mississippi than anything else. Because if it was Florida, with all due respect, they would have been there with billions of dollars prior to. If it was an election year, everybody would be down there, and the President's brother would be running around campaigning.

I think it is terrible that we have this kind of cronyism going on. We understand. We are not simpletons. We know that a President appoints his friends who make a lot of donations to posts in the executive branch. We know that. That is how it goes. But to appoint these people to FEMA? During a rise in hurricanes? Come on. It is irresponsible.

As far as the committee goes, as far as having a committee, CNN Gallup Poll taken a few days ago, 70 percent of the American people supported an independent panel to investigate our response to Hurricane Katrina. That is 70 percent of the American people, 70 percent of those responding. I think it is important for this body to recognize that this toothless tiger, this paper tiger that we passed today, H. Res. 437, is not what the American people want. They want an independent investigation, bipartisan, equal power among both parties to investigate it so there is no coverups, no whitewashing going on. That is what the American people want.

Mr. Speaker, I would like to start talking about something that I think is very important. We are going to do this. This country is going to make sure that we rebuild. The problem that we were talking about with the administration is a big hurdle for us. The money is another hurdle. I cannot believe that with all of the challenges that we have right now in this country that this President cannot go to the wealthiest Americans, his top campaign contributors, and ask them to give back just a wee little bit of their tax cut that they got over the past 4 or 5 years, just a wee little bit to help us fund Hurricane Katrina, to help us fund the war.

We are giving millionaires hundreds of thousands of dollars back, and our deficit is ballooning. Now, today, it is reporting we are going to need another $50 billion to keep the war fund going. We are already hundreds of billions of dollars into the war, and now we have Hurricane Katrina. Hindsight is 20–20, but you do not get into elective wars that bog you down because you just never know what is going to happen.

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We do not overextend ourselves, because we do not know when a Katrina is going to happen, when a national tragedy is going to happen. That is prudent leadership.

And now we are running budget deficits as far as the eye can see. We are borrowing the money from the Chinese and the Japanese. We are giving our country away, and we have got to pay interest on it. And one would think, and I hope, as the President is talking right now, that somewhere in his speech he has the guts to ask the wealthiest people in the country to help us here because we need help.

I ask the President to take the leadership role that the American people have given him and have the guts to ask the wealthiest people in the Nation to help us rebuild the gulf coast, to help us fund this elective war that he got us into. We pay them back. They have got their tax cuts. We do not even have to take all of them back. We just need a few hundred billion dollars to pay for the war and to pay for Katrina. Have the guts to ask them for it. If they are in the health care industry, I am sure they are doing okay. If they are in the oil industry, I am sure they are doing just fine. Record profits as far as the eye can see in the oil industry. The greatest quarterly profits, billions and billions and billions of dollars for BP and a lot of these other folks. The big money people are doing okay. But those little kids on the covers of those magazines, those are the ones that we need to help. And to not have the courage to ask the wealthiest people in the country to help out, I think, is poor leadership.

So I think as much as we are talking about restructuring and trying to figure out what we are going to do and how we are going to make the government run more efficiently and how we are going to take care of FEMA and fix the problems that we have been talking about here the past few weeks, a component of that is what are we going to do with our budget deficit. Because, again, this was something we have been talking about with the 30-somethings for months and months and years even now. So I ask the President to please ask these people to contribute. They are the only ones doing really well in the country right now. Ask them to help out.

I am sure in the gentleman from Florida's (Mr. MEEK) district, as in my mine, people who do not have a lot of disposable income are the ones bringing the canned goods. And I am not saying that the wealthy people are not doing it. Of course they are. But right now our government needs funds, and we need the wealthiest in the country to contribute. And we have got to have a President that is willing to ask them to help out. And to see the disparity between those who have and those who do not highlighted through this whole tragedy, I think, really is a call for all of us in public office, especially those in high-ranking leadership positions, like the President, to make the proper request; and we need to ask those who have been doing very well to contribute to this fund.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, we have central time in the affected area, eastern time. I know that the President is going to be on 8 o'clock central, but he is going to be on at 9 o'clock eastern. But, obviously, he will be coming on very shortly. But I think it is important that it is not the words he is going to share with the American people tonight. It is

the action. We have to look at the action or the lack thereof that has been taken thus far.

Flying down, reviewing the devastation, talking to families, we have to go far beyond that. We have to make sure that Members of this Congress feel what we feel here on this floor tonight, having an opportunity to touch these individuals.

And I just want to say, Mr. Speaker, this is a picture of, I may say, very fortunate individuals. This is a FEMA trailer down in Hancock County, Mississippi. I am standing there talking to one of the FEMA part-time workers. And there is a row of people actually behind us. There are maybe 10 phones in this trailer. But these individuals waited about 2 hours, and that is the short line, to get the assistance. They say that it should be 48 hours, 72 hours when it goes into their bank account. Many of these individuals, some of them returned back because they applied 3 days earlier and they still did not receive the assistance.

But I think it is important for us to realize, Mr. Speaker, that he mentioned the poll about putting an independent commission together. Because it is one thing to be able to say I will do my investigation and we will make sure that this never happens again and the gentleman from Ohio (Mr. RYAN) is my good friend and I am going to make sure that he did what he was supposed to do. I do not think we are going to get down to the real truth about how we can avoid this from happening in the future, the governmental response, also making sure that the nonprofit agencies that we tie in with, that they did what they were supposed to do.

As it relates to the evacuation of poor people, there was a bill dropped down today on the Democratic side of the aisle that called for a response plan, an evacuation plan for the poor, for the elderly, for the individuals that need assistance the most, because what we saw in New Orleans, what we saw in Louisiana, what we saw in Mississippi, the individuals that were left behind were the individuals who did not know where their next $5 was going to come from or were waiting on their check to come in or did not have a car to get out, and it is catastrophic.

So for us to be the last standing superpower, for us to have a President that we call the leader of the Free World, and for us to allow this to happen to Americans is shameful. That is not what I am saying. That is what weekly periodicals are saying. That is what the headlines on newspapers are saying. That is what everyday Americans are saying.

Some folks say it has a lot to do with the fact that people just did not listen to us. Well, there are a lot of people who did listen, and there are a lot of people that are somewhere else, at a cousin's house right now; but their homes are gone. Many of them did not even have insurance because their homes were paid for or they could not afford it.

Mr. Speaker, the bottom line here tonight is that we cannot allow business as usual or ''the establishment'' to sweep this under the carpet. We are not saying that blood is on anyone's hands. We are not saying that. What we are saying is that we cannot afford for it to happen again. That is the bottom line.

