

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 356 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. NICKLES. Mr. President, for the information of our colleagues, there will be a rollcall vote in the next few minutes on Joe Allbaugh to be Director of the Federal Emergency Management Agency. Just to put everybody on alert, I think at 1:40 there will be a rollcall vote.

I rise today in support of Joe Allbaugh to be Director of the Federal Emergency Management Agency. I have had the pleasure of knowing Joe Allbaugh for a long time. He is a native Oklahoman. He is actually a native of Kay County, my home county in northern Oklahoma. I had the pleasure of knowing him at Oklahoma State where he was a member, actually, of the fraternity of which I was a member. He is a very good friend of my wife's brother Steve. I think the world of Joe Allbaugh and his wife Dianne, and I think he will do an outstanding job as Director of FEMA. He will replace James Lee Witt, a native of Arkansas, who served our country and Arkansas well in that capacity, and I am confident Joe Allbaugh will as well.

Joe Allbaugh was politically active going all the way back to Goldwater. He helped our former colleague Henry Bellmon, not only in Bellmon's campaign but also in his administration. He also worked with Governor Bush in his administration, was chief of staff, and became quite familiar with State emergencies and disasters.

When we were growing up in Oklahoma, our neighborhood was known as Tornado Alley. Actually, in Joe's hometown of Blackwell, OK, in 1955 we had a severe tornado that killed 20 people and destroyed a very significant portion of the town. I remember that tornado well. All of us do. Joe Allbaugh learned then the value of coordination of emergency responses to natural disasters.

During his tenure as chief of staff to Governor Bush, he was well aware of the natural disasters that happened throughout the State of Texas. In 1998, there was a flood in San Antonio that killed 30 people. He was involved in coordinating State responses as well as requesting Federal resources and working with Federal officials. So he has a good appreciation of the combination of what should be done on the State

level and what can and should be done on the Federal level as well.

He is well prepared for this task. I think he will do an outstanding job. I think all of us will be proud to have Joe Allbaugh serve as Director of the Federal Emergency Management Agency. I urge all my colleagues to support his nomination.

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#### EXECUTIVE SESSION

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#### NOMINATION OF JOE M. ALLBAUGH TO BE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Joe M. Allbaugh to be Director of the Federal Emergency Management Agency, which the clerk will report nomination.

The legislative clerk read the nomination of Joe M. Allbaugh, of Texas, to be Director of the Federal Emergency Management Agency.

Mr. BINGAMAN. Mr. President, I rise today in support of the nomination of Joseph Allbaugh to be the next director of the Federal Emergency Management Administration, FEMA. I was pleased to hear that Mr. Allbaugh has experience in dealing with natural disasters in Texas and in his home state of Oklahoma.

I'm sure he learned during his tenure as chief of staff to former Governor George Bush that recovering from a disaster requires great collaboration and compassion. We learned that last year in New Mexico when we were faced with numerous forest fires, including the Cerro Grande fire that started near Los Alamos.

Because of the U.S. government's role in starting a controlled burn that soon burned out of control, eventually burning hundreds of homes and thousands of acres of forest land, the New Mexico delegation drafted the Cerro Grande Fire Assistance Act, CGFAA, and got the bill signed into law on July 13 of last year.

I emphasize that this was a delegation effort because I want Mr. Allbaugh to know that the New Mexico delegation worked side-by-side on every aspect of this fire compensation legislation. When it was introduced, all five members of the delegation were present. I hope that FEMA, under Mr. Allbaugh's guidance, will recognize the importance of collaborating with all members of the New Mexico delegation when it comes to the Cerro Grande fire, or any other disasters we are faced with in the future.

Because of FEMA's strong track record under James Lee Witt of responding quickly and effectively to disasters, the CGFAA designated FEMA as the lead agency to compensate the

victims of the Cerro Grande fire. FEMA responded quickly and set up an Office of Cerro Grande Fire Claims in New Mexico in August 2000.

We are now almost six months into the claims process and we are beginning to face a few problems. I would like to point out to Mr. Allbaugh that the policy section in the Interim Final Regulations—regulations that have governed the claims process thus far—says, "It is FEMA's policy to provide for the expeditious resolution of meritorious claims through a process that is administered with sensitivity to the burdens placed upon Claimants by the Cerro Grande Fire." Based on the numerous complaints I have received recently about the claims process, it does not appear that the stated policy is being carried out as anticipated.

Mr. Allbaugh has been nominated for a position that carries with it enormous responsibility. I trust that he will carry out his responsibilities with respect to the Cerro Grande fire claims process with the sensitivity urged in the regulations.

Few of the fire victims have been able to begin rebuilding their lives and their homes because the final regulations are not complete. Many are hesitant to settle their claims against the federal government until the final regulations are published. Unfortunately, FEMA's 180-day deadline for settling claims is approaching for some claimants. We never anticipated that this deadline would come before the final regulations were in place. Nearly four months have passed since the comment period ended for the interim final regulations, yet we are still waiting for final regulations. I strongly urge Mr. Allbaugh to make it a top priority to ensure that the final regulations are published in the very near future.

Moreover, I urge Mr. Allbaugh to keep in mind that the Cerro Grande fire is different from most, if not all, other disasters FEMA has responded to in the past. This fire was not a natural disaster. It did not start as an act of God. Because of the federal government's involvement, the government had a responsibility to respond expeditiously and thoroughly.

