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# Senate

The Senate met at 9:46 a.m. and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

The PRESIDING OFFICER. The visiting Chaplain today, Father Claude Pomerleau, will lead the Senate in prayer.

## PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Father in heaven, beloved Creator of the mountains and the wooded valleys from Whose fullness we have all received, direct our steps in our everyday efforts. Your presence in the resounding rivers and quiet breezes, in the fertile plains and dry deserts powerfully yet gently guides all the moments of our day and brings those necessary moments of beauty and peace into our lives.

Go before us in our pilgrimage of life, anticipate our needs, and prevent our falling. We are all hungry for the fullness of joy that only You can give. Send Your Spirit to unite us in our search for a better world, and especially to enlighten and guide all legislators who serve You by working for the common good. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable PATRICK J. LEAHY 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.

The PRESIDENT pro tempore. The Chair is honored to be able to ask the Senator from Vermont to introduce his distinguished relative.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the majority leader.

## SCHEDULE

Mr. FRIST. Mr. President, very briefly, this morning we have set aside a period of morning business for the first 60 minutes. Following that time, we will return to the consideration of the Transportation-Treasury-HUD appropriations bill. Last night, we entered into an agreement which will allow Senators BROWNBACK and LANDRIEU to offer the DC appropriations bill at 11 o'clock this morning. Following their statements, we expect a vote on that amendment. That will be a voice vote.

Also under our order from last night, at 12:10 today, we will vote on the Kyl amendment relating to a freeze of the Members' COLA or cost-of-living adjustment. After that vote, we will recess for our scheduled policy luncheons.

We will return to the bill this afternoon, and we will have additional votes on amendments to the appropriations measure. It would also be helpful to have a filing deadline so that the two managers will be better able to manage the amendments as they come forward. Today, I will be talking to the Democratic leader about a unanimous consent for that deadline.

We need to finish this appropriations bill this week. We will finish this appropriations bill this week. It does mean we may need to be voting on Friday in order to accomplish that, and we will be here on Friday to accomplish that if necessary.

Mr. President, I yield the floor.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Chair recognizes the distinguished Senator from Vermont.

## ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, with the distinguished majority leader on the floor, I ask unanimous consent that I be allowed to go forward for 3 or 4 minutes on Senator REID's time and go out of order at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## WELCOMING THE GUEST CHAPLAIN

Mr. LEAHY. Mr. President, first, I note my dear friend of over 30 years, the distinguished senior Senator from Alaska, is in the chair, the President pro tempore of the Senate. I note that the President pro tempore showed his usual courtesy, instead of taking the chair initially to open the session, as he would, to allow me to do so to introduce my brother-in-law, Father Claude Pomerleau.

I also note that our distinguished Chaplain, Dr. Barry Black, is here. I thank the Chaplain for his cooperation in making sure that Father Pomerleau could open the session.

Of course, I thank the distinguished majority leader, Senator FRIST, and the distinguished Democratic leader, Senator REID.

Mr. President, I note that Father Pomerleau is a very close member of our family. He is probably not used to hearing me call him Father Pomerleau; it has always been Claude. He was on the altar—not yet a priest but in the seminary—when my wife Marcelle and I were married slightly over 43 years ago. And 40 years ago this December, the two of us were able to be with his

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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wonderful parents, Phil and Cecile Pomerleau, at his ordination in Rome—a very proud time for his parents, certainly a proud time for Claude, but also a very proud time for Marcelle and me.

He has been, in many ways, our spiritual light and friend all these years. He is very much a brother to me, as he is to Marcelle. I have had the privilege one other time to have him as visiting Chaplain. And in my 31 years in the Senate, those two times stand out as highlights in my career.

So again I thank the distinguished Senator from Alaska for showing his usual courtesy, and, of course, I cherish our friendship of over three decades.

With that, Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Georgia is recognized.

## IRAQ

Mr. ISAKSON. Mr. President, I rise this morning to reflect for a moment on the apparent successful events in Iraq this weekend and also to look forward to more successful events in the months ahead. It appears the people of Iraq—10 million of them—turned out on Saturday to ratify a constitution under which elections will take place on December 15 of this year. I believe now is an appropriate time for us to recognize, in the process of liberating the people of Iraq, the great accomplishments our brave young men and women have made to allow that process to take place.

About 2½ years ago, America went into Iraq with three stated goals. One was to depose Saddam Hussein. That was done. He goes on trial tomorrow, to be tried by his own people, in his own court, by his own judges. Second, we went in to rid the nation of weapons that could hurt others and stabilize the country so we could accomplish the third goal, which is to allow the people of Iraq to self-determine their future, as we in America did some 229 years ago.

The first goal, deposing Hussein, was accomplished, and he goes on trial. The second goal of stabilizing the country has, in fact, been accomplished. It has been accomplished in a unique way and was ratified by the very election that took place on Saturday, because on Saturday the Iraqi military protected the Iraqi polling places to allow the Iraqis to have an election that had very little disruption or violence by the insurgents. Now we move toward December 15 and the election of a permanent assembly for the people of Iraq to govern themselves.

On the first day of February of this year, I visited Baghdad, shortly after the elections that were held on January 31. I saw on that day the pride of Iraqis holding up their index finger, stained with blue ink, with smiles on their faces and self-satisfaction from having voted, which they did. We saw at that election where a number of the Sunnis stayed home, where most of the Shiites and the Kurds voted, and there were about 8 million votes.

Just 8 months later, I watched this morning on TV and saw index fingers raised with ink stains to evidence the vote that had taken place, but those ink stains were not just on the fingers of Shiites and Kurds, they were on the fingers of Sunnis as well because, as was said after the first election in Iraq in January, the Sunnis learned that in a democracy, if you do not vote, you do not count. Although their votes may have been different yesterday, it laid the groundwork for this country to self-determine its future in peace, for its three groups within their country to join together, to form a government, to iron out their differences peacefully, and to grow in the Middle East what many thought was never possible, and that is an Arab nation self-determining its future, with its people electing its representatives, living and growing in peace and harmony with its neighbors.

There have been a lot of critics of our efforts in Iraq. There have been some who have said the war was wrong and others who have said we ought to come home, when, in fact, they have misjudged and mischaracterized the entire event. For us to come home is to lose the war. For us to stay is for liberty and peace and freedom to take root, to grow, and to prosper, and for an area of the world that for all time has been in turmoil to have the chance in future time to be in peace. That is not just good for the Middle East. That is not just good for the Iraqis. That is good for America. That is good for the nations of the world. That is good for the future peace of this great Nation we call the United States of America, for it was terrorism that drug us into the Middle East. It is terrorism, through insurgents, that we fight today in Iraq. And it is terrorism that will lose, not in the end to bullets but to votes, with a people free to self-determine their future.

The people in Iraq began that process on January 31 and reaffirmed that process this past Saturday. I am confident and looking forward to the future, that on December 15 they will reaffirm that process again by holding free elections, guarded—and peacefully guarded—by their own trained troops, who will be the security force that in the future replaces our men and women, and that they will secure the country of Iraq not just for one election, not just for one day, but for the future.

It has been said that victory in Iraq is a process and not an event. I believe that is an appropriate statement. We have gone through a process that deposed an evil dictator, stabilized a violent nation, allowed free elections to take place, for a constitution to be drawn, for elections for its ratification to take place, and now we are on the doorstep of the election of those permanent representatives who will self-determine the future of the nation of Iraq. In this process, known as freedom, America has contributed much.

Our sons and daughters have been there steadfastly fighting the insurgents, securing the Iraqi people, and giving the flame of liberty and freedom a chance to grow and glow. On Saturday that process apparently took place again. I look forward to it taking place on December 15. I thank God for the brave men and women of the U.S. Armed Forces and the resilience of our people as, once again, we are the leading light for freedom, peace, hope, and liberty not just in our own country but around the world.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VITTER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, I ask unanimous consent to use my leader time and not interfere with morning business.

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

## LEADERSHIP PAC RIDER

Mr. REID. Mr. President, this morning I would like to speak for a short time about a provision of the bill before the Senate, the Transportation bill, that was removed by Republican leaders when the bill was taken up yesterday. I commend my colleagues, Senators FEINGOLD and MCCAIN, for their leadership in advocating to the Republican leaders to take this step. The provision should not pass quietly in the night. It was in this bill. It should not have been. More importantly, it should not emerge in any way in the future in some type of a must-pass conference report.

The leadership PAC rider would have created a giant loophole in our campaign finance laws and would have permitted unseemly money transfers among incumbents and national parties.

Today, leadership PACs are bound by the same campaign finance rules as are regular campaign PACs, known as political action committees; that is, leadership PACs can't give more than $15,000 annually to the national parties. The rider inserted in this bill during markup by the Republican leadership removed this limit on leadership PACs so they could transfer unlimited funds to national parties.

My colleagues, Senators FEINGOLD and MCCAIN, rightly decried this move as a major circumvention of our campaign finance laws. The provision would have directly undermined the point of those laws: preventing corruption in fact and in appearance. I joined with them to oppose this provision and

assured them that the Democrats would stand united with them on a motion to strike this rider or to prevent the bill from moving forward.

Through the efforts of Senators FEINGOLD and MCCAIN, we had the votes to strip this provision from the bill, and everyone knew that. Recognizing that, my colleagues on the other side of the aisle agreed to remove it from the bill. I made it clear to my colleague and friend, the majority leader, that we would not accept a conference report with reemergence of this provision.

COMPENSATION FOR MEMBERS OF CONGRESS

I also want to say another word about my friend, RUSS FEINGOLD. RUSS FEINGOLD is a person who is very talented. He is a unique advocate for many issues that affect this country. I have just talked about campaign finance reform. He is and has been a leader on campaign finance reform. There are times that I disagree with RUSS FEINGOLD but not often. He is a person who brings unique attributes to the Senate. Academically, he is without peer. He graduated from Harvard Law School and is a Rhodes scholar.

Today, he will speak on behalf of this side of the aisle on a provision dealing with compensation for Members of Congress. There are times when a COLA is certainly in keeping with the needs of this body and the country, but there are times when it is not. As I have indicated, RUSS FEINGOLD has never shied away from offering contentious, difficult amendments. Today, I am happy to see the other side of the aisle recognize that this amendment would pass, the Feingold amendment that has been offered by him alone in years past. The majority decided they would step in the shoes of Senator FEINGOLD because they knew this was a time—with Katrina, with the many other problems facing our country—when a pay raise was not appropriate.

I want the record to be spread with the fact that RUSS FEINGOLD is a person whose good work I so appreciate. I admire him and the work that he does and want everyone within the sound of my voice to understand that this amendment we will dispose of prior to 12:30 today has been the Feingold amendment year after year after year. Now I am happy to see that others have joined with him.

While I have disagreed with him on this issue in the past, no one can take away from the fact that this has always been RUSS FEINGOLD's mantra: that he would offer the amendment to make sure that the congressional pay raise did not go forward.

He certainly was not successful in years past, but everyone recognized that he would be this year. Therefore, the majority, in an effort to take away a little recognition from him, decided they would do it. But recognition will always be there because RUSS FEINGOLD has always been out front on this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. OBAMA. I ask that I be able to proceed out of order. It is my understanding the Republicans actually control the time at the moment. I ask unanimous consent that I be able to proceed and the time to be taken out of the Democratic time.

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

## AVIAN INFLUENZA

Mr. OBAMA. Mr. President, we are continuing to witness, as I think you are aware, the relentless spread of avian flu carried slowly, but predictably, by wild migratory birds from countries in Southeast Asia to western China to Mongolia and then over the Ural Mountains into Russia and Ukraine. From there, avian flu this week has spread over to Romania and Turkey, and we have just learned possibly into Greece.

Dr. Joseph Domenech, chief of the Animal Health Service at the United Nations Food and Agricultural Organization, has been quoted as saying that ". . . we are not surprised."

At this point, no one should be surprised. The experts have told us repeatedly that a flu pandemic is inevitable, although the timing is unpredictable. In other words, the question is not if but when. The spread of avian flu is our warning signal, and we need to heed this call to action.

If we are lucky, we will have at least a year or perhaps several years to prepare for a flu pandemic, but we might not be so lucky. Regardless of whether it is this particular strain of avian flu, H5N1, or another deadly strain, the time to act is long overdue if we want to prevent human suffering, death, and economic devastation.

International health experts say that two of the three conditions for an avian flu pandemic in Southeast Asia already exist. First, a new strain of the virus has emerged to which humans have little or no immunity. Second, this strain has shown that it can jump between species.

The last condition, the ability for the virus to travel efficiently from human to human, has not been met, and it is the only thing preventing a full-blown pandemic. Once this virus mutates and can be transmitted from human to human, we will not be able to contain this disease. Because of the wonders of modern travel, a person could board a plane in Bangkok, Athens or Bucharest and land in Chicago less than a day later, unknowingly carrying the virus. In fact, we learned this lesson from SARS, which moved quickly from Asia to Canada, where it led to many deaths.

As my colleagues know, one of my top priorities since arriving in the Senate has been to increase awareness about the avian flu. In April of this year, I introduced the Avian Act, which is a comprehensive bill to increase our preparedness for an avian flu pandemic. This bill was incorporated into a larger bill, the Pandemic Preparedness and Response Act that Senator REID and I introduced 2 weeks ago. We need to move this bill as quickly as possible.

We also need to provide more funding to purchase vaccines and antivirals and improve our ability to spot and isolate a pandemic as soon as it begins. In the spring and summer, I worked to secure $25 million in funding to fight the avian flu. Today, some of this money is already helping the World Health Organization to step up its international surveillance and response efforts.

But obviously more money is needed—much more. Last month, I joined Senator HARKIN and others in offering an amendment to the DOD appropriations bill to provide almost $4 billion to fight the avian flu. I am pleased that Senator STEVENS cosponsored the amendment and it was accepted into the appropriations bill. At this point, I am hoping that the House will agree to this funding in conference.

Although we have begun to step up to the plate in the Senate, it is unfortunate that none of the avian flu bills that have been introduced have yet been passed into law. There has been too much talk, not enough action. And this is not just true in the Congress.

One year after publishing the draft pandemic flu plan, the administration still has not released the final HHS pandemic flu preparedness plan. Half the States have not published plans either, and we know that many of these States will need substantial help.

This lack of planning is compounded by the fact that we still don't have an FDA-approved vaccine against avian flu, and the one drug that many countries are relying on, Tamiflu, may be less effective than experts had thought. The manufacturer is also struggling to meet the demand, and it could take up to 2 years for it to make enough for the U.S. stockpile, presuming this administration finally puts in an order for the drug.

I ask my colleagues how many hearings and briefings have they sat through where witnesses and experts have urged the Government to be better prepared for these types of crises?

The failure to prepare for emergencies can have devastating consequences. We learned that lesson the hard way after Katrina. This Nation must not be caught off guard when faced with the prospects of a pandemic because the consequences are simply too high.

The flyways for migratory birds are well established. We know that avian flu will likely hit the United States in a matter of time. With the regular flu season coming up shortly, conditions will be favorable for the reassortment of the avian flu virus with the annual flu virus.

Such reassortment could lead to a mutated virus that could be transmitted efficiently between humans, which is the last condition needed for pandemic flu.

The question is, Will we be ready when that happens? Let's make sure the answer is yes. I urge my colleagues in the Senate and the House to push this administration to take the immediate action needed to prevent catastrophe, the likes of which we have not seen during our lifetimes.

I thank the Chair, and I yield the floor.

Mr. WYDEN. Mr. President, I ask unanimous consent to be recognized at this time.

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

## ENERGY

Mr. WYDEN. Mr. President, a few months ago, the President signed into law an Energy bill that did virtually nothing to prepare America for any kind of crisis for a disruption in the oil supply. Now, a few months after that new law was signed, a scavenger hunt is underway to come up with yet another bill to address the issues that Congress ignored in the 2005 Energy bill.