So I think, Mr. Speaker, before we leave here tonight, we need to make sure that we give the e-mail address out. We need to make sure that Members know on both sides of the aisle that we have a responsibility to stand for these individuals. If somebody wants to do something, I think they need to help these individuals in the South. They need to help these individuals who do not have the means to come to Washington to organize themselves and ask for a government-sanctioned, funded independent commission to be able to make sure that someone's husband or wife does not run out of oxygen because the levees broke and because we could not reach them and that instead they sat in their homes for 3 days and perished.

On their memory, on behalf of them, make sure that does not happen again. Like in the charity hospital where 35 or 40 folks perished because the levees broke and we could not do anything, and we come to find out that those individuals did not even drown. They just expired. They did not get health care. The power ran out. The generator was out. All of this could have been avoided. All of this could have been avoided with the proper oversight and governance. So we need individuals that are professionals in this field to make sure that this never happens again.

Mr. Speaker, I will just go ahead and say for those individuals that felt that the resolution that we passed today was the best thing since sliced bread and they are on the plane on the way back to their districts or what have you, off for the weekend, that they did their part, now they go home and do what they have got to do in their district, that is fine. But I think they should have a conscience, a conscience on the fact that these individuals are not getting their just due, and they are not getting represented, and they are not getting what they deserve as Americans.

They are not refugees. They are Americans; and I will tell the Members right now, if we leave these individuals behind, if we leave these individuals behind, because I am going to tell the Members right now I do not think the American public will allow that to happen. I am going to be positive on this. When one is a leader and they say, okay, we thought we did something, maybe we need to revisit this thing one more time, I think that is important. And if one is in power to be able to make that happen, then so be it.

The 1964 Civil Rights Act, the 1965 Voting Rights Act never would have been if it were not for the people out in the streets making it happen. If it were not for black and white people of goodwill saying that somebody like me can have an opportunity to come to the Congress and give a Special Order to talk about the very individuals who cannot represent themselves; if it were not for those individuals, white and black, people in the North saying something is not right in the South and we are going to risk our lives to get the attention of the government that they pay taxes to allow them to have the kind of representation they deserve, this is far deeper than the resolution on the last day of a work week.

The last vote we take, and folks go home like it is another day at the office, I am sorry. If these individuals had the means to be able to make the political contributions, maybe they would get the attention of the majority of the House. I am talking about majority on both sides of the aisle. Maybe it would be different. But all they did was they voted for representation, and they salute the same flag that we solute every day here in this House, and they deserve the representation.

I am disturbed, Mr. Speaker, I am disturbed, by the fact they are partisan votes that are going on the other side of the Congress and in this House as though it is just another piece of legislation. It is something we disagree on. Americans have lost their lives. Americans are displaced. Children are displaced. People ran out of oxygen. Folks ran out of insulin. People are wrapped up on the side of the road, and bodies are still floating; and we leave on our way to a picnic like it is nothing.

Maybe all of us have made our contributions to the best 501(c)(3) or the relief effort that we wanted to. I know I have. But I will tell the Members this: it goes far beyond that. It goes far beyond that.

So I think the 30-something Working Group has to continue to do our part. We have to continue to do our part.

Mr. RYAN of Ohio. Mr. Speaker, if the gentleman will continue to yield, he highlighted a point. This outfit that is in the executive branch right now, it is all politics. It is all politics all the time. It is not about policy. It is all about politics and trying to keep the Republicans in the majority. And I think when we see that five out of eight of the top appointments at FEMA are political hacks, I think when we look at passing a drug bill that does not have any cost controls for the drugs, does not allow for reimportation, all politics all the time. Weapons of mass destruction, go through all the war information we had before, all politics all the time. How do we sell this to the American people? Whether it is true or not, irrelevant. We need to go to war, and we are going to say whatever we have to say to get it done.

Now, as the gentleman mentioned earlier, talking about Davis-Bacon, Davis and Bacon were two Republican Members of Congress who passed a prevailing wage law that allows for when Federal money is being spent in a certain area that the Feds will pay the

prevailing wage of that area for the workers. Because if they are paying Federal money, then they should obviously be paying for whatever the going rate is in that area.

So what the President did was he repealed the prevailing wage provision, basically saying that we are not going to have any oversight over the contractors. We are going to send them billions of dollars. Halliburton is going to get their money. We are going to pay them whatever we have got to pay them, $50 billion, $100 billion without any oversight from a bipartisan commission here; and at the same time as we are not overseeing what the contractors are doing. We are going to repeal the basic provision that allows for workers to at least make a decent wage in that area.

And today in the Hill newspaper, these gentlemen from Americans for Tax Reform are saying that this repeal will make it obvious that Davis-Bacon is nothing but dead weight. So here these guys are wasting all of their time, all their energy on putting the screws to the workers, guys in New Orleans that are now living in Baton Rouge or in Mississippi or in Houston who want to go back home and help rebuild their community and make the going rate in their community, the prevailing wage in their community, and these guys are wasting all their time and energy trying to screw them to the wall instead of overlooking and seeing what Halliburton is doing.

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We are using the same administrative process with the reconstruction of Katrina as we have been using in the war, which wasted billions of dollars, no oversight of Halliburton, no oversight of all of these people who make tremendous contributions back to the President; and to have the audacity, with the great human tragedy that is there and the human suffering there, to say that you are going to waste your time and your energy making sure the workers do not get their fair share because that is dead weight, that is wasteful government spending.

These are the people who are going to go back and be able to actually do some work. It is tremendous. It is unbelievable. It is all politics all the time with these guys, and this is just one more component of that. They want to get rid of the unions, they want to get rid of prevailing wage. This one gentleman in here, he says something along the lines of it is a waste of money because the Federal money will go to the worker and if it is a union worker, the union worker will pay union dues per hourly wage. You have to be kidding me. These union workers pay like 5 cents an hour to go for the union dues, 10 cents an hour, it depends on what union you are in. But to say that this is somehow going to bankrupt the government by paying a gentleman or a woman the prevailing wage and, at the same time, billions and billions and billions are getting wasted without any kind of oversight from a select committee in Congress is a joke, and I think it just keeps reinforcing ''all politics all the time.''

Mr. MEEK of Florida. Mr. Speaker, the gentleman is 110 percent right. The gentleman from Ohio mentioned an issue about being nonpartisan and being, I would say, third-party validators, I just want to make sure we are clear. On the commission procedural vote here on this House floor that was voted down, for us to have this week, voted down for us to have a 9/11 kind of a commission, I believe that was today; and yesterday, there is an article, and I will give it to the Members just in case they were not watching the Senate, www.sfgate.com, there is an article: ''Senate Kills Bid For Katrina Commission.''

