

REMOVAL OF INJUNCTION OF SECRECY, PROTOCOL AMENDING THE TAX CONVENTION WITH FRANCE—TREATY DOCUMENT NO. 109-4

Mr. GRASSLEY. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 28, 2005, by the President of the United States: Protocol Amending the Tax Convention with France (Treaty Document No. 109-4). I further ask unanimous consent that the treaty be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a Protocol Amending the Convention Between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994 (the "Convention"), signed at Washington on December 8, 2004 (the "Protocol"). Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol was negotiated to address certain technical issues that have arisen since the Convention entered into force. The Protocol was concluded in recognition of the importance of U.S. economic relations with France.

The Protocol clarifies the treatment of investments made in France by U.S. investors through partnerships located in the United States, France, or third countries. It also modifies the provisions of the treaty dealing with pensions and pension contributions in order to achieve parity given the two countries' fundamentally different pension systems. The Protocol makes other changes to the Convention to reflect more closely current U.S. tax treaty policy.

I recommend that the Senate give early and favorable consideration to this Protocol and that the Senate give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, September 28, 2005.

REFERRAL OF S. 1219

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill S. 1219 be discharged from the Committee on Energy and Natural Resources and that it be referred to the Committee on Indian Affairs.

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

EMERGENCY AIRPORT IMPROVEMENT PROJECT GRANTS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1786, introduced earlier today.

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

The assistant legislative clerk read as follows:

A bill (S. 1786) to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita.

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

Mr. GRASSLEY. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (S. 1786) was read the third time and passed, as follows:

S. 1786

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

**SECTION 1. EMERGENCY USE OF GRANTS-IN-AID FOR AIRPORT IMPROVEMENTS FOR FISCAL YEARS 2005 AND 2006.**

(a) IN GENERAL.—The Secretary of Transportation may make project grants under part B, subtitle VII, of title 49, United States Code, from amounts that remain unobligated after the date of enactment of this Act for fiscal years 2005 and 2006—

(1) from apportioned funds under section 47114 of that title apportioned to an airport described in subsection (b)(1) or to a State in which such airport is located; or

(2) from funds available for discretionary grants to such an airport under section 47115 of such title.

(b) ELIGIBLE AIRPORTS AND USES.—The Secretary may make grants under subsection (a) for—

(1) emergency capital costs incurred by a public use airport in Louisiana, Mississippi, Alabama, or Texas that is listed in the Federal Aviation Administration's National Plan of Integrated Airport Systems of repairing or replacing public use facilities that have been damaged as a result of Hurricane Katrina or Hurricane Rita; and

(2) emergency operating costs incurred by an airport described in paragraph (1) as a result of Hurricane Katrina or Hurricane Rita.

(c) PRIORITIES.—In making grants authorized by subsection (a), the Secretary shall give priority to—

(1) airport development within the meaning of section 47102 of title 49, United States Code;

(2) terminal development within the meaning of section 47110 of that title;

(3) repair or replacement of other public use airport facilities; and

(4) emergency operating costs incurred at public use airports in Louisiana, Mississippi, Alabama, and Texas.

(d) MODIFICATION OF CERTAIN OTHERWISE APPLICABLE REQUIREMENTS.—For purposes of any grant authorized by subsection (a)—

(1) the Secretary may waive any otherwise applicable limitation on, or requirement for, grants under section 47102, 47107(a)(17), 47110, or 47119 of title 49, United States Code, if the Secretary determines that the waiver is necessary to respond, in as timely and efficient

a manner as possible, to the urgent needs of the region damaged by Hurricane Katrina or Hurricane Rita;

(2) the United States Government's share of allowable project costs shall be 100 percent, notwithstanding the provisions of section 47109 of that title;

(3) any project funded by such a grant shall be deemed to be an airport development project (within the meaning of section 47102 of that title), except for the purpose of establishing priorities under subsection (b) of this section among projects to be funded by such grants; and

(4) no project funded by such a grant may be considered, for the purpose of any other provision of law, to be a major Federal action significantly affecting the quality of the human environment.

MEASURE PLACED ON THE CALENDAR—S. 1783

Mr. GRASSLEY. Mr. President, I ask unanimous consent that S. 1783 be placed directly on the calendar.

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

ORDERS FOR THURSDAY, SEPTEMBER 29, 2005

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, September 29. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time of the two leaders be reserved, and the Senate proceed to executive session and continue consideration of Calendar No. 317, John Roberts to be Chief Justice of the United States; provided further that the time until 10:30 be equally divided between the two leaders or their designees.

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

PROGRAM

Mr. GRASSLEY. Mr. President, we will resume the Roberts nomination tomorrow for a short period of debate. The debate from 10:30 to 11:30 has previously been allocated to the two managers and the two leaders. At 11:30 tomorrow, the Senate will vote on the nomination of Judge Roberts to be Chief Justice of the Supreme Court. I remind all Senators that the majority leader has asked all Senators to be in the Chamber by 11:20 and seated at their desks for this historic vote.

Following that vote, the Senate is expected to begin consideration of the Defense appropriations bill. Additional votes will occur on Thursday and Friday this week.

ORDER FOR ADJOURNMENT

Mr. GRASSLEY. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the time controlled by the minority.

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

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

**EMERGENCY HEALTHCARE RELIEF FOR THE SURVIVORS OF HURRICANE KATRINA**

Ms. LANDRIEU. Mr. President, before the chairman leaves the floor—he has put in a long day today and has some more things probably to do this evening—I wish to thank him for his extraordinary leadership at this time and also the Senator from Montana who was here earlier. They have been working on this bill now for weeks because they are aware of the great need, the extraordinary need of the people from the State I represent, Louisiana, but also our neighbors now in Texas and in Mississippi and in Alabama.