The problem is that much of the new legislation tracks the troublesome trends of the bill that was signed. What I want to do this morning is spend a few minutes talking about why I think that is the case, why I think this legislation is misguided, and then to suggest some alternatives.

The central problem, in my view, is that this new legislation essentially says to these well-stuffed, well-oiled energy lobbies: We will give you more than you got. This is on top of the fact that oil refiners have seen their profits skyrocket by 255 percent over the last year, an extraordinary fact—a 255-percent increase in profits for the oil-refining sector. And now we are talking about another piece of legislation to subsidize these folks and others who are literally swimming in cash today.

I do not believe that one of Congress's top priorities, after the tragedy of Hurricane Katrina, should be to help these special interest lobbies that already are swimming in cash.

There are too many Americans who are far from swimming in those kinds of funds. They are still trying to clean up the flood waters. They are mucking out their homes in the State of the Presiding Officer, Louisiana. They are trying to rebuild from the rubble of south Mississippi. Many of them do not have a dime to their name. I believe it would be shameful if Congress returns to business as usual writing blank checks for these powerful energy lobbies, using the storms in the wake of these hurricanes as an excuse, as a Trojan horse, for handouts to the powerful energy lobbies in this country.

Let me outline the exact status of the subsidies that are on the books now and what was added in the bill in 2005. Under the laws already on the books before the Energy bill was enacted, oil and gas industries were on tap to get about $1.4 billion in tax breaks and other subsidies for a total of $6 billion in taxpayer subsidies over the next 5 years.

With the Energy bill signed into law, the oil and gas interests will get another $2.6 billion of additional tax breaks and subsidies on top of what they were already slated to receive. That includes an ability to write off up to 50 percent of their costs in the first year, to name just one of the special interest breaks that was in the legislation. But now we are talking about letting those who have received these huge subsidies get another opportunity at the all-you-can-eat buffet.

So the taxpayers and consumers who are footing the bill for hurricane cleanup, paying for tax cuts for some who are extremely affluent, are now going to be faced with the prospect of paying for additional subsidies for these energy interests.

Two weeks ago, the House passed legislation to provide additional financial subsidies to benefit the oil refining industry. Under the House legislation, refineries would get a regulatory risk insurance program to cover all the refineries' costs if their production is reduced because of a delay in the permitting process.

There is no limit on the amount of these subsidies for refineries, while the refineries get essentially guaranteed cost protection. What the Federal Government is essentially doing is privatizing the gains of these refineries and socializing the risks. There is absolutely nothing in the legislation to require refineries to protect consumers from the soaring costs they face today.

In my view, there is no need for these refiners, whose profits increased more than 250 percent in the last year, to get even greater financial rewards on top of the subsidies they are already getting in the brandnew energy law. In effect, what we are talking about is the prospect that these energy lobbies will become triple-dippers. They already received big subsidies in the old law. Then they received additional subsidies in the just-signed legislation.

We are talking about a third dip, a third round of subsidies, and I happen to think that is too much. Even the President said when oil is trading at upwards of $55 a barrel the oil companies do not need incentives to produce more. When the President, who certainly is not hostile to oil interests, says the oil companies do not need a deal from the Government, that ought to tell us something.

With oil selling for what is getting to be close to $70 a barrel, Congress should not be giving more taxpayer money away to these energy interests.

What I suggest is two practical steps that Congress ought to look at as we consider energy legislation in the days ahead.

First, I think the Congress should freeze the new subsidies that Congress lavished on the oil interests that are now earning record profits from record high prices. Nobody is talking about taking away what was there before the 2005 law was passed. What was there before the 2005 law was passed would remain in place. What I am talking about this morning is freezing the new subsidies, the new dollars that Congress just passed, despite the fact that the President of the United States said it was not even needed. What I would propose by freezing those new subsidies is that the Congress redirect those dollars to help low-income Americans who are at risk, literally, of freezing in their homes this winter.

For example, the $2.6 billion in new subsidies for oil interests could be used to pay for weatherization assistance to more than 1 million low-income homes, taking basic steps to improve energy conservation. Adding insulation and sealing energy-leaking windows and doors can help these families reduce their heating bills substantially.

Congress could help consumers further by using the Federal Government's purchasing power to make taxpayer energy dollars go further. The Federal Government is the largest consumer of energy in the country. The Federal Government could use its substantial purchasing power to get some real discounts in the marketplace for the Government's energy purchases. These cost savings could be achieved not only for direct energy purchases for Federal agencies' power needs but especially for the Low-Income Home Energy Assistance Program. Instead of reimbursing consumers for their sky high energy bills when they come due, the billions of dollars spent each year under the Low-Income Home Energy Assistance Program could be used up front to acquire lower cost energy to help low-income Americans.

So the question is, Is the Federal Government going to be a smart shopper? Is the Federal Government going to use its marketplace clout for programs such as the one that serves low-income people to make sure that the Government gets more for its money?

Everybody in the private sector shops that way. They are in a position to make volume purchases. They go to the people with whom they contract, and they say: We are going to buy a lot of your product, give us a deal.

This is essentially what I am proposing be done for the Low-Income Home Energy Assistance Program: the Federal Government use its clout in the marketplace, the Federal Government use its purchasing power to get discounts for this program and to acquire lower cost energy to help low-income Americans.

The bottom line is our country can do better. I believe we could have done better in the Energy bill that was just passed. It seems incredible that just a few months after that law was passed and there were great celebrations

about what a difference it would make, now the Congress is back on a scavenger hunt to try to come up with legislation that does what should have been done in the first bill.

The reality is we now have a second chance to do better. I am of the view that lives depend on the Congress doing better not just in homes where heat is going to be scarce this winter but for generations to come.

When I came to the Senate floor to speak in opposition to the Energy bill a few months ago, I was sorry because that legislation failed to reduce our Nation's dependence on foreign oil by one drop. It failed to reduce the prospects that America would again go to war in the Persian Gulf. After 9/11, it became clear that the energy policy was a national security issue and reducing our dependence on foreign oil had to be a national security priority.

I am of the view that the great tragedy in the 2005 Energy bill is that it essentially ratified pre-9/11 energy priorities. For the longer term, Congress should look at smart, probusiness, and proconsumer initiatives. I am willing, for example, to look at a limited antitrust exemption to let oil companies coordinate the refinery shutdowns expressly to keep supplies up and prices down. So there can be plenty of opportunities to put together a business and consumer coalition to meet the needs of our public.

I just suggested something that I suspect in the southern part of the United States, in the State of Louisiana, would be something that would be well received by oil refiners, but I am also saying that at a time when refiner profits are up more than 250 percent that we ought to be looking at other ideas that really help the consumer.

When gas prices are topping $3 a gallon and we are seeing these increases in home heating prices, we know the public is prepared for change. I have laid out a number of areas this morning where change would be in the interest of the consuming public and be smart probusiness policy, but I think there ought to be more to an energy policy than just ladling out tax subsidies. We have done that again and again. The Congress just poured on more subsidies in the 2005 bill and did absolutely nothing to deal with the crisis that we have seen in the last few months.

So at this crucial time, with the eyes of the country upon us, let us look at a fresh energy policy, one that will meet this country's national security needs, one that will meet the needs of our consumers this winter at a time when they are so vulnerable. And let us learn that just handing out subsidies willy-nilly is not going to make the real energy problems of this country go away.

It is no time to further sate the appetites of the entrenched energy interests. It is time, and there is a chance now, for a fresh start on energy policy. This time, with the next Energy bill, let us do right by the people of this country.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

## CONCLUSION OF MORNING BUSINESS

Mr. BOND. Mr. President, I yield back the remaining time on this side in morning business.

The PRESIDING OFFICER. Morning business is closed.

## TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3058, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, the District of Columbia and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Kyl amendment No. 2062, to provide that Members of Congress shall not receive a cost-of-living adjustment in pay during fiscal year 2006.

Kennedy amendment No. 2063, to provide for an increase in the Federal minimum wage.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, the Transportation, Treasury, HUD, and related agencies bill is now back on the floor. At 11 o'clock it is my understanding that by previous order we will go to consideration of the DC appropriations bill, which will be included as a separate part of this legislation because the House has the two functions of DC and Treasury, Transportation, HUD as one bill. Those, it is my understanding, will be conferenced separately but at the same time so that the final conference report will bring back Treasury, Transportation, Housing and Urban Development, and the District of Columbia appropriations.

The important thing to note is my partner and colleague in this effort, the ranking member, the Senator from Washington, Senator MURRAY and I, have asked our colleagues to bring to the floor the amendments they wish to offer for this T-T-H-U-D or TTHUD bill. We will be having a vote on the pending amendment, the Kyl amendment, at 10 minutes after 12. The amendment relates to the cost-of-living increase for Members of Congress.

It is important to note that both sides agree we want to move quickly. We want to know what amendments there are. We are seeking a time deadline for filing those amendments so our staff can go to work on them.

We believe there will be time this evening for staff to consider them. It is possible we will be able to take some of these amendments and conclude this bill sometime this week. It is very important we get this moving because we are now in the new fiscal year. We are operating on a continuing resolution and we have many important items in this bill and the DC bill that need to be put into law so we are operating on fiscal year 2006 appropriations for the year.

As my colleague was kind enough to mention yesterday, there was an athletic contest in Houston last night in which Albert Pujols managed to keep the St. Louis Cardinals alive. I am currently in a good mood and ready to accept as many amendments as possible. While I have great hopes for continued success, this is the best time to catch me in a good mood. And the Senator from Washington is in a good mood. This is the time to bring the amendments forward. We will be happy to work with our colleagues to try to find ways to accept as many amendments as possible.

In any event, I know there will be some amendments that will require votes. We would like to have them brought to our attention as soon as possible in order for us to set a schedule enabling us to finish this bill, we hope well before the end of this week. We have many other important measures to work on and we will have to have a number of votes. We look forward to having those amendments before us. This is an urgent request to my colleagues who have amendments to the TTHUD bill to bring them to the floor and to share them with the managers on both sides of the aisle.

With that, I thank my colleagues and ask that they bring those amendments down.

Seeing no other speakers wishing to take the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from Kansas is recognized to offer an amendment.

AMENDMENT NO. 2071

Mr. BROWNBACK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 2071.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of amendments.'')

The PRESIDING OFFICER. Under the previous order, there will be 40 minutes for debate equally divided.

The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you, Mr. President.

Mr. President, my colleague, Senator LANDRIEU of Louisiana, the ranking member of the Appropriations Subcommittee on the District of Columbia, will be here shortly to use the other 20 minutes of this presentation. This is the District of Columbia appropriations bill. It has been passed and reported by the full Appropriations Committee unanimously and contains some modifications within it. But we have strong agreement within the Appropriations Committee. We have gone through a number of hearings. I want to highlight several particular issues within it, what we are trying to do to encourage family formation, encourage marriage in the District of Columbia.

I want to talk about the school issues. We have had a voucher program for a short period of time. I want to report on how that is going and the problems and needs within that area.

I also want to talk a little bit about the problems we are having with the schools overall in the District of Columbia, which remains an ongoing, desperate problem. Kids that get into the District of Columbia Public School System get into a system that moves them more, unfortunately, in too many cases, toward failure rather than success. A system that does that is a system that needs changing.

I also want to talk about some needs in the future.

We are putting this forward as a part of the Transportation and HUD bill to mirror what is taking place in the House so that this will be amended into the Transportation-HUD bill and then conferenced together with the House of Representatives.

I thank the members of the Appropriations Committee, particularly my colleague, Senator LANDRIEU, the ranking member, for her work on this area. She has been the ranking member under both myself and Senator DEWINE. She does an outstanding job.

This bill provides $593 million in Federal funds for the District of Columbia and includes the city's own local budget of $6.2 billion.

The funds in the bill focus on three key Federal priorities for the District of Columbia.

First, improving educational opportunities for inner-city children; second, reducing and preventing crime; and, third, promoting and sustaining healthy marriages.

To address the first priority, the bill provides funds to improve traditional public schools, increase capacity at public charter schools, improve bilingual education for Latino students, and allow low-income students in failing public schools to attend private schools.

This is the second year of the District of Columbia Opportunity Scholarship Program.

I want to recognize my colleague, Senator DEWINE, for getting this started last year when he chaired this committee, and also my colleague, Senator JUDD GREGG from New Hampshire, for his strong input and push into this program. It was difficult to get started, but it has been quite a success thus far.

This is the first ever Federal program to provide scholarships to low-income, inner-city children so they can attend private schools.

I might note for my colleagues that several years ago, when I was the authorizing chairman of the District of Columbia authorization committee, we polled Members of Congress and then the President and the Vice President to see how many Members of Congress send their kids to DC public schools—either in the House or the Senate or the President or Vice President. I was actually shocked to find out that there were no Members—zero Members of Congress—who sent their children to the District of Columbia public schools—not one in all of the House, all of the Senate, the President and Vice President.

I thought that said a lot by the action that people were taking. They were not sending their kids to DC public schools, even though if you were a poor parent, you had no other choice. Now there is a bit of a different choice.

The demand for scholarships in this program, as far as allowing low-income, inner-city children to go to private school, has been overwhelming, with nearly two applications from eligible public school students for each scholarship available. The federally mandated evaluation of the program is up and running, with a robust number of scholarships and nonscholarship students participating. We are doing evaluations. Most importantly, the program is succeeding and serving the low-income children who truly need this educational opportunity the most. Most of these scholarship students came from failing DC schools, and now they are flourishing in the District's private schools that are participating in the program.

We have heard the story of a first grader who couldn't read at all when he received his scholarship. Yet within 2 months at his new school, he was already reading close to his grade level.

One scholarship mother tells us that her child used to complain about going to school every morning. Yet he is so excited about going to school now that he grumbles about having to stay home from school on a snow day.

Then there is the private school principal who marveled when she called a new scholarship student by his name, and the child said he didn't believe she was the principal because there is no way the principal would actually know a student's name.

These kind of stories are commonplace and indicate that the program is successful. However, I am concerned about the current and growing mismatch between the number of private high school spaces available in the District and the number of scholarship students seeking a space in a District of Columbia private high school. Because of this mismatch, many students who already have a scholarship will be forced to leave the program. Specifically, for the current school year, there are about 50 high school students with scholarships who could not attend the private school in the District because of a lack of capacity. Unfortunately, the problem will only worsen in each subsequent year as current middle school students graduate to high school. If the trend continues—and even if no new scholarships are offered beyond the fifth grade—nearly 75 percent of the students holding scholarships to attend high school will be unable to use them because of a lack of slots in private high schools in the District. This is a shame.

A number of Senators expressed objections to correcting this program at this early stage, so we have left the program unchanged. But I want to note for my colleagues the problems that we have.

The second priority funded by this bill is reducing and preventing crime in the District. The Federal Government entirely funds the District of Columbia courts and the DC Court Services and Supervision Agency. The committee is providing a total of $420 million for these agencies, which is $52 million more than the fiscal year enacted level. Most of these additional resources are for renovation and repairs to the city's fourth oldest building, the historic old courthouse. We need to continue this effort.

The third priority in this bill is promoting and sustaining healthy marriages. This is a new initiative, and I want to spend a little bit of time talking about this. I am hopeful this can be a model, particularly across the country in inner cities where we are having particular difficulty in forming, in many cases, healthy family units.

Every year, almost 57 percent of the babies born to residents of the District of Columbia—that is right, 57 percent—are born to single mothers. This is 40 percent higher than the national average. It is not to say you can't raise healthy children in a single-parent household. I want to go through some of the numbers to indicate the difficulty of raising a child in a single-parent household.

Statistics show that children born to single mothers are seven times more likely to be poor than those born to

married parents and that over 80 percent of long-term child poverty occurs in broken or never-married families. Marriage has an enormous potential to reduce poverty amongst couples who are unmarried at the time of their child's birth.