Now, let me tell my colleagues something. This is nothing that we did; this is something that the majority did. If they wanted to get to the bottom of it and to make sure that it never happens again and to make sure that Americans do not have to watch the horror, the horror of people dying and bodies floating, not because of Katrina, but because of lack of response, because the levee broke and because of a lack of administrative duties and governance on all levels; if we do not want that to happen again, why are we not passing a 9/11 kind of commission for the people in the gulf States?

They do not want to hear a speech. They do not need to hear, oh, we are going to do this, that, and the other. We are at war right now. We have men and women right now with sand in their teeth and bombs blowing up every day around them, away from their families, some have family in the affected area. I just want to give credit where credit is due; some of them had an opportunity to come back and check on their families. But let me just say, we have to go far beyond allowing business as usual.

I call on the Members and the American people again not to allow this to be swept under the carpet, not to allow individuals to sit up here and set the deck because these individuals are poor. We are better than that, and I know that we are going to do it.

Mr. Speaker, I want the gentleman from Ohio to give our e-mail address out. I know our hour is coming to a close. But I will tell my colleague, I am encouraged. I am encouraged because the American people, some 70 percent of them say they want an independent commission, and it is not a partisan issue. Those are Democrats and Republicans. I am encouraged that the democratic leader, the gentleman from California (Ms. PELOSI) is willing to stand in there against the wind for what the American people believe in and not allow business as usual. I am encouraged. I am encouraged by the fact that people are not only praying on behalf of these individuals, but the American people have taken action on behalf of them, making sure that they have the things that they need. Throughout the country people are bringing people into their homes, paying rent for them as they are displaced at this particular time. I am encouraged. I am encouraged by the fact that these victims, many of them have praying grandmothers to make sure that they are even able to stand up and go through the trials and tribulations that they have gone through and they still go through. I am encouraged by that.

So, I say that every time that we have an opportunity to come to this floor and speak as free Americans in this democracy, we are going to give those individuals voice. I am glad that there is some leadership on this floor that sees the importance in that.

Mr. RYAN of Ohio. Mr. Speaker, I am going to make a prediction. The hour is late, but I am going to make a prediction. The American people will not allow, will not allow the Republican Party to get away with having another white wash. They are not going to allow them to scrub this up and cover this up and clean it up without having proper oversight. Seventy percent of the people in this country want an independent commission to look at this, or a bipartisan commission to look at this. And I think until that happens, the Republican Party will continue to get pressure from the American people.

I think the gentlewoman from California (Ms. PELOSI) is going to stand strong. And, quite frankly, again, we should not appoint anybody to this commission. Eleven Republicans, nine Democrats, we do not have an ounce of power on this thing, and we will get slammed just like we do every day down here, and the end result will be a FEMA that continues to be inept and inadequate in its response to natural disasters.

So I say that the American people, that 70 percent of them who want this independent commission will not let this go, will not let the corruption and the cronyism continue. Mr. Speaker, 30somethingdems@mail.house.gov., send us an e-mail. We will be back here next week for a couple more nights and keep hammering away. We are not going to let go until we get the kind of commission that the American people want, that is only fair, and that will best fix the problems that we have in FEMA right now, because it will have proper oversight.

Mr. MEEK of Florida. Well said, I say to the gentleman. I thank my colleague for joining me in this (special order) this evening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COOPER (at the request of Ms. PELOSI) for today after 2 p.m.

Mr. TANNER (at the request of Ms. PELOSI) for today on account of a family funeral.

Mr. ISTOOK (at the request of Mr. DELAY) for today on account of observing relief operations from Hurricane Katrina.

Mr. GARY G. MILLER of California (at the request of Mr. DELAY) for today on account of illness.

Mr. PICKERING (at the request of Mr. DELAY) for today after 12:30 p.m. on account of traveling to his district with the President of the United States to survey hurricane damage.

Mr. ROGERS of Michigan (at the request of Mr. DELAY) for today on account of a family commitment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mrs. MYRICK, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, September 20 and 21.

Mr. GUTKNECHT, for 5 minutes, September 22.

Mr. POE, for 5 minutes, September 20, 21, and 22.

Mr. NUSSLE, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. THOMPSON of Mississippi and to include extraneous material, notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $3,034.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 276—An act to revise the boundary of the Wind Cave National Park in the State of South Dakota.

## ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until Monday, September 19, 2005, at noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3909. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2005-06 Early Season (RIN: 1018-AT76) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3910. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands (RIN: 1018-AT76) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3911. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018-AT76) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3912. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Tiger Salamander, Central Population (RIN: 1018-AT68) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3913. A letter from the Assistant Secretary, Land and Minerals Management, OSM, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-124-FOR] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3914. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon; Evaluation of Economic Exclusions From August 2003 Final Designation (RIN: 1018-AU06) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3915. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing Roswell springsnail, Koster's springsnail, Noel's amphipod, and Pecos assiminea as Endangered with Critical Habitat (RIN: 1018-AI15) received August 12, 1005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3916. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Monterey Bay and Humboldt Bay, CA. [COTP San Francisco Bay 04-003] (RI: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3917. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City, NJ [CGD05-05-072] (RIN: 1625-AA08) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3918. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Humboldt Bay Bar Channel and Humboldt Bay Entrance Channel, Humboldt Bay, CA [CGD11-05-006] (RIN: 1625-AA11) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3919. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [CGD09-05-102] (RIN: 1625-AA11) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3920. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Rock Island, IL [CGD08-05-025] (RIN: 1625-AA9) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3921. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, South Branch of the Elizabeth River, Chesapeake, VA [CGD05-05-041] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3922. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Skidaway Bridge (SR 204), Intracoastal Waterway, mile 592.9, Savannah, Chatham County, GA [CGD07-04-124] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3923. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Francisco Bay, Oakland Estuary, Alameda, CA [COTP San Francisco Bay 05-006] (RIN: 1625-AA87) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3924. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [CGD13-05-031] (RIN: 1625-AA87) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3925. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Massalina Bayou, Panama City, FL [CGD08-05-040] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3926. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Potomac River, between Alexandria, VA and Oxon Hill, MD [CGD05-05-093] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3927. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Curtis Creek, Baltimore, MD [CGD05-05-094] (RIN: 1625-AA09) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3928. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY. [CGD01-05-080] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3929. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Long Island, New York, New York Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-05-079] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3930. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY [CGD01-05-078] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3931. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Carquinez Strait, Martinez, CA [CGD11-05-019] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3932. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Petaluma River, Blackpoint, CA. [CGD11-05-023] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3933. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Spa Creek, MD [CGD05-05-061] (RIN: 1625-AA09) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3934. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulations; Berwick, Bay, (Atchafalaya River) Morgan City, Louisiana [CGD08-05-029] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3935. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Pascagoula River, Pascagoula, Mississippi [CGD08-05-033] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3936. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Baldwinsville Fireworks, Baldwinsville, N.Y. [CGD09-05-108] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3937. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Northerly Island, Chicago, IL [CGD09-05-118] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3938. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Northwest and Inner Harbors, Baltimore, Maryland [CGD05-05-101] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3939. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project. [CGD13-05-033] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3940. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Irish Festival Currach races, Lake Michigan, Milwaukee, WI. [CGD09-05-115] (RIN: 1625-AA00) received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3941. A letter from the Program Analyst, FAA, Department of Homeland Security, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2005-20799; Directorate Identifier 2004-NM-264-AD; Amendment 39-14212; AD 2005-16-07] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3942. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30447; Amdt. No. 3124] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3943. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establish Class D Airspace; Front Range Airport, Denver, CO [Docket FAA 2005-20248; Airspace Docket 05-AWP-1] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3944. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification and Revocation of Federal Airways; AK [Docket No. FAA-2004-19851; Airspace Docket No. 04-AAL-13] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3945. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Compulsory Reporting Point; MT [Docket No. FAA-2005-21907; Airspace Docket No. 05-ANM-11] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3946. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of legal description of Class C and Class E Airspace; Lincoln, NE [Docket No. FAA-2005-21707; Airspace Docket No. 05-ACE-22] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3947. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of legal description of the Class D and Class E Airspace; Salina Municipal Airport, KS [Docket No. FAA-2005-21873; Airspace Docket No. 05-ACE-27] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3948. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Dodge City Regional Airport, KS [Docket No. FAA-2005-21874; Airspace Docket No. 05-ACE-28] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3949. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Norfolk, NE [Docket No. FAA-2005-21872; Airspace Docket No. 05-ACE-26] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3950. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Abilene Municipal Airport, KS [Docket No. FAA-2005-21871; Airspace Docket No. 05-ACE-25] received August 23,2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3951. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Storm Lake, IA [Docket No. FAA-2005-21337; Airspace Docket No. 05-ACE-16] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3952. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Change of Controlling Agency for Restricted Area R-2531; Tracy, CA [Docket No. FAA-2005-21957; Airspace Docket No. 05-AWP-8] (RIN: 2120-AA66) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3953. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Brunswick, ME; Correction [Docket No. FAA-2005-21141; Airspace Docket No. 05-AEA-11] received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3954. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. FAA-2005-20873; Directorate Identifier 2005-NM-026-

AD; Amendment 39-14213; AD 2005-16-08] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3955. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 23, 24, 25, 35, and 36 Airplanes [Docket No. FAA-2005-20798; Directorate Identifier 2004-NM-257-AD; Amendment 39-14214; AD 2005-16-09] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3956. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and 747-400D Series Airplanes [Docket No. FAA-2005-21088; Directorate Identifier 2004-NM-267-AD; Amendment 39-14215; AD 2005-16-10] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3957. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2005-21184; Directorate Identifier 2004-NM-111-AD; Amendment 39-14211; AD 2005-16-06] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3958. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Model 206A and 206B Helicopters [Docket No. FAA-2005-21230; Directorate Identifier 2004-SW-51-AD; Amendment 39-14209; AD 2005-16-04] (RIN: 2120-AA64) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOEHNER (for himself, Mr. MCKEON, Mr. TIBERI, Mr. GEORGE MILLER of California, Mr. KILDEE, and Mr. HINOJOSA):

H.R. 3784. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 3785. A bill to amend the Internal Revenue Code of 1986 to exempt from personal use rules the use of vacation property as a residence for persons displaced by Hurricane Katrina; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. MCCRERY, Mr. JEFFERSON, Mr. ALEXANDER, Mr. JINDAL, Mr. BOUSTANY, Mr. MELANCON, and Mr. WICKER):

H.R. 3786. A bill to modify requirements under the emergency relief program under title 23, United States Code, with respect to projects for repair or reconstruction in response to damage caused by Hurricane Katrina; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Ms. LINDA T. SÁNCHEZ of California, Ms. KAPTUR, Mr. MCGOVERN, Ms. BALDWIN, Mr. RUSH, and Ms. DELAURO):

H.R. 3787. A bill to direct the Secretary of Education to provide grants to States to establish and carry out or continue to carry out antiharassment programs; to the Committee on Education and the Workforce.

By Mr. COLE of Oklahoma (for himself, Mr. BOEHNER, Mr. JINDAL, Mr. BAKER, Mr. ALEXANDER, Mr. BOUSTANY, Mr. WICKER, Mr. PICKERING, and Mr. MCKEON):

H.R. 3788. A bill to permit the Secretary of Education to waive the consecutive service requirements of the loan forgiveness program for teachers whose employment is interrupted by the major disaster caused by Hurricane Katrina; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 3789. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide, in the case of an employee welfare benefit plan providing benefits in the event of disability, an exemption from preemption under such title for State tort actions to recover damages arising from the failure of the plan to timely provide such benefits; to the Committee on Education and the Workforce.

By Mr. KIND:

H.R. 3790. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate income tax overpayments to support relief efforts in response to Hurricane Katrina; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mrs. CAPPS, and Ms. BALDWIN):

H.R. 3791. A bill to provide for the deferment of acquisition of petroleum for the Strategic Petroleum Reserve under certain circumstances; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio (for himself and Mrs. CAPPS):

H.R. 3792. A bill to provide for the establishment of a Gasoline Availability Stabilization Reserve, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. CAPPS:

H.R. 3793. A bill to ensure that predisaster hazard mitigation continues beyond 2005; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois (for himself and Mr. RUSH):

H.R. 3794. A bill to require the Secretary of Housing and Urban Development to make single family properties held by the Department pursuant to foreclosure under the FHA mortgage insurance program available for occupancy by families displaced by Hurricane Katrina; to the Committee on Financial Services.

By Mr. FERGUSON (for himself, Mr. PICKERING, Mr. CHOCOLA, Mr. INSLEE, Mr. GERLACH, Mr. WILSON of South Carolina, Mr. HOLDEN, and Mr. VAN HOLLEN):

H.R. 3795. A bill to amend title XVIII of the Social Security Act to modify the definition of outpatient speech-language pathology services in order to recognize speech-language pathologists as suppliers under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORD:

H.R. 3796. A bill to establish the AmeriCorps Disaster Relief Corps to carry out national service projects that address the needs arising from the consequences of Hurricane Katrina, and other major disasters and emergencies; to the Committee on Education and the Workforce.