As the Senator from Iowa knows, and the Senator from Montana, this is the largest natural disaster in the history of the United States. We had one hurricane and major levee failings in a region with over 2 million people. Then on the heels of it, we have had another hurricane, not quite as large but equally as damaging to some rural areas, Mr. President, that you are very familiar with, not big cities but small cities that are gone. They are just gone. There is no more city. There is no more community.

All along the gulf coast—you can ask the Senators from Mississippi—Waveland and Biloxi and Cameron Parish, 10,000 people lived there 5 days ago. No one lives there today.

I flew over the other day. There is one building, the courthouse building, that stood in the Audrey hurricane, it stood in the Rita hurricane. When we rebuilt the Cameron Parish, I told them: Go find the architect who built that courthouse because we are going need to have everything built that way if we are going to live here.

This was not a coast of people sunbathing at resorts or second homes. These were people running our pipelines, our gas lines, our fishing industry. These were people running the refineries, the infrastructure that is on that coast. They didn't just go there in the last decade to retire. Their families have been there for generations, all along this gulf coast. When they went there, there was more land and more protection. But because they are not super rich and because they did not have a lot of extra money and because over a lot of decades the Federal Government did not do what it should—maybe we all missed a little bit here or there—the land is washed away. They find themselves more vulnerable.

But they are not sunbathing down there. They are working on the ports, on the oil and gas industry, and they desperately need our help. These people need immediate medical attention and care. As a doctor, you can understand the anxiety of people who do not know

where to go for health care. They are in strange places. They need to be qualified.

This has been well researched by the staffs. We have had input, of course, Senator VITTER and myself, but this comes straight from the Finance Committee, to extend what is already in the law for people to help them get coverage for 5 months, just 5 months until people can catch their breath, get up on their feet, try to find their families, make decisions. They lost their homes. They lost their business.

It also helps private employers. I have had private employers, little ones, medium ones, and big ones pouring into my office. And this is what they say: Senator, we are not leaving. We want to stay. We are going to exhaust the money in our bank accounts to keep our employees whole. But could you please ask the Federal Government to give us a little help here? We want to keep their coverage. We want to keep our employees. We want them to come back. We don't want our companies to leave. But a lot of them had to leave. They had no choice. They are going to Oklahoma, they are going to Houston but at a lot of cost.

I talked to a gas pipeline company. They are having their employees come back this weekend right in Cameron Parish. But they need our help.

One of the things this bill does is it helps them—if they were giving insurance to their people—continue to give private insurance. If some companies had to leave temporarily, their employees can still get private coverage through a program that already exists.

The chairman and the ranking member put their heads together and said, Let us do this for 5 months.

I know there is an objection, because some have expressed a few objections, that said let us not extend it to all States, let us keep it targeted to Louisiana, Mississippi, Alabama, and Texas.

We thought about that. But the reason there is one provision that allows the other States to keep their Medicaid, 100-percent reimbursement, is because they have taken a lot of our people. Arkansas didn't have a hurricane, but they took our people. They had 75,000 people.

So if we cut the State of Arkansas' health care benefits which may go into effect soon, that is what we were anticipating. It puts so much strain on Arkansas for the 75,000 people.

We think it is reasonable to ask for a 5-month waiver for all of the States just to help us through this difficult period.

We are not trying to expand a Government program. We are trying to use what is available now in the law and extend it to millions of people who need help immediately.

It is not everything we need in health care. We still have problems with losses because companies are out of business. Doctors who want to stay have no place to work. Even if they

showed up to the hospital to work, the city of New Orleans is still virtually empty. It is a large city. One-half our population has been impacted. Almost half, 4.5 million people, live in the southern part of our State.

Everyone has been impacted by these two disasters. A large population in Texas, a large population in Mississippi, and a medium-sized population in Alabama have been affected, but not to the level that, of course, Louisiana has taken. It has taken a hit to its major metropolitan area, as well as then being followed up by another major hit to the rural area to the western side of our State.

I say "rural"—there are good-sized cities, such as Lake Charles and other cities that are in that area.

We have large cities, medium-sized cities, and small villages and communities—such as Cameron—that have been very hard hit.

It is very important that we try to work through whatever the difficulties might be. We don't have that much time.

If we can move on this package in the next day or two, and work out whatever objections there are, I think it would be a great signal to send from this Congress.

I know we have to get it past the House. I know we have to get it signed by the President. But the President has been to our State many times. I have been with him on almost every trip. He has assured me that he understands that people are in desperate need, and he wants to see the Federal Government use the resources that we have to meet that need. I know we can't do everything. But this is minimal. This is basic coverage for people who have nothing right now.

While churches are helping and while the private employers are doing a good job, private employers cannot take on more risk than is their fiduciary responsibility. They have a responsibility to their stakeholders, to their shareholders, and to their board of directors. They cannot run charities.

That is why we have the role of Government. That is why we have to step up and meet them halfway.

I am proud of our employers, but they need our help. The business community needs us to be a partner, and part of this bill would do that.

I see the Senator from Illinois.

Mr. DURBIN. Mr. President, will the Senator yield for a question through the Chair?

I came on the floor late. I heard Senator BAUCUS and Senator GRASSLEY talk about this bill. I want to try to bring it down to the most basic information, so if someone misses the debate, they will understand what we are talking about.

This is generally what we are trying to do. We are taking people who are displaced out of their homes, out of their jobs, out of their communities because of the hurricanes—people who, frankly, are going through a lot of personal and family hardship at this moment—and saying that one thing we