I want to point out this chart which shows that child poverty dramatically increases outside of intact marriages: Marriage impact within wedlock, 7 percent child poverty; never-married mother, 51 percent child poverty rate.

Children born and raised in households where their mother and father married tend to be more financially stable and more emotionally stable. Statistics tell a compelling story of the many positive benefits that accrue to children if they are raised by their married parents.

For example, children raised in married families are 3 times less likely to repeat a grade in school, 5 times less likely to have behavioral problems, half as likely to be depressed, 3 times less likely to use illicit drugs, half as likely to become sexually active as teenagers, and 14 times less likely to suffer abuse from their parents.

We had a hearing on this 2 weeks ago, where a couple talked about their interest in getting married after living together for 20 years and having four children. We have a proposal, which I will be putting forward in a minute. I want to note, before we get to that, that this couple said almost all of their friends came up to them and said: Are you crazy, getting married? The couple said: No. We want to get married. We want to provide a model for our children. Aren't you crazy doing this with all of the payments that you are going to lose under the public assistance system if you get married?

I said at that point in time that we need to look at the disincentives we put in Federal programs for people getting married, particularly low-income households because we shouldn't be sending this kind of signal, given the benefit overall to children of having intact, married families.

Currently, there are many single mothers who are heroically and successfully raising children on their own. They deserve our respect and support. But it is an indisputable fact that the best environment in which to raise a child is in a healthy, two-parent family.

In addition, the growth of single-parent families has had an enormous financial impact on our society at large. The welfare system for children is overwhelmingly a subsidy system for single-parent families. Some three-quarters of the aid to children—given through programs such as food stamps, Medicaid, public housing, Temporary Assistance to Needy Families, and the Earned Income Tax Credit—goes to single-parent households.

The Federal Government annually spends over $150 billion in means-tested welfare aid for single parents. I believe that improving a couple's financial stability can help sustain a healthy marriage.

As a way to assist low-income, married couples to gain appreciable assets, the subcommittee has introduced legislation which has broad bipartisan support. It is supported by Eleanor Holmes Norton. It will establish Marriage Development Accounts in the District of Columbia. The MDAs will be available to low-income, married couples who are citizens or legal residents of the District and who have very low net worth. Couples may save money to buy a home, pay for job training or education or start their own businesses. Couples will have a high incentive to save because their contributions will be matched at a ratio of 3 to 1 by the Federal Government and partnering private institutions. In other words, the Federal Government will put in $1, there will be $2 of private money raised, and low-income couples who receive marriage counseling, or as they get married, will be matched 3 to 1 for every dollar of savings they put in—$3 from the Federal Government and private sector. It is to encourage marriage and also to encourage savings for this couple. As a requirement of participation, couples will receive training that helps them repair their credit, set a budget, set savings schedules, and manage their money. Couples will also receive bonuses in the MDA accounts for receiving marriage counseling.

Recognizing the importance of grassroots support to ensure the success of these efforts, this subcommittee is directing grantees to expand their network of service providers by partnering with local churches, faith-based organizations, and nonprofit organizations, providing mentoring, couple's counseling, and community outreach.

It has been an interesting coming together of people from all parts of the political spectrum, left and right, to support this creation—we believe the first ever in the country—of marriage development accounts to encourage savings and marriage of low-income couples.

A senior fellow with the Brookings Institute testified at a recent hearing I held on MDAs that many researchers and practitioners who work with poor couples believe that a major barrier to healthy marriages is economic uncertainty. For example, Kathy Edin of the University of Pennsylvania has concluded from her interviews with young, unmarried mothers that there are plenty of issues such as empathy and trust that interfere with continuing the couple's relationships, but Edin and other researchers have come to regard poverty, unemployment, and income as serious barriers to healthy marriage.

Young, low-income couples often tell interviewers they are thinking about marriage, but they want to save enough money to make a downpayment on a house before they actually get married. Thus, MDAs are responsive to what the couples say they need before they become serious about marriage.

Beyond what the researchers are saying, we hear from real couples in the District who have been living together, who have children, now plan to marry and open an MDA.

We must act quickly to stop the erosion of marriage in our Nation and particularly in our Nation's Capital. We cannot just watch and wring our hands. We must act aggressively in employing as many innovative approaches as possible, test the results, and do a heavy monitoring. That is what we have in the bill itself—a monitoring to see if this is working. Our future and our children's future truly are at stake. I believe MDAs can be an important tool in helping to stabilize, strengthen, and foster healthy marriages.

I again thank my colleague, Senator LANDRIEU, as the ranking member. She and I share the same concerns for the children and residents who live in the District of Columbia. She is a strong supporter, particularly of the school system needs in this district. We both have concerns regarding the public and the charter school system that are not reflected in this bill. If changes are not made in DC public and charter schools, we will be back next year with a bill that has more aggressive statements and a more aggressive position from this Senate on the public and charter school system. It is not serving the children's needs. We did not take that on this year. We met multiple times with the superintendent of the DC Public Schools and others and noted the problems, but they said: Give us a little more time. The problem is, time dooms our children if no successful changes are made. So next year, we could be back with substantial changes.

I thank the staff for working with us. I know her staff, including Kate Eltrich, has worked hard. Mary Dietrich went so far as to break her arm to get this bill to the Senate in a timely fashion—she actually was bike riding—but that did not stop her. She is here to get this done. I hope we can pass this bill.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I am pleased to join my colleague from Kansas, Senator BROWNBACK, to present to our colleagues of the Senate this DC appropriations bill. It has been a joy and a privilege to work with the Senator from Kansas. Prior to the Senator's service, as chair I had the great opportunity to work with the Senator from Ohio, MIKE DEWINE, who is, indeed, a pleasure to work with and a great partner.

This is a very important bill for our Nation. Not only does it matter, of course, directly to the 500,000-plus residents of the District, but the life and the quality of life in the District has a tremendous impact on this whole region, which is made up of millions of people, as the District was actually

carved out of Virginia and Maryland and serves as a hub of this region.

As the Presiding Officer knows, in his home State as well as my home State of Louisiana, people all over the Nation feel very warmly attached to their Nation's Capital, what happens in neighborhoods, in schools, downtown, on the riverfronts, our monuments as a tourist mecca. For people to seek inspiration, this is very important. This bill, while it is one of the smallest in terms of dollar amounts, has a great deal of interest from people all over the Nation.

I have been pleased to be the appropriator, and I am particularly happy all of our colleagues have worked in such a cooperative manner that we can bring this bill to the Senate and handle it with great dispatch, with very little controversy, if any at all. From my perspective, since I have had my time taken helping Louisiana and the gulf coast recover from two major storms, Rita and Katrina, and then the subsequent massive levee breaks that have left the gulf coast region in a great challenging state, I thank our colleagues for letting us take this bill up and move it forward so I personally can get back to the issues in front of the State of Louisiana at this moment.

I will be relatively brief, but I follow up Senator BROWNBACK's statements with just a few comments. I thank Senator COCHRAN and Senator BYRD, the chairman and ranking member of the Committee on Appropriations, who made it possible in their decision as to how to organize and to reorganize the Committee on Appropriations, saw fit to keep some independence for the District of Columbia. That is extremely important. The outcome is something I supported, as well as others, but without Senator COCHRAN and Senator BYRD's support, it would not have been possible.

Our House colleagues have merged DC into a bigger committee. I think some of the focus gets lost. The Nation's Capital deserves appropriate focus and support from all, and our focus has not been lost. We in the Senate continue to help strengthen and develop our Nation's Capital appropriately as reliable partners for their progress.

I thank Senator COCHRAN and Senator BYRD.

In addition, I note that the large majority of the money in this bill is not national taxpayer money. It is local money, levied, raised, and appropriated to the tune of $7.3 billion of local money. The Federal money in this bill for which we have responsibility to be accountable is $593 million. It is a lot of money but a small percentage of the $7 billion total levied and raised by the residents and citizens of the District of Columbia. Our focus is on that $600 million portion we allocate in trying to be partners with city officials.

Because of Mayor Williams' outstanding leadership, in my view—and I think it is shared by Senator BROWNBACK and many Senators—his outstanding leadership as a good steward of taxpayer money, as a good manager for reform, as a great salesperson, an advocate for this great city, nationally and internationally, our confidence in his leadership, and the confidence in the management of the city, has increased substantially. So we are pleased to invest in its continued growth.

One major investment this Congress has made is in the establishment of a family court structure. I wish we could have family courts all over the United States. It is not an inexpensive operation. In many States, the last courts to be funded are those that need the most help. The courts that regulate or try to work out situations of marriage and personal lives so important to people, that settle disputes about marriages, wills, and estates, and most importantly, settle the issues of divorces or reconciliations, child custody, child abuse, and spousal abuse, unfortunately those courts throughout our land are the last funded, the least resourced, and the most overly taxed in terms of responsibility.

Over the course of the last few years, we have stood up, Democrats and Republicans, and said it is time to help our Nation's Capital create a model in the Nation, a family court that puts families first, that understands that these decisions of child custody, of separation, of protecting women from abuse and children from abuse, are truly life-and-death matters and are truly important decisions to keep the fabric of society together. So we have invested in this family court, one family, one judge, so children are no longer lost in the bureaucracy, lost in the file rooms, their lives are meaningful, and they are treated with dignity and respect. It has been an expensive project but one well worth investing in the families of the District of Columbia and particularly the children.

We march on to improve child welfare in the District, to work with the city to strengthen and improve the quality of our foster families and, most importantly from my perspective, promote adoption, believing that every child in the District, in America, and, in fact, in the world, deserves a family to call their own.

Governments, as I have said, do a lot of things well. Raising children is not one of them. Parents—a parent, a responsible adult—raise children. And we as a Nation need to do a much better job of connecting these needy children of all ages—infants, toddlers, young children, teenagers, young adults—with parents wanting to give them the benefit of a stable home and family. I am very proud of the District's performance and improvement in that area.

Finally, one more point before I speak about education which is going to be the focus today. I encourage the continuing development of good land use in the District of Columbia. We have planned the revitalization and cleaning up of the Anacostia River to be a balance with the beautiful Potomac on one side, to bring the Anacostia back to be a place where people can recreate—citizens and tourists alike—where there could potentially be exciting new developments of multiuse housing, wonderful commercial waterfront developments that contribute to recreational opportunities and sporting opportunities for children.

The city has a tremendous vision. The Nation should be excited. Although we are able to offer a just small amount, our committee wants to be supportive of that effort in any way we can. That is reflected in this bill.

Let me speak for a moment on the main subject of this, which is education reform. Every city in the country and every county in the country is struggling with the challenge of providing quality education for our Nation's children. We decided as a Nation many years ago to do that through a public system. It has worked in large measure extraordinarily well over the long term.

There are clearly signs in America—whether urban areas, rural areas, or poor areas; sometimes we even find crises in wealthy areas that are growing too fast or there is too much strain in an area—that school systems are really struggling. Either they do not have enough space and too many students, too many students and not enough teachers, not enough quality classroom space, or there is no tax base to pay for quality teachers, so students are failing. There are all sorts of challenges to our public school system. This Congress has been spending a lot of time—from No Child Left Behind to accountability to strategic investments—to try to fix this. Although there have been some setbacks and it is not perfect, from my perspective, we are moving in generally the right direction with the exception that our investments have not matched the rhetoric from the Federal level. But should we ever be able to fix that, I believe we will see increased student performance, increased parental satisfaction, more choice in the public school system, and excellence across the board.

Why do I say this is so important? Because in this Senator's view, the only way to have great cities is to have great schools. The only way to have great communities is to have great schools. If you do not have great cities and great communities, you cannot long have a great nation.

Our forefathers said to us when we created this democracy that one of the fastest ways to end it is to stop educating ourselves to the responsibilities of being citizens of the Nation and the world. That education, yes, begins at home, where children are educated primarily by their parents, their guardians, people who brought them into the world. But we supplement that education of parents by offering, in America, an education to any child wanting

to take the chance to walk through that kindergarten door. We do not limit it only to the wealthy. We do not limit it only to those who can afford it. We provide universal public education. It has been the cornerstone of this democracy, and it should remain that way.

But we have some problems because some of our schools are failing our children. Some of our systems are failing our children and the employees who work in the system. So we have to change. I am very proud that in this DC bill, the Members of the Senate and the House—Republicans and Democrats—have come together to negotiate, to reason together, to try to see what could we do in this city to show a model for some things that can work.

We had a very fierce negotiation and debate 2 years ago about this and have settled, if you will, on three approaches. One is what Senator BROWNBACK spoke about, a scholarship-voucher approach that some people believe will work. A large number of us settled on negotiating for investments in charter schools, keeping the money in the public system, not taking it out but providing more independence, more choice, more exciting options to create new models of ''coopertition,'' if you will, in the public system. I happen to be a very strong advocate of that approach to changing and reforming public education in America.

Then there was another group of us who negotiated for more help to traditional public schools, more investments, more help, and reforming in a more traditional way.

This great experiment is underway. It is going to be a 5-year experiment. We are committing $40 million a year, which is a lot of money. There will be $200 million going to this effort. That $200 million, while it sounds like a lot, is a small percentage of what the District residents pay to support their system. But it is an important investment.

I want to say how proud I am of the efforts being made to expand opportunities for public charters, for two reasons. One, it provides choice to parents. There is not one cookie-cutter approach. Some parents want their children in schools that have strong academics and athletics. Other parents like choices that stress the arts. Some parents like to see that their children may be in a school that may give them a pre-med education and direct them more to medicine or science or research.

I believe all parents should have more choices, that one size does not fit all, that we need to get away from this industrial model. We moved away from it in our economy. Why can't we move away from it in our school system and move to a more decentralized, more independent, more entrepreneurial, more choice-driven, more consumer-directed approach to schools? Just because we have not done that for 200 years in this country does not mean we can't.

So that is what we are undertaking: creating opportunities for quality, independent public charters so the money stays in the public system. But it basically acts almost as if it were private in the sense that it is independent but meeting all high standards.

Twenty-five percent of the public school population in the District is in public charter schools. That is one of the highest percentages of school populations in the Nation. So this is really a laboratory to see what is working, what is not. I am proud to say we are making progress not only in the increased number of charter schools but, most importantly, in the quality of charter schools. It is not just quantity but quality.

There are actions being taken now by the certification boards that if a charter school is failing, those schools can be closed and reorganized and supported so that quality education is being provided. That is one of the focuses of this bill. We want to not stress just the increase in quantity but quality. We want to ensure accountability, and we want to make sure, just as in traditional public schools, that any child who walks through the door of a public charter—whether it be a bilingual opportunity, which has been so successful; whether it is a residential Monday-through-Friday school, which has been tremendously successful in giving people hope and raising grade levels—whatever the model, when they walk through that door, they can get a quality education. That is one of our goals.

So we have continued to press for that $13 million piece. The charter school community has come together in unison to lay out how that $13 million should be directed to this movement, a great movement for quality, for opportunity.

I will submit a summary of that for the RECORD.

One of the exciting components, from my perspective—and I will close with a comment about this—is part of our charter school movement has been a new initiative called the Citybuild initiative. It is part of the charter school idea that says that in many cities, including the District of Columbia, there are certain neighborhoods that are revitalizing, I would say on their own, but nothing happens on your own.

It is a combination of some public investments that are occurring, a change in housing patterns, young couples, Black and White and Hispanic, moving into a neighborhood with young children. They like the housing. They like the location to their work. The only problem is, they move into a neighborhood that has affordable housing, restaurants, theaters, but there are no ''good'' schools or ''quality'' schools.

So what happens is, in 3 years or 4 years these children move, the families put their houses up for sale and move to either another part of the city where they can find the quality education they are looking for, or, worse, they move out of the city. That is what has happened in the District of Columbia. It is what happened in New Orleans. It is what happens in Cleveland. It is what happens in Detroit. It is what happens in Atlanta. It is what happens even in Houston.