By Mr. GOHMERT (for himself, Mr. HOSTETTLER, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. SHADEGG, Mr. GARRETT of New Jersey, Mr. FLAKE, Mr. GUTKNECHT, Mr. TANCREDO, Mr. GOODE, Mr. MCHENRY, Mr. FEENEY, Mr. CHABOT, Mr. MARCHANT, and Mr. BARTLETT of Maryland):

H.R. 3797. A bill to prohibit the expenditure of funds for the construction or lease of buildings or space for the United States Government until January 1, 2007; to the Committee on Transportation and Infrastructure.

By Ms. GRANGER:

H.R. 3798. A bill to amend title 37, United States Code, to provide the Secretary of Defense with the authority to make temporary, emergency adjustments in the monthly rates of the basic allowance for housing and the cost-of-living allowance for members of the uniformed services in response to sudden increases in energy and gasoline prices; to the Committee on Armed Services.

By Ms. JACKSON-LEE of Texas:

H.R. 3799. A bill to provide for the establishment of an independent, Presidentially-appointed Commission to assess the circumstances related to the damage caused by Hurricane Katrina on or between Friday, August 26, 2005, and Tuesday, August 30, 2005; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself and Mr. LATOURETTE):

H.R. 3800. A bill to amend title XIX of the Social Security Act to extend for 1 year the qualified individual (QI) program of Medicare cost-sharing assistance to low-income Medicare beneficiaries; to the Committee on Energy and Commerce.

By Mr. LAHOOD:

H.R. 3801. A bill to reduce temporarily the duty on sulfentrazone; to the Committee on Ways and Means.

By Mrs. MCCARTHY (for herself, Mr. GEORGE MILLER of California, Mr. PASCRELL, Ms. LINDA T. SÁNCHEZ of California, Mr. ISRAEL, Mr. BISHOP of New York, Mr. MILLER of North Carolina, Ms. SCHWARTZ of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. WATT, Mr. PAYNE, Mr. JEFFERSON, Mr. HINOJOSA, Mr. DAVIS of Illinois, Mr. KILDEE, and Mr. OWENS):

H.R. 3802. A bill to provide student loan forgiveness to the surviving spouses and parents of the victims of Hurricane Katrina; to the Committee on Education and the Workforce.

By Mrs. MCCARTHY:

H.R. 3803. A bill to amend the Internal Revenue Code of 1986 to allow certain surviving spouses to exclude up to $500,000 of gain from the sale of a principal residence; to the Committee on Ways and Means.

By Mrs. MCCARTHY:

H.R. 3804. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for expenses related to identity theft; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself, Mr. RYAN of Ohio, and Mrs. MCCARTHY):

H.R. 3805. A bill to establish within the Office of the Inspector General of the Department of Homeland Security the Special Office of the Inspector General for Natural Disaster Response and Reconstruction; to the Committee on Transportation and Infrastructure, and in addition to the Committees

on Government Reform, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 3806. A bill to amend the Immigration and Nationality Act to increase penalties for employing illegal aliens; to the Committee on the Judiciary.

By Mr. NEY:

H.R. 3807. A bill to amend the Clean Air Act to create a uniform national standard for gasoline, to eliminate ''boutique'' fuels, to require the Secretary of Energy to construct, and sell to private businesses, 15 new gasoline refineries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NEY:

H.R. 3808. A bill to amend title 18, United States Code, to provide criminal penalties for price gouging during times of disaster; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota (for himself, Mr. MELANCON, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. BACA, Mr. HOLDEN, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. CASE, Mr. CUELLAR, Mr. DAVIS of Tennessee, Ms. HERSETH, Mrs. NAPOLITANO, Mr. HINOJOSA, Mr. CARDOZA, Mr. SCOTT of Georgia, Mr. MARSHALL, Mr. BUTTERFIELD, Mr. COSTA, Mr. SALAZAR, Mr. BOSWELL, Mr. CHANDLER, Mr. ORTIZ, Mr. FILNER, Mr. BARROW, Mr. LARSEN of Washington, Mr. GUTIERREZ, Mr. POMEROY, Mr. BECERRA, Mr. OBERSTAR, Mr. GRIJALVA, Mr. REYES, Ms. CORRINE BROWN of Florida, and Ms. KAPTUR):

H.R. 3809. A bill to respond to Hurricane Katrina and other natural disasters in 2005 that adversely affect food assistance, agricultural producers and households, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS (for himself and Mr. TOM DAVIS of Virginia):

H.R. 3810. A bill to establish a Special Inspectors General Council for Hurricane Katrina; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE:

H.R. 3811. A bill to terminate the effect of laws prohibiting the spending of appropriated funds to conduct oil and natural gas leasing and preleasing activities for any area of the Outer Continental Shelf, and for other purposes; to the Committee on Resources.

By Mr. POMBO:

H.R. 3812. A bill to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River, and for other purposes; to the Committee on Resources.

By Mr. SHADEGG:

H.R. 3813. A bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY (for himself and Mr. MCHUGH):

H.R. 3814. A bill to ensure that highway safety signs within 5 miles of a border checkpoint in the United States are bilingual; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi (for himself, Mr. PASCRELL, and Mr. MEEK of Florida):

H.R. 3815. A bill to ensure that communities are prepared for evacuation in case of a major disaster; to the Committee on Transportation and Infrastructure.

By Mr. UDALL of Colorado:

H.R. 3816. A bill to reestablish the Federal Emergency Management Agency as an independent agency and to require that its Director be adequately qualified; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:

H.R. 3817. A bill to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes; to the Committee on Resources.

By Mr. WALDEN of Oregon (for himself and Mr. UDALL of New Mexico):

H.R. 3818. A bill to authorize the Secretary of Agriculture to enter into partnership agreements with entities and local communities to encourage greater cooperation in the administration of Forest Service activities on and near National Forest System lands, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. RUSH, Mr. PUTNAM, and Mr. COLE of Oklahoma):

H. Con. Res. 244. Concurrent resolution expressing the sense of the Congress that the United States should expand trade opportunities with Mongolia by initiating negotiations to enter into a free trade agreement with Mongolia; to the Committee on Ways and Means.

By Mr. ISSA:

H. Con. Res. 245. Concurrent resolution expressing the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HALL (for himself, Mr. BROWN of Ohio, Ms. HARRIS, Mr. ISSA, Mr. LEVIN, Ms. GRANGER, Ms. DELAURO, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BURTON of Indiana, Ms. BALDWIN, Mr. COOPER, Mr. WAXMAN, and Mr. DINGELL):

H. Res. 444. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; to the Committee on Energy and Commerce.

By Mr. DELAY:

H. Res. 445. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mrs. MALONEY:

H. Res. 446. A resolution recognizing Space Shuttle Commander Eileen Collins, Mission Specialist Wendy Lawrence, and the contributions of all other women who have worked with NASA in preparing for the launch of Space Shuttle Discovery on STS-114; to the Committee on Science.