The New Mexico delegation initiated that response by introducing compensation legislation. President Clinton responded by signing the legislation. It is now in Mr. Allbaugh's hands to make sure fire claims are responded to expeditiously and with compassion.

I look forward to sitting down with Mr. Allbaugh in the near future to discuss his plans for carrying out the intent of the CGFAA.

In the meantime, I will cast my vote in favor of Mr. Allbaugh.

Mr. MURKOWSKI. Mr. President, I rise to voice my sincere congratulations to Joe Allbaugh on his confirmation today as the new director of the

Federal Emergency Management Agency. I welcome him most sincerely to the Washington community.

Director Allbaugh has pledged to work closely with state and local governments. I believe this is the key to effective response. I encourage him to direct additional energies to expanding the ability of local agencies to respond immediately to those disasters that can be foreseen but not scheduled.

In my State of Alaska, we are familiar with natural disasters. We have experienced them, from storm flooding to tsunamis, to the great Alaska earthquake of 1964. We know the value of a strong federal presence during such crises.

I know that he is interested in my State. He has visited before, and I hope to be able to welcome him back as soon as possible—preferably with a fishing pole in hand, not on some less welcome occasion.

Joe Allbaugh is a big man with big skills. His reputation is that of an extremely accomplished manager with extraordinary abilities, and he has worked on campaigns that have given him knowledge of key issues in a majority of the states. These traits will be important to the smooth operation of FEMA, which is faced with extraordinary pressures in the event of a major disaster, as we have seen in past events. I am confident that he will serve our people and our communities well during times of need.

As the Governor's chief of staff in Texas, he both helped respond to immediate crises, and helped shape his state's disaster response processes. He now has the opportunity to do the same thing on a much grander scale—one which will be felt in every state of our great country. I look forward to his guidance in this critical and sensitive arena.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Joe M. Allbaugh to be Director of the Federal Emergency Management Agency? The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. BUNNING), the Senator from Idaho (Mr. CRAPO), the Senator from Texas (Mr. GRAMM), the Senator from Utah (Mr. HATCH), and the Senator from Wyoming (Mr. THOMAS), are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. BENNETT) and the Senator from Kentucky (Mr. BUNNING) would each vote "yea."

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the

Senator from Georgia (Mr. MILLER), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

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

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 13 Ex.]

YEAS—91

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Brownback	Hagel	Roberts
Burns	Harkin	Rockefeller
Byrd	Helms	Santorum
Campbell	Hollings	Schumer
Cantwell	Hutchinson	Sessions
Carnahan	Hutchinson	Shelby
Carper	Inhofe	Smith (NH)
Chafee	Inouye	Smith (OR)
Cleland	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Thompson
Corzine	Kyl	Thurmond
Craig	Landrieu	Torricelli
Daschle	Leahy	Voivovich
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

NOT VOTING—9

Bennett	Graham	Miller
Bunning	Gramm	Sarbanes
Crapo	Hatch	Thomas

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is tabled and the President is notified of the confirmation.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. BROWNBACK. I ask unanimous consent to proceed as in morning business for up to 5 minutes.

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

#### BROADBAND DEPLOYMENT

Mr. BROWNBACK. Mr. President, I rise today to address an urgent issue in the rural parts of my State regarding a problem we are having with the digital divide being created. What is taking place is that in urban and suburban areas, they are getting access to high-

speed Internet access so people can get on and get large quantities of data about which they can communicate back and forth rapidly. That is occurring and it is a good thing.

In the rural areas of my State and in many places across the country, they are not getting access to high-speed Internet. They have the old type of carrier that can get Internet access. They have Internet access, but they cannot get the high speed. Less than 19 percent of rural areas across the country have that high-speed Internet access compared to over 80 percent of the suburban areas across the country.

I will shortly be submitting a bill to try to address this inequity that is taking place and to keep this digital divide from further exacerbating the economies in suburban areas versus rural areas. The bill I put forward last year was the Regulatory Relief Act. It provides regulatory relief for those companies operating in rural areas to go ahead and deploy high-speed Internet access, and then not have to sell this new equipment at a reduced market price. It provides a regulatory relief to them to be able to do so.

I have worked on this issue for some period of time. We have worked on it in the Commerce Committee. There have been hearings held in the Commerce Committee on this. In the past, typically in the United States, when one of these sorts of situations starts to develop where rural areas get hindered because of their population being spread over wide areas versus urban areas, the Congress has frequently stepped in, the U.S. Government has frequently stepped in. Rural electrification and rural telephony come to mind, where you wouldn't have gotten distribution in the rural areas because it was just so far between people and the private companies could not make money. In this situation, we are not going to have to put resources forward but, rather, we have to put regulatory relief forward for the investment that will take place.

I have contacted a number of private sector groups that are looking at this and saying they will invest if we will provide them some regulatory relief. We will get that number up from 19 percent to a much higher number.

Last year, in the bill we put forward, and what we will put forward this year as well, is a requirement that, to get the regulatory relief, there has to be an increased deployment into the rural areas. That will be part of this as well.

It is a common theme in Washington today that broadband Internet access is revolutionizing the ways in which ever greater numbers of Americans are using the Internet. No longer a domain of simple data, graphics, and pictures, broadband access and its faster transmission speeds are transforming the Internet from a 56 bit-limited medium into a multi-megabyte medium, the