So we have to think about a new way to encourage the development of quality, independent, entrepreneurial public schools, placing them in neighborhoods that can easily be identified as up and coming, with near-term improvements, where parents, if they had a good public school choice, would not leave.

That is what the Citybuild charter program is. So I am excited that this is part of our charter school effort. We are now in the second year. There have been five Citybuild charters designated by the city through a process that is open and competitive. There will be, hopefully, two or three more new schools placed in these neighborhoods that will anchor families with small children so we can grow the population of this city and cities all over America.

Mayor Williams, when he came in as mayor, stated his goal that he wants 100,000 new residents. So we have joined him in that challenge to provide more safety in the city, better transportation, better economic opportunity. But what most families need to stay are good schools for their children to attend. That is why we spend so much time working on education reform and promoting, from my perspective, this exciting new opportunity for charter schools, public charters, and particularly Citybuild charters.

I thank, in closing, Deputy Mayor Robert Bobb, Council Chairperson Linda Cropp, DC Delegate to Congress ELEANOR HOLMES NORTON, and Shadow Senator Paul Strauss, who is in the Gallery today. Specifically, I also thank Council Member Kathy Patterson, Superintendent of Schools Clifford Janey, and School Board President Peggy Cooper Cafritz, and our staffs who are here, both Kate Eltrich and Mary Dietrich, who were mentioned. Without their support we could not do this bill and present it in a way with such limited controversy and such maximum benefit to the people of the District and the people of our Nation.

So, again, I thank the mayor for his leadership. He makes it easy to work with him. I wish him the best of luck in his future, as he, Mr. President, as you know, said he will not be running for reelection. I suggested he come down South and help us. We need some help in New Orleans, and in Louisiana, Mississippi, and Alabama, and a good manager like that could be a great help to us. We appreciate his support, and we wish him the best in the future.

Mr. President, I would like to submit for the RECORD a summary of the $13 million investment in public charter schools in the District of Columbia appropriations bill.

The bill directs funding to specific initiatives which will strengthen

schools, enhance capacity, improve academic quality, and create a network of integrated services. The committee recommended the following initiatives within the amount provided for charter schools: $4 million for the Direct Loan Fund for Charter Schools; $2,000,000 for Credit Enhancement; $2 million for continuation of the Citybuild Charter School Program; $1,500,000 for flexible grants; $2 million for grants for public charter schools for improvement of public school facilities which are leased or owned by public charter schools; $400,000 for college access programming; $300,000 to create a truancy center; $250,000 for administration of Federal entitlement funding; $300,000 for data collection and analysis; and $250,000 for administration within the State Education Office.

The committee report also included language to pursue access to facilities for charter schools and support ongoing efforts to make space available. A significant initiative of this committee, continuing on the work started by the Congressional Control Board, was to make surplus school property accessible to other educational opportunities. We have required an accounting of surplus school property, encouraging schools to be leased or sold to charter schools, and recommend a dedicated account for any proceeds. I look forward to working with the Mayor and Council to finally open these sometimes vacant, but assuredly underutilized in their capacity as a schoolhouse, these surplus public school buildings.

In addition, I would like to submit for the RECORD several highlights from a recent report on the impact of public charter schools on providing quality public education for children across the country, as well as providing healthy competition to the entire public education system.

The following are excerpts from the ''State of the Charter Movement 2005, Trends, Issues, and Indicators,'' by the Charter School Leadership Council.

The Charter School Leadership Council found that:

> demand for charter schools is clearly outstripping the supply. The charter sector would be much bigger in the absence of charter caps and if it could accommodate the throngs of students on waiting lists. Charter schools are concentrated in certain States and cities, though less so than five years ago. Public charter schools are serving a disproportionate share of minority and low-income school children, and this has been the case since the beginning of the charter movement. Charter schools are significantly smaller than district public schools. The charter movement is producing a wide array of instructional and organizational models, providing lots of choices for families.

In relation to public opinion on charter schools, the Council found that:

> charter schools remain a mystery to much of the general public. Misinformation abounds, but attitudes become more favorable as knowledge grows. Twice as many registered voters favor charter schools as oppose them.

By the numbers, there are 3,400 public charter schools operating nationwide educating one million students. That represents 2 percent of all students nationwide. Forty States have public charter school laws on the books and 42 percent of charter schools are concentrated in three of those States, Arizona, California, and Florida. The Council report states:

> The average number of charter schools per State has been increasing steadily each year, from 25 in 1995, to 59 in 2000, to nearly 90 today. On average, over 250 charter schools have been added each year for the past 12 years.

Of all the public charter schools in the country, 16 percent converted from a traditional public school, 7 percent were created by a private entity, and 77 percent are newly created.

Dr. Brian Hassel conducted a meta-analysis of major studies and concluded the following:

> The existence of high quality charter schools and high growth rates for charter schools, at least in many States and studies, suggests that chartering holds promise as an approach to getting better schools. What we have is an experiment worth continuing and refining.
>
> One missing element in nearly all charter studies is the question of productivity: how much learning gain is produced per dollar spent? A Rand study in California found that ''Charter schools, particularly start-up schools, reported using fewer resources per student than do conventional schools . . . Most noteworthy, charter schools are achieving comparable test scores despite a lower reported level of revenue.'' (Ron Zimmer et al., Charter School Operations and Performance: Evidence from California, Rand, 2003). According to a 2004 study of ten Dayton charter schools, average per-pupil funding was $7,510 vs. $10,802 for district public schools, yet on average Dayton charter students outperformed Dayton public school students on all portions of the 2004 fourth and sixth grade State proficiency tests—in some subjects by a significant margin—indicating higher productivity from charters. (Alexander Russo, A Tough Nut to Crack in Ohio: Charter Schooling in the Buckeye State, Progressive Policy Institute, February 2005, 24).

The Council report suggests that we should be asking the right questions:

> Is it working? How do we know? At the moment the country is not thinking clearly about these questions . . . Chartering is an institutional innovation . . . With chartering we want to know which pedagogical, governance, and management practices succeed—and what provisions of law are responsible—so policy can do more of what works better. (Bryan Hassel, Studying Achievement in Charter Schools, Charter School Leadership Council, January 31, 2005, 8.)

Caroline Hoxby, a professor of economics at Harvard University stated in her studies that:

> The goal of charter reforms is not creating good charter schools in the midst of mediocre public schools. The goal is boosting the performance of all schools by fostering competition and innovation.

In conclusion, I found this observation to be fitting to the current status of charter schools in the country. The Council report examined the potential for impact and noted that Nelson Smith stated in a 2003 Progressive Policy Institute report, ''Catching the Wave: Lessons from California,'' ''Charter leaders are often asked to document the ripple effects of their work. But it is hard to have ripples when the lake is frozen.''

I yield back my time.

The PRESIDING OFFICER. Time for debate having expired, under the previous order, the Brownback amendment is agreed to.

The amendment (No. 2071) was agreed to.

The PRESIDING OFFICER. Under the previous order, the time until 12:10 p.m. shall be equally divided between the majority leader or his designee and the Democratic leader or his designee.

Mr. BROWNBACK. 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. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that all time under the quorum calls be counted equally on both sides.

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

Mr. INHOFE. 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. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2062

Mr. FEINGOLD. Mr. President, I am pleased to cosponsor the amendment the Senator from Arizona, Mr. KYL, has offered. It is straightforward. It would eliminate the roughly $3,100 pay raise for Members of Congress that is currently scheduled to go into effect next January. That increase would follow on a $4,000 pay raise this year, a $3,400 pay raise in 2004, a $4,700 pay raise in 2003, a $4,900 pay raise in 2002, a $3,800 pay raise in 2001, and a $4,600 pay raise in 2000.

There are a number of arguments against this scheduled pay raise. The war in Iraq continues to drain our Treasury at a rate of over $1 billion every week. In the wake of Hurricanes Katrina and Rita, we face a massively expensive relief effort. And on top of those enormous fiscal challenges, we are up to our necks in deficit spending. We are piling up billions more in debt that our children and grandchildren will have to pay. At such a time, it would seem hard to justify a scheduled pay raise for Members of Congress. Nonetheless, I recognize that some do justify it. In the end, though, the most important reason I joined Senator KYL in offering this amendment is that doing so is the only way to put this

body on record with respect to our pay raise. And we should go on record on this issue.

Under current law, many Americans do not realize that under current law Members of Congress can get an automatic pay raise every year without lifting a finger, unless we act to stop it. It is automatic. There is no requirement for a vote. All that is required is that we show up to cash the check. As I have noted before in discussing this matter, it is a pretty unusual thing to have the power to raise your own pay. Few people have that ability. Most of our constituents do not have that power. That this power is so unusual is a good reason for the Congress to exercise that power openly and to exercise it subject to regular procedures that include a vote on the record. That is why this process of automatic, stealth pay raises without accountability is so questionable. It is offensive. It is wrong. I believe it also may be unconstitutional.

The 27th amendment to the Constitution states:

No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.

That is what it says in the 27th amendment to the Constitution. I have actually introduced legislation to end this automatic pay raise system, and I hope this body will pass it at some point.

But as the Senator from Arizona has made very clear, this amendment does not go that far. It simply stops the $3,100 pay raise that is scheduled for next January. I fully accept that many—even a majority—of my colleagues may want a pay raise. But those who want a pay raise should support an open and public vote on the increase. Certainly having a vote on the record for a pay hike is better than a stealth pay raise that takes place with no action. Standing up and making the case before the voters is far better than quietly letting the pay raise take effect.

I urge my colleagues to stop this backdoor pay raise and then take the next step by enacting legislation to end this practice once and for all.

I thank my colleague from Arizona for joining us in this cause that I have sought to proceed with almost every year in the hopes that Congress and the Senate in particular will vote on the automatic pay raise.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the comments of the Senator from Wisconsin. Senator INHOFE from Oklahoma wishes to speak in a moment. When he arrives, I will call upon him to speak.

Let me make a couple of comments about the reasons for this amendment at this time. There have been times in the past when Members have allowed the cost-of-living adjustment to proceed. It is not technically a pay raise but rather a cost-of-living adjustment. That cost-of-living adjustment is provided for all Federal employees, including Members of Congress, although it is lower for Members of Congress than it is for other Federal employees by about half a percent. In the past, when we have been in good economic times and we have had either lowered deficits or even surplus conditions, Congress has allowed, most of the time, though not every year, that cost-of-living adjustment to go into effect.

This year is a special circumstance. Especially since we are going to be asking our colleagues and people who are recipients of Federal program benefits potentially to make a sacrifice in order to help offset the spending that the Federal Government is going to commit to the rebuilding of the gulf coast area following Hurricane Katrina, it seemed to me and those of us who have cosponsored the amendment that if we are going to ask others to make a sacrifice so that not all of the spending for Katrina recovery is added to the Federal deficit and therefore the Federal debt but, rather, some of it is offset from programs that we have already decided to fund, that we could start by demonstrating a willingness to sacrifice a small measure ourselves.

It is true the $2 million that this saves is hardly noticeable in the overall tens of billions of dollars that are going to be spent on the Katrina recovery. It is symbolic. I recognize that. But sometimes symbolism is important. For Members of Congress to be able to justify reductions in spending in other programs, where some of our constituents will push back and say, Wait a minute, why should I make a sacrifice to rebuild after Katrina, at least we have the ability to say: We all have to make a little sacrifice. Members of Congress are willing to make a sacrifice as well. While it is not much money to the overall Federal budget, some of our families certainly recognize it as being substantially helpful to offset the cost of inflation for families.

It is important for us to do this. It won't always be appropriate, but it is clearly appropriate this year to make the point that we are ready to sacrifice, and clearly it is not something that we cannot afford. In areas that we are going to ask for reductions in spending, we will make the point that these are not areas that simply can't stand any kind of reduction. We are going to try to put forth maybe $50 billion in spending reductions from programs that can afford to be cut or spending deferred for a short period of time. That is a way to at least offset some of the spending that we are going to be doing for Katrina and yet not add further to the deficit or ultimately to our Federal debt. That is the reason for the amendment. I hope my colleagues will support it.

If the Senator from Oklahoma is prepared, I certainly yield to him at this time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank my dear friend from Arizona.

Because of the unique circumstances that exist today, I am going to be doing something that is totally different than I normally do on this the annual hypocrisy day in the Senate. I am actually going to vote for this. Normally, I vote the other way. The reason I am is because—the Senator from Arizona and I both came here in the same year; we have been here 19 years—I have never seen a situation like there is today. We have a President who inherited a military that needed to be built up again. At the same time, we go into a war, and then Katrina happens. I think everywhere we can we need to tighten belts. For that reason, I will go ahead and support it this time, which normally I don't.

I say this in almost a humorous way. It is the annual hypocrisy day. Everyone is always down here so they can go home and say: Look what I have done. I have stopped us from having a pay raise. Aren't I wonderful? I need to be reelected.

There are several dynasties in the Senate. They have been here for many years. We have the ROCKEFELLER dynasty, the KENNEDY dynasty. I love the people. I disagree politically with them most of the time, but we have these. It is a fact. But the question I would ask is, Should you have to be a KENNEDY or a ROCKEFELLER to join the Senate? I don't have this problem. I have other sources of income. I am very thankful for that. I have other things I put this money into, other than salary.

But I would say this: We have had a lot of colleagues, top-notch people. I remember Dan Coats. He was a Senator from Indiana. Democrats and Republicans alike would say that he made some of the greatest contributions to this body that anyone has ever made. Senator Dan Coats was limited in his income. He found that each year that went by, they would stop a cost-of-living increase. With his kids going to college, he resigned. He had to retire from the Senate because of that. Do we want the Dan Coatses here, or do we want just people who are wealthy in their own right?

I say this in a friendly way. I love everybody who is going to vote for or against this thing. But in the future, we are going to change it. I came down last night. I was looking at my monitor in my office. I saw that this amendment was coming up. I ran down to put in a second-degree amendment. That second-degree amendment would have read, because this is the last free ride a lot of these people are going to get around here, we are going to make it out in the open so everybody knows what is really going on. This idea of saying ''no but take the dough'' is going to be a thing of the past.

My amendment read:

To provide that any Member of Congress who votes for any amendment (or against

the tabling of any amendment) that prevents a cost of living adjustment for Members of Congress shall not receive the amount of that adjustment.

That is a very logical and responsible thing to do. I am looking for something else to put this on so that next year, when the annual hypocrisy day comes, we will be able to be a little bit more responsible.

I yield the floor.

• Mr. CHAMBLISS. Mr. President, I want to voice my support for amendment No. 2062 offered by my good friend JON KYL, to revoke the scheduled 1.9 percent salary increase for Members of Congress. As a cosponsor of this amendment, I believe that at this point in time it is not fiscally responsible or appropriate for Members of Congress to increase our pay. The Federal Government is currently running a $7.9 trillion budget deficit. I do not believe that it is in the best interest of the United States or the American taxpayers for Members of Congress to vote in favor of a congressional pay raise.

The annual cost of living adjustment for Members of Congress is determined by a formula which automatically takes effect unless Congress prohibits or revises it, which is what I hope my colleagues and I will accomplish today. Under the annual Member pay adjustment procedure, Members are scheduled to receive a 1.9-percent increase in January 2006. With the growing national debt, skyrocketing budget deficit, and increased Federal expenditures expected as a result of the hurricanes this year, it is essential that we exercise fiscal restraint and avoid unnecessary and wasteful spending. We should first start with ourselves and set an example for others to follow. I have been and remain a strong a proponent of smaller government, a balanced Federal budget, and lower taxes.