By Mr. BROWN of Ohio (for himself, Ms. MILLENDER-MCDONALD, and Ms. SLAUGHTER):

H. Res. 447. A resolution permitting the use of the frank for mailings which include solicitations for charities responding to a major disaster which is the subject of a Presidential declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAPUANO:

H. Res. 448. A resolution recognizing the suffering of both Israelis and Palestinians and acknowledging the sacrifices made in the interest of peace by the Israeli settlers who left the Gaza Strip voluntarily, and for other purposes; to the Committee on International Relations.

By Mr. TIERNEY (for himself and Mr. LEACH):

H. Res. 449. A resolution to create a select committee to monitor and investigate the awarding and carrying out of contracts related to the relief and reconstruction efforts in response to Hurricane Katrina; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the followingtitles were introduced and severally referred, as follows:

By Mr. GONZALEZ:

H.R. 3819. A bill For the relief of Vicente Beltran Luna; to the Committee on the Judiciary.

By Mr. LINDER:

H.R. 3820. A bill to clarify section 1511 of the Miscellaneous Trade and Technical Corrections Act of 2004; to the Committee on Ways and Means.

By Mr. PASTOR:

H.R. 3821. A bill for the relief of Alejandra Arias Martinez; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 3822. A bill for the relief of Milton De Jesus Marroquin; to the Committee on the Judiciary.

By Mr. WEXLER:

H.R. 3823. A bill for the relief of Alcibiades Velasquez Olarte, Paulina Garzon de Velasquez, Luis Eduardo Velasquez Garzon, Sandra Pena Escobar, Nicholas Jose Velasquez Pena, Luis Felipe Velasquez Pena, Miguel Antonio Velasquez Garzon, Rocio Suarez Mendez, Michelle Camila Velasquez Suarez, Maria Hilma Velasquez Garcon, Teresa Velasquez Garcon, Sandy Paola Olarte Velasquez, Flor Ines Velasquez Garzon, Ramon Domingo Claro Correa, Sebastian Camilo Claro Velasquez, Marina Velasquez Garzon, and Clara Imelda Velasquez Garzon; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 128: Mr. REYES.

H.R. 145: Mr. MCCOTTER.

H.R. 146: Mr. MCCOTTER.

H.R. 147: Ms. WASSERMAN SCHULTZ, Mr. STUPAK, and Ms. VELÁZQUEZ.

H.R. 226: Mr. MEEKS of New York, Mrs. MCCARTHY, and Mr. LARSON of Connecticut.

H.R. 302: Mr. WU.
H.R. 331: Mr. ENGLISH of Pennsylvania.
H.R. 356: Mr. TAYLOR of North Carolina and Mrs. SCHMIDT.
H.R. 363: Ms. CARSON, Mr. LANTOS, Mr. BERRY, and Ms. SLAUGHTER.
H.R. 376: Mr. REYES.
H.R. 445: Mr. MARSHALL.
H.R. 551: Mr. CAPUANO.
H.R. 552: Mr. CONAWAY.
H.R. 583: Mr. LATOURETTE, Mr. GERLACH, and Mr. TIBERI.
H.R. 691: Ms. FOXX.
H.R. 698: Mr. KING of Iowa and Mr. CONAWAY.
H.R. 759: Mr. CAPUANO and Ms. VELÁZQUEZ.
H.R. 813: Mr. GRIJALVA and Mr. LARSON of Connecticut.
H.R. 819: Mr. GENE GREEN of Texas.
H.R. 874: Mr. GOODE.
H.R. 885: Mr. MARKEY, Mr. BILIRAKIS, Mr. WATT, and Mr. FORTUÑO.
H.R. 896: Mr. SMITH of Washington.
H.R. 920: Mr. BRADY of Texas.
H.R. 923: Mr. BOUSTANY.
H.R. 925: Mr. HERGER and Mr. CALVERT.
H.R. 1002: Mr. RYAN of Ohio, Mr. WEXLER, and Mr. PRICE of North Carolina.
H.R. 1100: Mr. MARCHANT.
H.R. 1121: Mr. KNOLLENBERG.
H.R. 1131: Mr. LAHOOD, Mrs. TAUSCHER, Mr. STARK, Mr. DICKS, and Mr. PETERSON of Minnesota.
H.R. 1153: Ms. DELAURO and Mr. JEFFERSON.
H.R. 1201: Mrs. DAVIS of California.
H.R. 1204: Mr. BISHOP of New York, Mr. GILLMOR, and Mr. TOM DAVIS of Virginia.
H.R. 1282: Mr. BROWN of Ohio, Mr. ORTIZ, and Mr. WAMP.
H.R. 1298: Mrs. JONES of Ohio, Mrs. CAPPS, and Mr. BURTON of Indiana.
H.R. 1329: Mr. PASCRELL, Mr. MENENDEZ, Mr. EVERETT, Mr. PAYNE, Mr. MILLER of North Carolina, Mr. SABO, Mrs. DAVIS of California, and Ms. BERKLEY.
H.R. 1376: Mr. LOBIONDO.
H.R. 1390: Mr. GENE GREEN of Texas, Mr. LANTOS, Mr. REYES, and Ms. LINDA T. SÁNCHEZ OF CALIFORNIA.
H.R. 1409: Mr. TOWNS.
H.R. 1426: Ms. BEAN.
H.R. 1522: Mr. RYAN of Ohio.
H.R. 1545: Mr. MEEK of Florida.
H.R. 1548: Mr. PAUL, Mr. UPTON, Mr. KINGSTON, Mr. COSTA, and Mr. LEWIS of Kentucky.
H.R. 1558: Mr. EVERETT.
H.R. 1598: Mr. BISHOP of Georgia.
H.R. 1607: Ms. HART.
H.R. 1634: Mr. WESTMORELAND.
H.R. 1691: Mr. PETRI, Mr. RYAN of Wisconsin, Mr. OBEY, Ms. MOORE of Wisconsin, Ms. BALDWIN, Mr. SENSENBRENNER, and Mr. KIND.
H.R. 1707: Mr. PALLONE, Mr. DOGGETT, and Mr. FRANK of Massachusetts.
H.R. 1749: Mr. KING of Iowa, Mr. GOODE, and Mrs. MUSGRAVE.
H.R. 1770: Mrs. CAPITO.
H.R. 1851: Mr. HOLDEN.
H.R. 1898: Ms. HARRIS.
H.R. 1986: Mr. SHADEGG.
H.R. 2014: Mr. MOORE of Kansas.
H.R. 2045: Mr. SOUDER.
H.R. 2121: Mr. MCCOTTER, Mr. TERRY, Mr. BEAUPREZ, and Mr. PAUL.
H.R. 2209: Mr. POMEROY and Mr. STUPAK.
H.R. 2211: Mr. BROWN of South Carolina.
H.R. 2238: Ms. HERSETH.
H.R. 2258: Mrs. WILSON of New Mexico.
H.R. 2317: Mr. HONDA, Mr. SODREL, Mr. REYES, Mr. BARTLETT of Maryland, Mr. LEWIS of Georgia, Mr. WELDON of Florida, and Mr. BRADY of Texas.
H.R. 2356: Mr. SANDERS, Mr. ROHRABACHER, Mr. MORAN of KANSAS, and Mr. VAN HOLLEN.
H.R. 2363: Mr. ROHRABACHER, Mr. HERGER, Mr. ISSA, and Mr. CALVERT.
H.R. 2389: Mrs. SCHMIDT.
H.R. 2533: Mr. OSBORNE, Mr. STUPAK, and Mr. PETERSON of Minnesota.
H.R. 2631: Mr. MEEKS of New York.
H.R. 2661: Mr. EDWARDS.
H.R. 2662: Ms. NORTON.
H.R. 2669: Mr. EVERETT, Mrs. TAUSCHER, and Mr. PAYNE.
H.R. 2673: Mr. VAN HOLLEN.
H.R. 2679: Mr. MCCOTTER, Mrs. MUSGRAVE, and Mr. MARCHANT.
H.R. 2694: Mr. REYES.
H.R. 2759: Mrs. MCCARTHY.
H.R. 2803: Mr. GILLMOR, Mr. RAHALL, Mr. BILIRAKIS, and Mr. CHOCOLA.
H.R. 2804: Mr. MICA.
H.R. 2823: Mr. GARRETT of New Jersey.
H.R. 2830: Mr. BARTLETT of Maryland.
H.R. 2926: Mr. BAIRD.
H.R. 2951: Mr. COSTA.
H.R. 2952: Mr. SESSIONS and Mr. CUNNINGHAM.
H.R. 2989: Mr. WALDEN of Oregon and Mr. CANNON.
H.R. 2990: Mr. ENGLISH of Pennsylvania.
H.R. 3005: Mr. CUNNINGHAM, Mr. DAVIS of Alabama, Mr. DENT, Mr. FORTUÑO, Mr. HOLDEN, Mrs. JONES of Ohio, Mr. PLATTS, Mr. RYAN of Ohio, Mr. SERRANO, and Mr. UDALL of Colorado.
H.R. 3034: Mr. SHERMAN.
H.R. 3042: Mr. WAXMAN.
H.R. 3096: Mr. TIERNEY.
H.R. 3098: Mr. TERRY, Mr. BERMAN, Mr. BEAUPREZ, Mr. MOORE of Kansas, Mr. GARY G. MILLER of California, Mr. GINGREY, Mr. PALLONE, Mr. ISSA, Mr. CUNNINGHAM, and Mr. CARTER.
H.R. 3103: Mr. SHERMAN and Ms. WATSON.
H.R. 3128: Ms. PELOSI and Ms. ROS-LEHTINEN.
H.R. 3135: Mr. REYNOLDS.
H.R. 3138: Mrs. MALONEY.
H.R. 3162: Mr. BRADY of Texas.
H.R. 3163: Mr. PAUL.
H.R. 3260: Mr. GRIJALVA and Mr. JEFFERSON.
H.R. 3301: Ms. HART and Mr. HOBSON.
H.R. 3323: Mr. THOMPSON of California and Mr. HOLT.
H.R. 3334: Mr. SIMMONS, Mr. WYNN, Ms. SLAUGHTER, Ms. SCHWARTZ of Pennsylvania, Mr. CARNAHAN, Ms. ESHOO, Mr. HONDA, Mrs. NAPOLITANO, Mr. DOGGETT, Mr. WICKER, and Mr. HOLT.
H.R. 3352: Mrs. NORTHUP.
H.R. 3361: Mr. GARY G. MILLER of California.
H.R. 3385: Mr. SESSIONS, Mr. HAYWORTH, and Mr. PRICE of North Carolina.
H.R. 3422: Mr. PETERSON of Minnesota.
H.R. 3430: Mr. GUTKNECHT.
H.R. 3444: Mr. MILLER of Florida.
H.R. 3478: Mr. BARTLETT of Maryland, Mr. OTTER, Mr. ABERCROMBIE, and Mr. SODREL.
H.R. 3511: Mr. HALL.
H.R. 3532: Mr. KILDEE.
H.R. 3555: Mr. OWENS, Mr. MCDERMOTT, and Mr. GRIJALVA.
H.R. 3559: Mr. BOUCHER, Mr. HINCHEY, Mr. KANJORSKI, Mr. ALLEN, Mr. BISHOP of New York, Mr. VISCLOSKY, and Mrs. JO ANN DAVIS of Virginia.
H.R. 3560: Ms. SCHAKOWSKY.
H.R. 3561: Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. COSTA, Mr. CUELLAR, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. PASTOR, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, and Ms. VELÁZQUEZ.
H.R. 3576: Ms. ZOE LOFGREN of California.
H.R. 3579: Mr. CROWLEY, Mr. PALLONE, Mrs. MCCARTHY, Mr. CLEAVER, and Mr. BILIRAKIS.
H.R. 3583: Mr. CROWLEY.
H.R. 3585: Mrs. MUSGRAVE.
H.R. 3639: Mr. KANJORSKI and Mr. RAHALL.
H.R. 3656: Ms. MILLENDER-MCDONALD and Ms. ESHOO.
H.R. 3659: Mr. SHERMAN.
H.R. 3667: Mr. GALLEGLY and Mr. DAVIS of Illinois.
H.R. 3690: Ms. PELOSI and Ms. CORRINE BROWN of Florida.
H.R. 3693: Mr. KUHL of New York.
H.R. 3697: Ms. MATSUI and Mr. KENNEDY of Rhode Island.
H.R. 3698: Ms. SCHAKOWSKY, Ms. SOLIS, and Ms. ESHOO.
H.R. 3708: Mr. BISHOP of Georgia, Mrs. JONES of Ohio, Mr. OWENS, and Mr. ETHERIDGE.
H.R. 3711: Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. OWENS, and Mr. FILNER.
H.R. 3712: Mr. OWENS.
H.R. 3714: Mr. FOLEY and Mr. BOUSTANY.
H.R. 3717: Mr. DAVIS of Tennessee, Mr. MILLER of Florida, and Mr. SHUSTER.
H.R. 3737: Mr. SMITH of Washington and Mr. SOUDER.
H.R. 3742: Mr. CRENSHAW and Mr. YOUNG of Florida.
H.R. 3748: Mr. GEORGE MILLER of California, Ms. ESHOO, Mr. BURGESS, Ms. WOOLSEY, Mr. DELAHUNT, Mr. FORTUÑO, Mr. SESSIONS, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. MENENDEZ, Mr. EVANS, Mr. NEAL of Massachusetts, Mr. GUTIERREZ, Mr. TOWNS, Mr. MICHAUD, Mr. BACHUS, Mr. DAVIS of Illinois, and Mrs. MCCARTHY.
H.R. 3760: Ms. NORTON and Mr. SCOTT of Virginia.
H.R. 3763: Ms. LORETTA SANCHEZ of California, Mr. ROSS, Ms. HOOLEY, Ms. HARMAN, Mr. LIPINSKI, Mr. CASE, Mr. CLAY, Mr. SERRANO, Mr. MILLER of North Carolina, Mr. DAVIS of Alabama, and Mr. MEEK of Florida.
H.R. 3764: Mr. ABERCROMBIE, Mr. DEFAZIO, Mr. LARSON of Connecticut, Mr. BUTTERFIELD, Ms. NORTON, Mr. VISCLOSKY, Mr. COOPER, Mr. FATTAH, Mr. ORTIZ, Mr. RAHALL, and Mr. DAVIS of Alabama.
H.R. 3769: Mrs. CHRISTENSEN, Mr. BROWN of Ohio, and Mr. MCGOVERN.
H.R. 3773: Mr. JEFFERSON.
H.R. 3774: Mr. MARKEY, Mr. OWENS, Mr. NADLER, Mr. LEWIS of Georgia, Mr. FARR, and Mr. AL GREEN of Texas.
H.R. 3776: Ms. FOXX and Mr. JONES of North Carolina.
H.J. Res. 55: Mr. EVANS and Mr. MCDERMOTT.
H.J. Res. 57: Mr. GRAVES.
H.J. Res. 61: Mr. ALEXANDER, Mr. BISHOP of Georgia, Mr. KUHL of New York, Mr. CARDIN, Mr. FARR, Mr. CASTLE, Mr. BASS, Mr. OSBORNE, Mr. WEXLER, Mr. MILLER of Florida, Mrs. MILLER of Michigan, and Ms. SOLIS.
H. Con. Res. 42: Mrs. WILSON of New Mexico.
H. Con. Res. 50: Mrs. BLACKBURN.
H. Con. Res. 85: Ms. LINDA T. SÁNCHEZ of California.
H. Con. Res. 195: Mr. STRICKLAND, and Ms. LEE.
H. Con. Res. 210: Mr. SCOTT of Georgia, Mr. DOGGETT, Mr. OWENS, Mr. HIGGINS, Mr. LIPINSKI, Mr. TOM DAVIS of Virginia, and Mr. RAMSTAD.
H. Con. Res. 222: Mr. FITZPATRICK of Pennsylvania and Mr. CONAWAY.
H. Con. Res. 228: Ms. HART, Mr. MCNULTY, Ms. WASSERMAN SCHULTZ, Mrs. JONES of Ohio, Mrs. MALONEY, Mr. SIMMONS, Mr. BOSWELL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MYRICK, Ms. GINNY BROWN-WAITE of Florida, Mr. SCOTT of Georgia, Mr. BURTON of Indiana, Mr. MORAN of Virginia, Mr. HALL, Ms. MATSUI, Ms. BORDALLO, Mr. ORTIZ, Mr. BRADLEY of New Hampshire, Mr. MARKEY, Mr. RUSH, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WYNN, MR. DAVIS of Florida, Mr. DINGELL, Mrs. CAPPS, Mr. NADLER, Ms. KAPTUR, Mr. ALLEN, Mr. CLEAVER, Mr. MCHUGH, Mr. KENNEDY of Rhode Island, Mr. REYES, MR. LEVIN, Mr. COOPER, Mr.