Today, I am in my home State of Georgia with the Secretary of Agriculture, Mike Johanns, working to develop and promote new technologies which will increase agricultural production and expand job growth. For this reason, I am unable to be present for the vote. I encourage my colleagues to seize this opportunity and demonstrate personal leadership in bringing the Federal budget deficit and spending back under control by supporting this amendment. I have consistently opposed a pay raise for Members of Congress throughout my tenure in Congress and urge my colleagues to vote in favor of this amendment.•

Mr. SANTORUM. Mr. President, I am pleased to join my colleague Senator KYL in sponsoring the pending amendment. This week the Senate begins the difficult but necessary process of budget reconciliation. When we passed the budget resolution on April 28, 2005, we all knew that tough votes were ahead as we set the Federal priorities for spending. However, none of us anticipated the devastation that would be caused by Hurricanes Katrina and Rita hitting the gulf coast. The tremendous toll caused by those natural disasters has forced us again to reevaluate our priorities.

This amendment is something we all should support. At a time when we are asking the American people to tighten their belts, it is not the time for members of Congress to increase our salary. We should be mindful of our actions and take this opportunity to do our part by removing this pay increase. The Congressional Budget Office estimates that this amendment will achieve a savings of $2 million in both budget authority and outlays for fiscal year 2006.

I intend to do my part and vote for the Kyl amendment and urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to add Senator CHAMBLISS as an original cosponsor of the amendment.

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

Mr. KYL. Mr. President, if there is no one else who desires to speak at this time, 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. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRASSLEY. I would ask to be recognized for 12 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection?

The Senator will note that under the previous order, a vote is scheduled to occur at 12:10 p.m.

Mr. GRASSLEY. OK. I will quit then. Is that OK?

The PRESIDING OFFICER. Is there objection to the modification?

Mr. LEAHY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. What was the request?

The PRESIDING OFFICER. The Senator from Iowa wishes to be recognized as if in morning business until 12:10 p.m.

Mr. LEAHY. I have no objection. Some of us have a luncheon to go to. I don't want to go beyond 12:30. Of course, I will not object to the request of my friend from Iowa.

The PRESIDING OFFICER. Without objection, the Senator from Iowa is recognized until 12:10.

(The remarks of Mr. GRASSLEY are printed in today's RECORD under "Morning Business.")

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). Will the Senator withhold his request?

Mr. GRASSLEY. I will.

The PRESIDING OFFICER. Under the previous order, the hour of 12:10 p.m. having arrived, the Senate will proceed to a vote in relation to amendment No. 2062 offered by Senator KYL.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—92

| | | |
|---|---|---|
| Akaka | Domenici | McConnell |
| Alexander | Dorgan | Mikulski |
| Allard | Durbin | Murkowski |
| Allen | Ensign | Murray |
| Baucus | Enzi | Nelson (FL) |
| Bayh | Feingold | Nelson (NE) |
| Bennett | Feinstein | Obama |
| Biden | Frist | Pryor |
| Boxer | Graham | Reed |
| Brownback | Grassley | Reid |
| Bunning | Gregg | Roberts |
| Burns | Hagel | Rockefeller |
| Burr | Harkin | Salazar |
| Byrd | Hatch | Santorum |
| Cantwell | Hutchison | Schumer |
| Carper | Inhofe | Sessions |
| Chafee | Isakson | Shelby |
| Clinton | Johnson | Smith |
| Coburn | Kennedy | Snowe |
| Cochran | Kerry | Specter |
| Coleman | Kohl | Stabenow |
| Collins | Kyl | Stevens |
| Conrad | Landrieu | Sununu |
| Cornyn | Lautenberg | Talent |
| Craig | Leahy | Thomas |
| Crapo | Levin | Thune |
| Dayton | Lieberman | Vitter |
| DeMint | Lincoln | Voinovich |
| DeWine | Lott | Warner |
| Dodd | Martinez | Wyden |
| Dole | McCain | |

NAYS—6

| | | |
|---|---|---|
| Bingaman | Inouye | Lugar |
| Bond | Jeffords | Sarbanes |

NOT VOTING—2

| | |
|---|---|
| Chambliss | Corzine |

The amendment (No. 2062) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## RECESS

The PRESIDING OFFICER. Under the previous order, upon the disposition of amendment No. 2062, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:18 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

TRANSPORTATION, TREASURY, THE JUDICIARY, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006—Continued

Mr. BOND. Mr. President, we are back on the Treasury-Transportation-Housing and Urban Development bill. The minority Member, my partner, Senator MURRAY, and I are ready to do business. I understand we are waiting for final negotiations from both sides on the potential two votes that we hope will be ready to be put forward early this afternoon. As soon as we know something about that and can reach an agreement, we will advise all Senators.

In the meantime, the Kennedy amendment on minimum wage is pending. We expect there will be an alternative amendment which will be proposed, and that will be voted on right after or right before the Kennedy amendment.

We ask all Members who have an amendment they want to file to please bring it in, and we hope we can work it out with them. If it is something that can be accepted, we would like to do so because we need to finish this bill—the sooner the better.

The leaders have advised us that we will be in this week and weekend until we finish the bill. My personal preference would be to finish it this week and not on Friday afternoon or Saturday.

It would be very helpful if they would bring in those amendments. Very shortly, we will be conferring with leadership on both sides to establish an agreed-upon deadline for filing all first-degree amendments.

I thank the Chair.

Mrs. MURRAY. Mr. President, I thank the chairman of the subcommittee and urge all of our colleagues to bring their amendments to the floor. As I stated last night, the chairman of the subcommittee was in a good mood. We had a great baseball game last night, from his viewpoint, for all of us who stayed up to watch the final home run. I think he is amenable to talking to anyone who would like to bring their amendments today. I would suggest our colleagues get that done. I think we all want to finish this bill, most importantly because we need to go to conference on this bill. We are again operating under a continuing resolution. There are many serious issues affecting our investment in housing, our investment in the FAA, in transportation, highways, as well as many other issues that are within this bill. We have a lot of work ahead of us in terms of getting this to conference and working out our differences with the House.

I urge my colleagues to bring their amendments to the floor. We are going to be talking about a time agreement fairly soon. If Members want their issues addressed, they need to bring them to the floor.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BOND. Mr. President, I ask that the pending amendment, the Kennedy amendment, be temporarily set aside.

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

AMENDMENT NO. 2079

Mr. BOND. Mr. President, I have another technical amendment to offer at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2079.

Mr. BOND. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Ensures that PHAs will receive adequate funding for section 8 project-based vouchers)

On page 295, line 6, strike ''or HOPE VI vouchers'' and insert in lieu thereof: '', HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act''.

Mr. BOND. Mr. President, this is rather technical, but it has to do with public housing authorities and their ability to use future Section 8 vouchers on project-based assistance needs. As many know, in the past public housing was constructed when the assistance was tied to the project rather than to an individual. That enabled the public housing authority or other entity to get financing to build the units and then receive the income from the Federal housing assistance.

Right now, there is a process for refining the allocation of Section 8 vouchers to public housing authorities so they do not have unused Section 8 vouchers. That has been a good thing because that means the money for housing assistance goes to those who most need it. However, the problem arises when public housing authorities need to put aside or shelve some of the needed Section 8 certificates or vouchers allocated to them in order to provide a basis of funding for construction of additional housing.

In some areas—I know in my State and across the country—we can hand out all of the Section 8 vouchers we want for people needing housing assistance, and they do not do much good because there is not housing available. So we have to have the flexibility for the public housing authorities to take some of the vouchers allocated to them and say: We will commit them to this project in order to build the housing we need.

This amendment includes funding for the projected use of Section 8 project assistance needs of public housing agencies. Normally, for developing housing within the project-based assistance, PHA would shelve the needed vouchers for the 1- to 3-year development timeline for an assisted project. Under the current approach for funding vouchers designed to assure that there were no Section 8 certificates wasted, the projected funding needs related to project-based vouchers would not be funded, thus removing the incentive or the ability to develop Section 8 housing, regardless of need.

We believe this amendment will ensure that the planned use of project-based vouchers is funded without prejudice, thus allowing the local public housing authorities in communities across the country to develop project-based assisted housing where there is not otherwise housing needed for the people who are homeless, who need better shelter in the area.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are in agreement on this amendment. It simply will clarify for the purposes of distributing funding from Section 8 housing assistance. Public housing authorities would not be penalized for shelving vouchers temporarily to develop a longer term project. This is a fairness issue, and we are all in agreement. I urge its passage.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2079) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. I thank all of my colleagues. If any colleagues have compelling statements related to this issue which may be important in their States, we are happy to have those added to the RECORD with this vote. Again, we await the arrival of others with amendments on which we can work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

## A NEW ENERGY FUTURE

Mr. DURBIN. Mr. President, I recently returned to Illinois and traveled across the State. It is interesting to me that there is one pervasive issue that you run into in every corner of my State and that is the cost of energy,

because while I was home people were still reeling from high gasoline prices, and announcements were being made about dramatic increases in natural gas costs over the winter, which means record breaking home heating fuel costs. That is going to cause as great a hardship as the high gasoline prices on many individuals and families and businesses large and small. People are changing their spending habits and driving patterns to try to offset the high cost of gasoline. Consumers are now paying about $2.75 per gallon of gasoline. That is up over 80 cents from a year ago. Americans are now bracing for the record-high energy prices they will face when cooler weather arrives and the cold sets in.

The Energy Information Administration recently predicted nearly a 50-percent increase in home heating costs this winter. That is going to cause an extraordinary hardship on many people—those on fixed incomes, those on very limited incomes, and those who happen to live in old dwellings that do not have a lot of insulation.

I met with families all across Illinois who are struggling with these high energy costs and their family budgets. They want to know what Congress is going to do. They know we spend a lot of time on the floor of the Senate talking about a lot of things. They would like to think that 1 hour of 1 day would be spent on one issue that really makes a difference in their lives, and I think if they had their choice at this moment in Illinois, it would be the energy issue. They want to know how much profit is enough for ExxonMobil and BP before the former oil executives now in the Bush administration are shamed into action.

In the last 6 months, it is estimated that the top five oil companies in America collectively had $52 billion in profits—recordbreaking profits. So when you start to fill up the tank and you watch that gas pump go out of control in terms of the cost, the money is going directly to the profit margins of these oil companies. Where is the voice in Washington for the consumers who are paying these gasoline prices? Do we just shrug our shoulders and say that is what happens in a free market? The high profiteers step in.

Sadly, that is the only response we have heard from this administration. These high prices are hurting everyone—families, farmers, already having a tough year in my home State, small businesses, municipalities, school districts. In the meantime, these oil and gas companies are reaping record profits. In my State of Illinois, consumers have already spent nearly $2.5 billion more this year for gasoline than last year—$2.5 billion. By the end of the year, that figure could more than double to over $5 billion—spending more than $5 billion more for gasoline this year than last year, coming right out of family budgets and the budgets of a lot of businesses, large and small.

At the same time, in the first half of this year, the big oil companies—ExxonMobil, Chevron-Texaco, ConocoPhillips, BP, and Royal Dutch/Shell—recorded a combined $52 billion in profits compared to a record $39.5 billion in the first half of 2004. They were doing pretty well last year with the lower prices we were paying. Look at this year—$52 billion in profit taking. That is not sales. That is $52 billion in profits at a time when Americans are worrying about how they are going to get to work and how they are going to heat their homes this winter.

Soon third-quarter earnings will be coming out. I suspect it is going to show the oil companies are doing quite well, thank you.

Who is paying the price? For one, airlines. Today, three airlines in the United States are in bankruptcy largely because of high fuel costs. Second, American consumers. Consumers are paying an additional $600 to $1,000 a year so they can drive to work or school. Take an average American, someone who drives 15,000 miles a year, averages 20 miles a gallon. An 80-cent increase in the price of a gallon of gas this past year equates to an additional $600 out of pocket for that one driver this year, that's at today's gasoline price. Consider for a minute what this means to people of modest means.

We have a pending amendment in the Chamber about raising the minimum wage in America. I think it has been about 8 years since we touched that one. What is it, $5.15 an hour. So people get up every morning, go to work, doing the right thing, trying to care for their families at $5.15 an hour, and for 8 years we have run into resistance from people in the Senate who say: That is plenty. That is enough. We don't need to guarantee any higher minimum wage.

Think about it. I ran into a fellow in Illinois who said: I don't understand how a person on minimum wage filling up the tank of an old car trying to get back and forth to work comes ahead at all. And that is the reality of life for so many people who are literally going to work and falling behind every single day. And the high gasoline prices, sadly, are now part of the major problem these people face. At today's gas prices, total fuel costs for one vehicle is $2,000-plus each year. Double that for a family who needs two cars to commute to work. Fuel costs for that family are over $4,000.

Think of a low-income family. At $5.15 an hour, gross take-home pay for the year is about $10,000. Now take out $2,000 for buying gasoline before you pay any income taxes or other charges against your payroll. Imagine, if you will, these are people in our country, vulnerable people who are asking if there is anybody in Washington listening. They are knocking on the door of the Senate, and nobody is opening the door. Historically, the end of the summer driving season meant there would be some relief from summer gas price hikes. While we witnessed a slight drop, consumers will see no relief from energy costs.

Unfortunately, as I said, gasoline prices are just part of the problem. Heating costs are expected to be significantly higher this year. Nationwide, 55 percent of all households depend on natural gas as their primary heating fuel. In the Midwest, according to the Energy Information Administration's most recent outlook, about 75 percent of households rely on natural gas to heat their homes. This winter, those households can expect to pay nearly 50 percent more than last year for natural gas. Weather forecasts suggest this coming winter may be colder than last year, which means even higher home heating bills. High gasoline, natural gas, and heating oil prices are forcing a slowdown in consumer spending, an increase in consumer prices, more inflation, and the greatest increase in the number of people who are delinquent in paying credit card bills since the 1970s energy crisis. These high energy costs are rippling through the American economy, and they are hurting a lot of hard-working families.

We passed the so-called Energy bill this last August. It was signed by the President with great ceremony. What did that bill do? Primarily it funneled billions in subsidies to oil companies—to the same oil companies that are experiencing record profits? Why in the world aren't we focusing on things that can literally and really make a difference when it comes to America's energy future?

Let me tell you the impact some of these energy prices are having. In the second quarter of 2005, this year, the American Bankers Association reported that the percentage of credit card bills 30 days or more past due reached the highest level since they began recording information 32 years ago. People are falling further and further behind, and the ABA's chief economist cited high gasoline prices as a major factor.

I can't forget the fellow I ran into back in my hometown of Springfield, IL, just a few days ago who said: Senator, I understand my credit card company is going to require me to pay 4 percent, 4 percent of my balance each month. Now it only requires 2 percent. I don't know if I can pay 4 percent.

How in the world can that poor fellow and his family ever get ahead? Their debt keeps increasing as they run up the cost for gasoline for this fellow to get back and forth to work. There is no end in sight.

Earlier this year, the Democrats in the Senate offered an amendment to the Energy bill that would have finally put America on a path to reducing consumption of foreign oil imports by 40 percent in the next 20 years. Is that a good thing for America, for us to reduce our dependence on foreign oil? You would certainly think so. Should it be a partisan issue? Should Democrats and Republicans disagree on that? Why would they ever disagree? But they did, all but two.

We are going to continue to support this measure on this side of the aisle. I

hope that since that vote a few months ago, my friends on the other side of the aisle will take another look at it. This should be the underpinning of our energy policy in America, to lessen our dependence on foreign oil. We know America can do better than be held hostage to high energy bills dictated by Saudi sheiks and big oil CEOs. President Bush even rejected a modest 1-million-barrel-per-day oil saving provision that was written in the Senate Energy bill. We tried to at least move just ever so slightly toward conservation, energy efficiency. It was rejected.

We understand the President and Vice President have close ties personally and in their background with the oil industry. But shouldn't our national priority of more energy independence have been more important than that? Just before the Senate recessed to work back in our States, I joined my colleagues in sending a letter to President Bush requesting him to call on his friends and allies in the oil and gas industry to sit down with them and make it clear that their profiteering at the expense of the average person in America is killing the American economy and causing extreme hardship to honest people going to work every single day. We still haven't seen the first indication of action from the White House.