KILDEE, Ms. MCCOLLUM of Minnesota, Mr. BROWN of Ohio, and Mrs. MCCARTHY.

H. Con. Res. 230: Mr. RANGEL, Mr. BERMAN, Mr. INSLEE, Mr. FORBES, Mr. CARTER, Mr. MEEKS of New York, and Mr. MCCOTTER.

H. Con. Res. 231: Mr. SMITH of Washington.

H. Con. Res. 237: Mr. ACKERMAN, Mr. STARK, and Mr. WU.

H Res. 24: Ms. ROS-LEHTINEN.

H. Res. 192: Mr. BROWN of Ohio.

H. Res. 215: Mr. BACHUS and Mr. BARTLETT of Maryland.

H. Res. 220: Mr. LEACH, Mr. BARRETT of South Carolina, Mr. PETERSON of Minnesota, and Mr. EVANS.

H. Res. 261: Ms. WOOLSEY, Mr. BAKER, Mr. BOUSTANY, and Mr. LOBIONDO.

H. Res. 276: Mr. HINCHEY, Mr. SMITH of Washington, and Ms. SOLIS.

H. Res. 295: Mr. SKELTON.

H. Res. 316: Ms. PELOSI, Mr. FERGUSON, Ms. SCHAKOWSKY, Mrs. BONO, Mr. OTTER, Mr. DOGGETT, Ms. LORETTA SANCHEZ of California, Mr. SIMMONS, Mr. KUCINICH, Mr. HOYER, Mr. BECERRA, Mr. WYNN, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. CUNNINGHAM, Mr. GERLACH, Mr. EVANS, Mr. FRELINGHUYSEN, Mr. TOWNS, Mrs. TAUSCHER, Mr. GENE GREEN of Texas, Mr. PORTER, Ms. KAPTUR, Ms. VELÁZQUEZ, and Mr. BACA.

H. Res. 323: Mr. MCHUGH and Mrs. KELLY.

H. Res. 325: Mr. HIGGINS.

H. Res. 368: Mr. SMITH of Texas and Ms. SCHWARTZ of Pennsylvania.

H. Res. 409: Mr. FLAKE, Mrs. MUSGRAVE, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 415: Mr. MCNULTY.

H. Res. 441: Mr. GENE GREEN of Texas and Mr. JEFFERSON.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3684: Mr. WAMP.

H.R. 3763: Mr. PRICE of Georgia.

## DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. MARSHALL on House Resolution 270: Brian Baird.