In August, before Hurricanes Katrina and Rita, when gas prices were about $2.55 a gallon, I joined my colleagues, Senator REID of Nevada and Senator CANTWELL of Washington, in a letter to President Bush asking him to show Presidential leadership in reducing fuel prices, including profiteering and price gouging. Still no response from the White House.

We proposed a set of principles on the Democratic side of the aisle. We believe these put America first. We believe that American consumers, businesses, and farmers should be better protected from multinational corporations reaping record profits at the expense of the average consumer and the average business in America.

In the next day or so, I am going to introduce legislation to help address some of these issues, including a desperately needed funding bill for the LIHEAP program. LIHEAP is the Low Income Home Energy Assistance Program. We should tax the windfall profits of these huge oil and gas companies that are recording billions upon billions of dollars of profit at the expense of families and consumers across America. We should transfer part of this money to a LIHEAP trust fund so that the poorest folks across America, the most vulnerable, have a chance to heat their homes this winter. That is pretty basic. This fund would ensure that there are resources available on top of what has already been appropriated by Congress for families hurt by high energy costs. We are proposing other measures on the Democratic side to protect consumers as well. Senator CANTWELL and 26 cosponsors have introduced a bill to ban gasoline price gouging and improve market transparency. This all fits under the basic idea of protecting America's consumers.

Senators MIKULSKI, PRYOR, SALAZAR, BILL NELSON, HARKIN, CORZINE, STABENOW, and OBAMA have introduced an amendment to the appropriations bill calling for the Federal Trade Commission to investigate nationwide gas prices that we witnessed immediately after Hurricane Katrina to see if there is clear evidence of profiteering.

Senators KERRY and REED of Rhode Island offered an amendment to add funds for the LIHEAP program so low-income families most affected by record energy prices can heat their homes this winter.

Senator BINGAMAN and 14 other cosponsors proposed an amendment to the Energy bill that would require 10 percent of electricity generated be produced from renewable sources by the year 2020. This measure would ease the stress on natural gas and help to alleviate the high prices we have currently witnessed.

Senators SCHUMER, CANTWELL, and LAUTENBERG introduced a bill to increase national fuel efficiency which would also save energy.

I have introduced a bill as well, the Strategic Gasoline and Fuel Reserve Act of 2005. We already have a Strategic Petroleum Reserve—that can hold 700 million barrels of crude oil the President can turn to in times of national emergency. But when we have refining capacity compromised by a hurricane, crude oil is not going to be released and make it to the market very quickly. So I am proposing that the United States, like some European countries, create a strategic gasoline and jet fuel reserve. Let's set aside refined product, gasoline and jet fuel, around the United States so the President has another tool to use when we see these price spikes to help businesses like America's airlines and other businesses overcome these skyrocketing prices.

America needs a long-term plan to diversify our energy resources. We have to do this to improve energy efficiency, conservation, and to prevent the energy giants from market manipulation and price gouging. It does not appear there is any cop on the beat in Washington. There is no one who is either threatening or punishing the profiteers who are raising the price of energy unconscionably. For a long time, the finger of blame was pointed at the OPEC cartel and the Saudi sheiks, but we know now that their profit increase is modest, about 46 percent over last year, compared to the dramatic and obscene record profit increases by the big oil companies of 255 percent over last year. That is where the money is going. It is going to the boardrooms of the largest oil companies in America.

This administration and this Congress are mute. They definitely do not want to rock the boat when it comes to their friends in these big oil companies. Instead, the only response from the administration is a plea by the Secretary of Energy for a campaign to conserve energy. Well, that is a good thing. But should not the administration also be there to protect consumers and to punish profiteers in addition to preaching conservation?

This is what the President said:

> We can all pitch in . . . by being better conservers of energy.

Here are some suggestions: Drive less, replace traditional light bulbs with more efficient light bulbs, keep your car well maintained, and your tires properly inflated, and seal leaky windows and doors; all very nice and practical suggestions. But would it not be nice if these practical ideas of conservation were accompanied by some effort by this administration to hold the oil companies responsible for profiteering at the expense of American consumers? Not a word.

I strongly support conservation efforts. Changes in that way can make a significant difference and save Americans millions of dollars. But President Bush's plea for conservation is like putting a gallon of gas in a Hummer and expecting to drive 50 miles.

While small conservation steps will help manage the current energy crisis, we need a broader policy change that includes a long-term commitment to expanding and diversifying energy sources. We have to expand the use and access to alternative fuels, create a more efficient transportation sector, increase the efficiency of our homes, and promote conservation. We need energy policies that place national interests before corporate interests, that put the well-being of the American family before energy CEOs, and make investments to strengthen America's energy security, instead of providing tax cuts to make America's wealthiest individuals and corporations even wealthier.

This administration will not consider such measures, and in many cases they blatantly rejected them. Before the recent call for conservation, the Bush administration had done virtually nothing to develop long-term energy solutions and promote efficiency and conservation. While President Bush now calls for conservation, his own Department of Energy quietly helped prevent advancements on new building efficiency standards for insulation, standards that would have increased efficiency in new homes, saving billions of dollars in energy costs for Americans over the next few decades.

The other thing we have to do, as a fundamental policy when it comes to energy in policy, is to focus on the fuel efficiency of the cars and trucks we drive. When we faced the oil crisis in the 1970s, we understood we were driving cars and trucks that were not adequately fuel efficient. The fleet average of fuel economy for cars and trucks across America was about 14 miles a gallon. So Congress knew there were

two ways to push the automobile manufacturers toward more fuel-efficient cars. One was if the price of gasoline went up dramatically, people would make the decision on their own they needed a more fuel-efficient car, but of course that involved a lot of economic pain in the process. The other was to establish federally mandated standards for fuel efficiency for cars and trucks in America.

So what was the response of the Big Three in Detroit when we said in 1975 that they should double the fuel economy of cars and trucks in America from 14 miles a gallon to 28 miles a gallon over 10 years? They said as follows: It is technologically impossible; the cars and trucks that we build will be so unsafe you will regret the decision pushing for more fuel efficiency, and this will definitely drive more imports into America because the Japanese and others will focus on making those more fuel-efficient cars.

Thank goodness Congress rejected those three arguments by the automobile manufacturers and in 1975 imposed the CAFE standards. As a result, 10 years later, the average fuel efficiency had doubled in the United States. All of the ominous warnings from Detroit notwithstanding, we as a nation did the right thing. The one wrong thing we did was to carve out an exemption for trucks. It turned out that exemption was so broadly worded that they drove the big old Hummers and SUVs right into it as they were exempt from the highest standards.

And what happened next? America got this voracious appetite for these huge hunks of metal on the highway which burn up the gasoline as fast as the tank can be filled, and we watched the average fuel efficiency in 1985 go down from 28 miles a gallon to about 21 miles a gallon today. We have gone in the wrong direction. We are burning more gasoline for the same miles that we drove in 1985.

What have we done in Congress since then to establish new CAFE standards for America's cars and trucks? Absolutely nothing. When I called for an amendment in the Energy bill debate to establish national CAFE fuel efficiency standards over the next 10 years, improving fuel efficiency by 1 mile a gallon each year for 10 years, the amendment was defeated, with only 28 Senators supporting it. Americans I have run into, and certainly people in my home State of Illinois, shake their head when they are told that story. They ask, what are these Senators thinking? Why would we not move as a national policy toward more fuel-efficient vehicles?

Well, the automobile dealers have realized that. They have car lots full of SUVs and heavy trucks that consumers are walking right by, saying, well, what is the fuel efficiency of that car? How many miles per gallon on that truck? They are asking the hard questions now because gasoline prices are going up. I think it is time to return to this debate on CAFE and to put honest fuel efficiency standards on the books in America, to demand that those in Detroit and others take into consideration the fact that we need to lessen our dependence on foreign oil and we need to give consumers an opportunity.

Earlier this year my wife and I were considering buying a car. We wanted an American car. My wife drives it more than I do. She takes it on the highway so we wanted a larger car, but we did not want an SUV. Try to find that highway-type car made in America that is fuel efficient. We finally found one, the Ford Escape hybrid. We bought one. How many were made in the United States this year? Only 20,000. There is a long waiting list for people to buy these cars. Ford says they hope in years to come they will start producing more of them.

Meanwhile, Japanese automobile manufacturers are making these hybrid cars and selling them as fast as they make them. It is a shame again that Detroit was asleep at the switch and they did not see this coming. They tend to react a little too late and, sadly, that is one of the reasons they face the financial difficulties they do.

While increasing efficiency of our vehicles is no longer an option, it is a necessity. Consumers are demanding better fuel efficiency, and unfortunately American auto companies are realizing a little too late that they did not think ahead.

In the past month, General Motors witnessed a 24-percent decline in sales over the same month last year. Ford sales were down 20 percent, while U.S. sales of Japanese automobiles increased 10 to 12 percent. Sales of hybrid vehicles soared. In the past month, Honda Civic hybrid sales increased 37 percent. So while the Senate does not get it when it comes to fuel efficiency and fuel economy of cars, consumers get it and they are saying with their checkbooks and credit cards they are going to buy the vehicles that make more sense.

I believe American ingenuity can meet this test, can produce the cars and trucks we need to keep our economy moving forward with safe cars that are much more fuel efficient.

We also need to invest in the production of alternative fuels and provide incentives for their use. We need to break the stranglehold of big oil, open the market to real competition, and give American consumers real energy choices. Ford recently announced more production of its dual fuel vehicles. That is good news, but we know there is only a small number of vehicles on the road that actually use these alternative fuels. The gas-saving potential of these vehicles is largely wasted. We should be promoting the actual use of alternative fuels that can reap the benefits of new gas-saving technologies.

The fact that we included language in the Energy bill to increase ethanol production and biodiesel is all good, but it is only a small part of the battle. We need to make sure that ethanol reaches the market and that there are cars equipped for E–85 and ethanol compliance so consumers can take advantage of the benefits of their homegrown fuel.

America has 3 percent of the world's known oil reserves. We use 25 percent of the world's oil. We can never, ever drill our way out of this challenge. There is no way we can find energy independence by drilling away in the pristine areas that have been protected around America, including the Arctic National Wildlife Refuge. It is a sad indictment on this administration and this Congress that instead of accepting the challenge of conservation and fuel efficiency, instead of asking for sacrifice and a dedicated commitment from the automobile companies as well as American consumers, we are going to run willy-nilly into a national wildlife reserve that was created by President Eisenhower over 50 years ago and say the only way we can meet our needs is to start drilling away for oil, the environment be damned.

The big oil companies and many of my colleagues want to open this Arctic National Wildlife Refuge. I have been there. It would be a tragic mistake. Sadly, if we do it, over 20 years it will produce less than 1 year's worth of oil supply for the United States. This is not the answer to our prayers. In fact, we should be condemned for turning our back on this great piece of America that we are willing to exploit because of our own bad energy policies. Instead of destroying this national habitat, we should think strategically and creatively to find new ways to meet our future energy needs.

America can do better, and when it comes to our energy policy it is clear we are missing the responsibility that Members of Congress should share. We need to protect America's consumers. We need to punish the profiteers and we need to promote, on a national scale, efficiency, conservation and alternative fuels. America can only do better with leadership and a clear energy policy and a plan. We have to look beyond the quarterly profits of the big oil companies and the clout they have on Capitol Hill and remember that we are serving the public, voters across America, who have to face every single day these skyrocketing gasoline prices and the prospects of a very cold and expensive winter.

I believe in American creativity and innovation, and I know that together we can create a better future for our country.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, it is very interesting to hear this speech on energy. There were a couple of things my colleague from Illinois said that I agree with. No. 1, energy prices are a real problem. No. 2, LIHEAP needs to

be reviewed by the appropriate Labor-HHS appropriations subcommittee. No. 3, the good things we are doing in ethanol and biodiesel need to continue. No. 4, maybe he did not say it on the floor, but he and I both agree on the St. Louis Cardinals. That is about the extent of the things I could find on which we agree.

Let me go through a few of them. First, all of us are paying more at the gasoline pump. This is having a conservation impact. People are driving less. Everybody is thinking about how they can take fewer trips. Certainly we are in our family. I believe the statistics show that people are conserving more. Talk about turning back your heat during the winter, we are one of those families—I think it is 57 percent of the families in the United States—who heat with natural gas. That thermostat is not going to go down a couple of degrees; it is going to go down more than that. We are going to be pulling out the sweaters.

There are some people who cannot do anything about it. There are workers who have to travel on jobs. There are small businesses that are trying to keep their businesses going. There are famers who have to keep up with those prices. This is a real concern for our economy. For small businesses that will be hit by increased costs of energy for operating their business, my colleague seems to want to add a minimum wage increase. When your margins are being squeezed by energy costs, what happens if the minimum wage goes up? Those young people, the people just starting out in the business, the people who might be getting minimum wage—and it is down around 6 percent of workers these days—are probably going to be the ones let go. The people who need to get a start in the process, who need to get a job, are the ones who are going to lose their jobs because the minimum wage is going to put a further squeeze on the profits of small businesses. To see a requirement that they pay a higher cost for entry-level workers is either going to eliminate existing jobs or certainly stifle the creation of new jobs.

For those people on minimum wage, for those families, we have the earned-income tax credit; we have all forms of assistance and this is proper. We need to help those people get started because a significant number, an overwhelming number of those starting with the minimum wage get a 10-percent increase at the end of the first year. They have to learn to work, and that is how they get started.

Let's go back to the problems we have with energy. We have real problems in energy that came about even before Katrina and Rita hit our refineries and hit the gulf coast. We concentrated our petroleum production mainly in the gulf coast region around Texas and Louisiana. Why? Because too many people said, No, you can't drill here. In other places where we have oil and gas, they are being prohibited from drilling. People say we can't drill for natural gas off the coast, and I say, Why not? We have to do so in an environmentally sound manner. We have to protect the environment. But siting a natural gas rig 15 miles out in the sea, if it is done in an environmentally sound way, is not threatening the way of life of people along our coast.

The occupant of the chair and I happen to come from a State where we mine a lot of lead. Lead mining is environmentally difficult. Everybody knows the problems lead can cause, but lead is absolutely critical in many of the goods we produce, computers, and other things. So we produce much of the lead in the United States because we have 90 percent of the lead that exists in the United States. I have told some of my friends who do not want to drill for natural gas in their States or off their shores, we in Missouri would be happy to trade you our lead for your natural gas. You can mine for the lead and we will be happy to pump the natural gas. Natural resources have to be developed where they are found.

Ten years ago, we passed a bill authorizing the opening up of that small portion, and only a fraction of that small portion, set aside in the Arctic National Wildlife Refuge for the development of natural resources. When ANWR was set up, there was a portion set aside specifically for the development of natural resources. To the west of there in Prudhoe Bay, they are producing oil in substantial amounts. The best estimates we have heard is that if we had gone ahead, if the President 10 years ago had not vetoed the opening up of ANWR, we would be getting over 900,000 barrels of oil a day from the ANWR. That is not going to solve all of our problems, but it is certainly a start. Regrettably, it is a lot more than even our farmers can produce in terms of ethanol and biodiesel.

We need to pursue every area. That includes conservation. That includes new sources. That includes developing additional resources that we have in the United States. Right now, because we are busily engaged in a bill that primarily doesn't have anything to do with energy—and I remind my colleagues this is the TTHUD appropriations bill. We are talking about appropriations for Treasury, Transportation, Housing, and Urban Development. My colleague and I are looking forward to having amendments on that bill and also the Judiciary and related agencies.

There is a hearing going on in the Environment and Public Works Committee, and I would love to be there because the chairman has proposed a bill to fast-track permitting for refineries. It can take up to 20 years to get a refinery built. It is too costly. Our refinery capacity for petroleum products has been stretched to the limit. When Katrina and Rita knocked out those facilities, we found ourselves in a terrible shortage. We need to streamline the process, go through all the steps but do so in an orderly manner so we can bring more refineries online in an efficient and environmentally friendly way.

Incidentally, what we need to do in that fast-track permit is to fast-track permitting of coal liquefaction and coal gasification. We are sitting on a 250-year supply of energy in the form of coal. We are the Saudi Arabia of coal. Coal has been a problem because, when you burn it as we have in the past, it produces sulfur, nitrous oxides, carbon, and mercury. But the coal we have in the Midwest, while it is high in sulfur, is high in Btu, and it can be turned into gas or turned into diesel fuel or aviation fuel in a way that removes almost all, if not all, of the pollutants.

We need to get coal refineries putting online plants to replace the natural gas that is being burned in utility boilers. Wasting natural gas in utility boilers has come home to roost. Twenty-five years ago, I heard Glenn Seaborg, a Nobel Prize winner, talking about energy. He said there are some people who want to burn natural gas in combustion boilers to produce energy. He said using natural gas for that purpose is similar to taking your most prized piece of antique furniture and throwing it in the fireplace to keep you warm. That is a bad use.

But environmental policies without considering energy impacts forced most of the new electric generating plants in the last decade to come online on natural gas. All those who are heating with natural gas are paying the price now. We can get a replacement for that natural gas by using gasified coal, but we need to do so pretty darned quick.

We need to open up areas for the production of natural gas. One of the things we should remember is that the natural gas problem, the crisis we face, is not only brought about by constriction and restriction on the ability to produce the natural gas that exists off our coasts, in our Federal land, in the resource-producing areas set aside when ANWR was developed, but we are also facing a natural gas crisis because we have forced utility companies to burn natural gas to produce electricity. We need to be smarter and replace that natural gas with coal gas.

We also have had hysteria over nuclear power. Nuclear power is the most environmentally friendly, cheapest way to produce electricity. Thanks to the Energy bill we passed, we are moving ahead to develop new nuclear power. Our nuclear power facilities are getting old. There has never been a death; they are the safest means of energy production we have. Look at France, not an area we normally cite as an example, but 80 percent of their electricity is generated by nuclear. We need to go back to development of the new style, safe nuclear powerplants, and bring them online as quickly as we can.

My colleague had some interesting ideas. I am not surprised the leadership

of the other party would come forth with taxes and windfall profits and ideas such as that, that might sound good, unless you study economics. Then you wonder, when was it that we passed a law making profits illegal? We do have laws. We have laws against restraint of trade. We have laws against price fixing, that say you cannot gain a profit by agreeing with your competitor to fix prices. We have unfair competition laws on the books at the FTC, and many States do, about price gouging. But profits, No. 1, are taxed and, No. 2, are supposed to be providing the investment we make in the new facilities, for example to produce more oil and gas and coal, to refine it and to deliver it to market.

Profiteering—I am not exactly sure at what level making a profit is improper or illegal. I have spent a lot of time as a lawyer on legal cases coming out many years ago on the windfall profits tax, and I found for law firms, litigating windfall profits is a multiyear endeavor with more funds expended on lawyers than recovered. It is not an easy process and not one for which I would argue.

Also, the suggestion has been made that we ought to establish higher CAFE standards. We have had that debate. We have had that debate a number of times. If I remember correctly, a bipartisan majority got behind something called the Bond-Levin or the Levin-Bond amendment, which said we need to increase our fuel efficiency standards, but we should not make the same mistakes we made originally. Yes, when we passed CAFE standards, one of the ways the CAFE standards were met were car companies building lighter weight cars, 1,000 or 2,000 pounds lighter. The National Highway Traffic Safety Administration has said between 1,600 and 2,000 people a year are killed on the highways solely because of the lighter cars.

Yes, more cars are being imported, consumers are seeing more cars coming in from abroad, and they are demanding more fuel-efficient cars, such as hybrid cars, and that is good. But we passed a law mandating the NHTSA to increase the fuel standards as rapidly as technology will permit them to increase those standards without endangering the lives of the passengers by making lighter weight vehicles. So we do have an agency looking out for safety, looking out for the technical advances. Technology has already warranted their increasing the fuel mileage on light trucks and other autos.

If you want to, I guess my colleagues on the other side could come out and pass a law banning hybrids, saying you cannot buy an SUV, you can't buy a small truck. Maybe you would have to get a permit if you were a farmer. That is the way they did it in the Soviet Union. You only got a truck if the government decided you needed a truck. I am not sure we want to go down that path, saying we are going to tell you what kind of truck you can have, and if you have a large family and want to be able to transport them to school, to church, to health care, to see other family members, the Government is going to decide how big a car or how big an SUV you can have. If they want to debate that I would be happy to do that. But as long as we are selling cars and trucks that consumers want, I think pushing the technology as fast as we can is a responsible way to get there.

Yes, I also agree we ought to consider LIHEAP increases to help low-income seniors. That is good. We need to push ethanol and biodiesel. The occupant of the chair was successful in getting the amendment adopted that mandated 7.5 billion gallons of renewable fuels be used by 2012. All of these things are important. I believe we must get a good refinery bill fast-tracking refineries.

In the meantime, as we think about all these energy problems, I hope my colleagues will come forward with their amendments to this bill, as I mentioned a long time ago, the Treasury, Transportation, Housing and Urban Development and Judiciary.

Let us see if we can't get some amendments on this bill and move forward with that.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Illinois.

Mr. DURBIN. Mr. President, let me first commend my colleague from Missouri.

For those who are witnessing this, it is becoming dangerously close to real debate on the floor of the Senate. This is history in the making. It almost never happens that two Senators who disagree on an issue will stand and argue their point of view back and forth. One of the reasons I wanted to run for this body was because I could come over here and engage in debate. I certainly respect the Senator from Missouri. We have much different views on energy, and I think he has articulated his point of view as clearly as one could hope for with a moment's notice. He didn't know I was coming to the floor to talk about energy. He did an excellent job.

I would like to clarify a few things. The first point is this: It was the wisdom of our Founding Fathers which said that every State in the Union would have two Senators, which means the State of Missouri has two Senators and the State of Illinois has two Senators. I wish the very best for the St. Louis Cardinals, and I am certain that the two Missouri Senators are rooting every moment of every day for their victory. But this Senator from Illinois is backing an Illinois baseball team known as the Chicago White Sox. They were successful in winning the American League pennant. I hope they go all the way in the World Series. Despite my boyhood roots, I am rooting for the Illinois baseball team. I had better say that clearly on the record or I can't go home.

The second thing I say is when it comes to energy, I listened carefully to what the Senator from Missouri had to say. In virtually every instance, he suggested there were ways to find new and better and larger sources of energy to take care of our problem. I listened closely for any suggestion from him that we should have conservation and efficiency as part of a national energy policy. If he said it, I missed it.

I think it is a critical part, because we have to understand that the conservation of energy means not only that we reduce the costs for families and businesses to provide the same level of goods and services, we also reduce the pollution that is a product of burning energy across America. It is a ''two-fer.'' If you believe we can keep finding new energy sources, whether it is oil in a national wildlife refuge up in Alaska or drilling off some of the coasts where Governors—both Democrats and Republicans—have said we do not accept that as something we want as part of our State's economy, if you keep looking for these new energy sources, you are ignoring the obvious. And the obvious is that fuel efficiency and fuel conservation should be part of what we do in America. We have learned that over the years. We haven't compromised our lifestyle while we found more fuel efficiency in so many different areas of our life every part of every day.

I will concede that the Senator from Missouri did join the Senator from Michigan in putting together an amendment that at least mentioned the words ''fuel efficiency'' and ''conservation'' in the last Energy bill. But I have to say in all fairness that is all it did. It didn't put any requirement on the automobile manufacturers to make more efficient cars and trucks across America.

Every time you talk about CAFE standards and fuel efficiency, we get a history lesson about what the Soviet Government was all about—top-down government, mandating these policies, forcing rugged individuals who would like to go their own way to march in close rank and march in line.

I have to say I view this a lot differently. Left to their own devices, the major automobile manufacturers in America made hundreds of thousands of cars and trucks which Americans don't want to buy. They are now crowding our lots with heavy trucks and SUVs, and Americans are walking right past them. Instead, we should have thought long ago about establishing standards that would give consumers a choice in America.

Why is America coming in second when it comes to automotive technology? When it came to hybrids, the Japanese automobile manufacturers, Honda and Toyota, got the jump on the United States. Are they smarter than we are? I don't think so. Many of their engineers and research scientists went to school in the United States and went back to their countries to build the cars and trucks Americans wanted to buy. For some reason, Detroit is always a little behind the curve, and in

this situation, it is dangerous because they are so far from profitability and they have such dramatic costs that they made a terrible calculation by sticking with these heavy vehicles as the price of fuel and energy went up across America. I don't think it is the heavy hand of Government. I think it is good public policy for us to move forward on a policy for CAFE standards that increases fuel efficiency. The argument that that means unsafe cars I don't accept. I happen to believe that in an era of new technologies for safety and otherwise, there are ways to improve the cars and trucks we drive in terms of safety without compromising fuel efficiency.

There are things we can do—creative approaches already recognized by the scientific agencies in Washington—that could be part of cars and trucks in the future. They are not, and they should be. For us to move forward on that as a national policy is to reduce our dependence on foreign oil. If you believe, as I do, that is a worthy national goal, then conservation and fuel efficiency have to be part of it.

The second issue which I raise, and which the Senator from Missouri mentioned, was a bill that could come before us soon, already having passed the House, that would suggest that in order to have the oil we need in America, in order to expand oil refinery capacity, we have to waive the pollution rules when it comes to air pollution and water pollution, and we have to waive the environmental standards refineries have been held to in America. The argument is, if you do not waive these environmental standards, we will not have enough gasoline, and you will have to pay more. It is a classic ''your money or your life'' argument, because these environmental and pollution standards are there for a purpose.

I invite my colleague from Missouri and all of my friends to visit any classroom of any school in America and ask the following question: How many students in this classroom know someone who has asthma? Watch the hands go up. Do you know why? Because across America these lung problems that air pollution has some relation to are becoming epidemic. Visit a major hospital in St. Louis or Chicago—a children's hospital in particular—and ask in the emergency room what the No. 1 diagnosis is of children brought into their emergency room. I can virtually guarantee it is going to be asthma. What are we going to do? We are being asked to waive the air pollution standards for certain industries and for refineries so we can get cheaper gasoline while we breathe dirtier air. What a terrific bargain for America. Is that as good as it gets with this administration? They cannot meet the energy needs of America without asking us to compromise our public health, to compromise the safety and quality of water that we drink, to compromise environmental standards that have been established for years.

This morning, a major company from Illinois—I spoke to one of their representatives—said several years ago under the Clinton administration they agreed to a reformulation of diesel fuel in America, a long-term project that would make diesel fuel cleaner in America. Do you know what diesel fuel looks like, or used to look like as it came with billowing smoke out of the tailpipes of cars and trucks? They want to move to the point where it is much cleaner. Years ago, we made a commitment as a nation to move to reformulating diesel so it is cleaner for America.

One of the bills before the Congress today waives that reformulation requirement after 6 years of investment in cleaner diesel fuel and cleaner diesel engines. This administration says we have to abandon that, go back to more air pollution from diesel use in order to have cheaper gasoline we can buy across America. What a tradeoff, what an abdication of leadership. America can certainly do better than that.

To have this administration tell us that the only answer to affordable energy is to compromise the public health and to put up with more air and water pollution is a completely unacceptable alternative. I wouldn't want to go to the Senator from the State of Florida, who is in the chair, and tell him that the Federal Government is going to mandate drilling off the coast of Florida. I can tell you that the Governor of Florida, who happens to share the same last name as the President, doesn't think that is a very good idea.

For the suggestion that may have been made here that we need to start moving and burning and drilling off the States that don't want oil drilling and gas drilling off their coasts is a major move by this administration.

Again, you have to ask the basic question: Why would we do anything that radical from Washington to deal with energy before we even discuss the possibility of conservation and fuel efficiency of the cars and trucks we drive? I think we have to accept responsibility. It isn't just a question of answering every challenge in America by saying, party on, you know we are going to find some more energy for you, just keep using it up, don't pay any attention until tomorrow. I think America understands, and our younger people understand better, that we need a serious energy policy that challenges every single one of us as consumers not only to turn down the thermostat, but be smarter in the cars and trucks we buy, challenge the manufacturers in Detroit to produce cars and trucks that are mindful of energy needs across America and the increasing costs of that energy to families and our economy. We need a government with the leadership that is responsive to this national challenge.

The last Energy bill didn't do it. The ink was hardly dry in August until the Members of the Senate said we had better get back and write a new energy bill.

For goodness sakes, that is the greatest single condemnation of the substance of that bill I can think of. We all know it is true. That last energy bill didn't do it. In a few isolated areas, as I mentioned earlier, it is a good bill. But, by and large, it didn't address the fundamental problem facing us today and for years to come.

The last point I will make is this: America's most serious competition in the world today comes from one country, China. China right now is mushrooming in growth. They are building new industries right and left. If you walk into a Wal-Mart to buy a product, you are walking into the largest importer of Chinese goods in America, Wal-Mart selling all across the United States. The obvious question is this: What is China doing about its energy needs? First, it is doing something we are not doing. It is imposing higher fuel efficiency standards on its cars and trucks than we do in America. The Chinese are thinking ahead. They understand that inefficient cars and trucks are not part of a bright energy future.

The second thing they are doing is fighting us tooth and nail in every site around the world where energy can be purchased. They are now our competition for the purchase of energy. Twenty years ago, we didn't even think about it. They did not have an economy that used that much energy. They weren't producing goods and services. That world has changed.

Now, as we continue to be dependent on foreign oil, we are going to have to continue to fight the Chinese and others for affordable fuel. That is the reality of global competition.

Does it make sense for us now to take a step back and say as a national energy policy we ought to figure out ways to keep the American economy moving, businesses thriving, and jobs being created, but also build into that energy conservation and efficiency?

That to me is so obvious. Every time I bring it up in a town meeting in Illinois, people shake their heads and say, You are honestly debating that in Washington; it seems so obvious. We are debating it. So far I have lost that debate. But as energy prices go up and people realize that the energy policy of this administration has failed, I hope we revisit this important issue.

I yield the floor.

Mr. BOND. Mr. President, I had not intended to extend this wonderful discussion because we were trying to get amendments on the Treasury, Transportation, Housing and Urban Development, and Judiciary bill. I invite people to come down and offer amendments. However, since my colleague and neighbor brought it up, I thought I might mention a few things.

No. 1, while he might want to root for the White Sox in the World Series, I was hoping he would not neglect and disregard and disrespect all of our wonderful Illinois neighbors who live in the southern part of the State who are St.

Louis Cardinal fans. It is with a heavy heart that I tell the people of southern Illinois that the Cardinal fans have been ''dissed'' by my colleague from across the river.

I wouldn't normally do that, but since he misquoted what I said, I thought I might as well take the same liberties and misquote what he had to say.

First, right there at the end I thought we were almost opening a new front in this debate. Wal-Mart bashing; oh, that is a great liberal sport these days, bashing Wal-Mart. I saw just the hint of Wal-Mart bashing. But I am sorry, I didn't mean to attribute that to my colleague. He walked away from it. So we are not into Wal-Mart bashing. But he did say I wasn't interested in conservation or energy efficiency. Perhaps the reason he didn't vote for the Bond-Levin or Levin-Bond amendments to conserve energy and assure energy efficiency is he didn't understand that we ordered the scientists at the National Highway Traffic Safety Administration to find the new technologies and require that fuel efficiency improvements be made as technological advances go forward.

That is the whole idea.

How about letting the scientists say what technology actually works? It is a lot more fun on the stump making a political speech saying we are going to double the mileage—and, by the way, forget about it if the lighter cars do kill more people. The National Highway Traffic Safety Administration has produced those figures: the lighter cars have been killing more people.

The third thing he said was we are going to waive all the environmental rules. We have had continually improving air quality in this country. We are making progress, and we are continuing to make progress. That is extremely important.

Are we going to get rid of the standards? No. How about getting the number of processes? One refinery had 800 different permitting processes to go through. How many different permitting processes do you have to go through? We need to hold these refineries or other new facilities to the standards we are setting to make air cleaner. When government bureaucracy and lawsuits tell them how to build and how to operate the facilities, we get tremendous waste. This is why I am talking about economics. Economics is bringing about conservation, as is the National Highway Traffic Safety Administration, as are other conservation measures—new appliances with conservation standards.

Each one of us has the ability, in responding to the marketplace as to the price of energy, to make wise decisions about energy usage. The market does work.

If my colleague wants to have an allocation system to tell the American public what kind of cars and trucks they can buy and dictate what cars, trucks, and SUVs can be made by auto manufacturers, let's have that debate. In the meantime, let us all concede that the auto companies may have missed the mood. They may have made mistakes. They are paying for those mistakes in misjudging the market. But I would rather have the private sector taking the hit because they are in it for the profit motive, and they can afford it, rather than have the government make those decisions which cost jobs, which cost our economy.

I am hoping a Member will have an additional amendment. I will look for that.

I do not intend to answer my colleague from Illinois any further other than to say that if he cites my position, I will probably disagree with his characterization of my position. But we will have this debate perhaps again when we have an honest to goodness Energy bill, maybe one that fast-tracks refineries that would get us the oil, diesel, aviation fuel, and the coal gas we need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois, from the southern part of Illinois.

Mr. DURBIN. I am from all of Illinois.

The Presiding Officer must face the same thing in the State of Florida with your loyalties for sports teams. You cannot win in the State of Illinois. No matter where you go you will run into opposition—whether a Cardinals, Cubs, or White Sox fan.

I think we have made that issue. At least my position on that issue is clear as we can.

I say in closing, and I certainly invite the Senator from Missouri to respond, we ought to ask ourselves the basic question: If you have a business in America that is unsuccessful, and the business has a loss in one given year, we provide in our Tax Code that business can carry that loss forward from the year that it was experienced, so next year's profits can be reduced accordingly. Your tax liability is reduced accordingly. It is a carry-forward provision for business losses.

It seems to me consistent to say that those corporations which have extraordinary profit taking—as we see with these major oil companies—would be subject to additional taxes.

I am sure the Senator from Missouri disagrees with me. But we have now seen virtually—I am trying to figure the calculation—roughly 30 percent increase in profits for the major oil companies in the United States of America, over the last 6 months, over last year. Last year was a big year for them. Last year, in the same 6-month period, they had about $39 billion in profits. This was with $40-a-barrel oil. This year it is up 30 percent over last year's profits.

Why? We know why. When we go to the gas station, we know why. The price at the pump has gone up dramatically.

The Senator from Missouri thinks this is holy ground, that we should not touch that money: My goodness, these people were brave enough and creative enough and entrepreneurial enough to raise gasoline prices, and we ought to accept that as the reality of capitalism.

But the Tax Code says even if you are profitable you pay taxes. My position is that if you have these windfall profits at the expense of our economy and families and businesses you should face a windfall profits tax. The money should come back to consumers. The money should come back to fund the LIHEAP program. The money should come back to create an incentive for automobile manufacturers to make fuel-efficient cars. I don't think that is an unreasonable position to take.

If the oil companies know that every dollar they make in profits by raising the price of gasoline at the pump is subject to a 50-percent tax, maybe they will slow down a little bit. Maybe they will not raise the prices as high next time. Wouldn't that be nice if there was some disincentive for these prices being skyrocketed and kited on the average family and business? I don't think it is unreasonable. When we consider the alternatives we are facing in this town right now, it makes a lot of sense.

We have arguments being made now that to pay for Hurricane Katrina we have to cut basic programs in this country for the most vulnerable Americans. The idea of cutting food stamps and health care for the poorest people in our country in order to pay for the victims of Hurricane Katrina strikes me as unfair to the nth degree. Why in the world would we help the poor people of Katrina by hurting other poor people in America and look the other way when it comes to the profits of oil companies?

For goodness' sake, a windfall profit tax I have proposed could generate about $40 billion. That is a big chunk of the $60 billion we have heard appropriated for Hurricane Katrina.

Is it unreasonable that these oil companies would help to pay for the greatest natural disaster in modern memory? At least something good would come of it, and we would not be cutting the programs and the basic policies that help the most vulnerable people in America.

I didn't mean to try to get the last word in. I wanted to give the Senator from Missouri that opportunity, but because he is chairman of the subcommittee it means he will ultimately have the last word on this bill and anything else that comes before the Senate.

## AVIAN FLU

Mr. DURBIN. Mr. President, there is another issue which is timely, one that is growing in interest and intensity across America; that is, the challenge of avian flu. Public health officials have been worrying about this for the last several years. But an avian flu epidemic is not yesterday's news. Sadly, it

may be tomorrow's news. It is our duty to prepare for it today.

Poultry have been susceptible to various strains of avian flu for a long time. Public health officials started to get worried when avian flu was noted in Indonesia, Romania, and other countries as well. This form of flu may be transferrable to humans. That is what is being monitored very carefully.

Unfortunately, humans do not have a natural resistance to this form of the flu. Remember that in previous flu epidemics they usually warned that the people who needed flu shots would be children, the elderly, and people in a compromised health situation. They are the most vulnerable for most ordinary flu strains.

In this particular case, everyone is vulnerable. None of us have a built-in resistance. It is unlike a typical flu that makes you feel bad for a few days and then you are back up and going strong. This, sadly, attacks fast and hard and kills. Over half of the people who have been diagnosed with avian flu around the world perished because of that exposure.

Last week we learned the virus is not just in Asia, but it has been found in Turkey and Romania. Romanian officials reacted quickly and believe they have done what needs to be done to eradicate the spread of flu in their area.

But Romania's Danube Delta is one of Europe's largest bird reserves. Hundreds of thousands of migratory birds are expected to arrive in the coming days. It is possible, maybe likely, that some of these birds will be carriers of avian flu.

If this H5N1 flu mutates into a form that transmits easily from person to person, we have been told to expect the worldwide pandemic that could kill tens of millions of people.

Dr. Andrew Pavia of the Infectious Disease Society of America said:

> We may sound like we are hyperventilating, but in our heart of hearts we know this is a serious possibility.

That is why we added $3.9 billion to the Defense appropriations bill. If we are going to prepare for a pandemic of avian flu, we cannot wait. We have to start now.

That is why I join my colleague from Illinois, Senator BARACK OBAMA, as well as Senator HARRY REID of Nevada, and many others in introducing the Pandemic Preparedness and Response Act, which lays out the necessary steps to prepare this country for the flu. It would take immediate steps to improve surveillance of this infectious disease so we can track it around the world and begin to contain it immediately.

Second, it expands current research and development at the National Institutes of Health to exhaust the possibilities for developing effective vaccines and antiviral drugs.

Third, it creates a Director of Pandemic Preparedness in the Executive Office of the President. The Director will oversee the response of States and all involved Federal agencies so that we coordinate what we do, that we are organized, and we set out to save as many lives as possible. We do not want the response of Hurricane Katrina to be repeated if we face this avian influenza.

Avian influence is not a new thing, but it is not yesterday's news. An avian flu that develops into a pandemic flu is virtually certain to be tomorrow's news. Let's enact the pandemic preparedness legislation and move immediately, today, before this Senate goes home, to prepare for this possible.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KENNEDY. What is the pending business?

The PRESIDING OFFICER. The Kennedy amendment is the pending amendment.

AMENDMENT NO. 2063, AS MODIFIED

Mr. KENNEDY. Mr. President, I send to the desk a modification and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2063), as modified, is as follows:

At the appropriate place, insert the following:

**SEC. ____. MINIMUM WAGE.**

(a) INCREASE IN THE MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.70 an hour, beginning 6 months after the date of enactment of the Fair Minimum Wage Act of 2005;

''(B) $6.25 an hour, beginning 12 months after that 60th day; and

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

Mr. KENNEDY. Mr. President, I thank the Chair.

This is a modification of our amendment which was to raise the minimum wage to $7.25. It seemed to me that in an attempt to try to find some common ground with our friends on the other side, we would modify this amendment to reflect what had been the position of the Republican side the last time we had the debate on the increase in the minimum wage and that was $1.10.

There were other provisions in the Santorum amendment, but the overall figure that was included in the alternative amendment to my last amendment was $1.10. That is what this amendment effectively does. It says that in 6 months after enactment, we would have an increase in the minimum wage of 55 cents and then a year after another 55 cents. That would be the way it would be phased in over this period of time.

I will not take a great deal of time again on the Senate floor to urge the consideration of the increase in the minimum wage. It has been 9 years. We have increased our own salaries some six times in that 9-year period. We have not increased the minimum wage. We know the total number of children who have fallen into poverty, the total number of families who have fallen into poverty, some 5 million Americans—5 million Americans have fallen into poverty during the Bush Administration. And we saw at the time of the Katrina tragedy the fact that so many of our fellow citizens have been left out and left behind, lost opportunity, and certainly lost income.

As I have mentioned many times, the minimum wage applies to men and women of dignity. These are men and women who work hard, who try to do a job, try to take care of their children. More often than not, the minimum wage worker has two or even three jobs, and rarely has a chance to spend much time with their family. They are men and women of dignity. They are the men and women who clean the great buildings of American commerce. They are helpers to schoolteachers in the school districts around the country. They work in our nursing homes to look after our senior citizens who have in so many instances sacrificed to permit their children to have a better and a happier future. Now minimum wage workers are looking after our seniors who have done so much to make this country the great Nation that it is. So this is about men and women of dignity. That is the most important point. They should not be held back and should not be held down.

We have seen that this has very substantial support, as it should. It has support in blue States and in red States. It is reflected in votes in Florida and also out West in Nevada in these last elections by a very substantial margin.

This is basically a women's issue because 60 percent of those who would benefit from a minimum wage increase are women. More than one-third of those women have children. So it is a children's issue. It is a family issue. An increase in the minimum wage is a family issue. It is a children's issue. It is a women's issue. It is a civil rights issue because so many of the men and women who receive the minimum wage are men and women of color.

Most of all, it is a fairness issue. If there is one thing the American people understand it is fairness. The American people believe that anyone who works 40 hours a week, 52 weeks of the year, should not have to live in poverty. This very small step is to try to address the needs and the well-being of these families. That is what this debate is really all about.

As I have pointed out at other times, this has been bipartisan. I was here when President Ford supported an increase in the minimum wage. I was

here when President Bush 1 supported an increase in the minimum wage. I have been here when we have had bipartisan support for this effort. This is an attempt now to basically move, as our amendment did, from $5.15 to $7.25, increase it 70 cents a year over a 3-year period to effectively cut that in half, to try to reach out to those on the other side. Hopefully we can accept this downpayment and let me give the assurance that it is just a downpayment and move forward.

At the appropriate time, we will have a chance to go through some of the reasons for the increase. I will mention just a few now. I know some of our colleagues desire to speak at 5:15, and when they arrive I will yield the floor.

I will just review what has happened since 2001: the increased cost of gasoline; health insurance; housing up 44 percent; increase in college tuition. Basically, the increases are making it prohibitive for families to be able to own cars or be able to afford health insurance. Housing has become prohibitive, and college tuition is out of sight.

This is what has happened over the period of recent years, that more than 41 million Americans—that is 30 percent of our workforce—work more than 40 hours a week. Nearly 1 in 5 workers work more than 50 hours a week. Is that not extraordinary? When one looks at the fact of the work habits of the American workforce, 30 percent work more than 40 hours and 1 in 5 more than 50 hours. More than 7 million Americans are working 2 or more jobs, and 259,000 of them hold 2 full-time jobs. So Americans are working longer and they are working harder than any other industrial nation in the world.

Productivity has increased dramatically over the period of these last years—from 1965 up to the present time, a 115-percent increase in productivity. So we have workers working longer and harder. We have seen an explosion in productivity, but it is not reflected in any increase in the minimum wage. That is troublesome. It should be.

We have actually seen the purchasing power of the minimum wage decrease by some 31 percent. To give our colleagues some idea of what has happened to the minimum wage, we see the purchasing power of the minimum wage over the period of recent years. These are in real dollars, in 2004 dollars. It would have been close to $9 in 1965. Look how this has gradually declined to $5.15. We had proposed up to $7.25. Now it will just increase $1.10, so it will go to $6.25. This is what the issue is about, and we will have an opportunity to address it.

We have been interested in getting a vote. We understand it is germane to the legislation. We only needed 50 votes to be able to pass this. We have had that in previous votes, but we have been unable to get the consideration for it. In an attempt to move this debate on the minimum wage forward, we have made this very significant—and it is very significant—adjustment and change in this proposal. Hopefully this will result in the willingness to accept it and the beginning of the process to make sure many families will be treated more fairly and equitably in the future.

I yield the floor, and 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. SALAZAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

(The remarks of Mr. SALAZAR and Mr. BURR are printed in today's RECORD under ''Morning Business.'')

Mr. SALAZAR. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BOND. Mr. President, here it is quarter to 6 on the day after this bill has come to the floor. We have had two votes on technical amendments. We have another technical amendment we can offer. But my colleagues have filed about 40 amendments. While there are discussions going on over two different minimum wage amendments, we have set those aside in order for us to go back to work on other amendments relating to this bill. I ask on behalf of leadership on this side and my partner that Members who have amendments which they have filed to please come forward and offer those they wish to offer, or talk with us about ones that might be acceptable.

The leader said we are going to be here this week until we finish this bill. It is my hope, with the tremendous workload we have to accomplish, if we are to get out of here prior to Thanksgiving, that we move forward on this bill. We will be ready for business tomorrow morning. If Members do not come forward, my colleague and I will consider asking the bill go to third reading.

We still have time to deal with another amendment tonight if anyone wishes to come in and bring it before us. Otherwise, I would ask all our colleagues who want to pursue amendments which they have filed to come forward and do so tomorrow.

It is possible, if they will do so in an orderly manner and tell us which ones they do not wish to pursue, we could finish this tomorrow night and be ready to move on to the many other challenging pieces of legislation and appropriations measures we have to deal with.

This is an urgent request to Members on both sides who have amendments filed to come forward—staff met with us on those amendments—and let us know which ones they wish to pursue.

We are operating on a continuing resolution for all of the important agencies covered by this bill. Many of these agencies truly need the new appropriations for fiscal year 2006 in which we are operating. Some of the provisions we have in this bill will significantly improve the operation of the Federal Government.

It is going to be a very difficult bill to conference because of the different parts of it. It is going to take us several weeks to complete the conference on the bill. We cannot go to conference until this bill is passed. With any amendments that are agreed to after this, we still believe this is important for the functioning of the Federal Government and the service it provides.

There is much talk about Amtrak and what we need to do on Amtrak. Let us be clear: There are some Amtrak reforms in this bill. They do not go as far as we would hope to see in Amtrak legislation which is coming out of the Commerce Committee. It should be debated on this floor. But it will provide $1.45 billion for the operation of Amtrak and begin to reform some of the significant problems we see in Amtrak. For those who are interested in improving the operation of the passenger rail service, I hope you will join with us in moving forward to completion of this bill so we can get the Amtrak funding done and those reforms which are included in this bill. The system will work better if this measure is passed.

Similarly, for the Treasury Department, we are funding vitally needed resources to stop illicit financing of the terror trade. The Treasury has an important responsibility to do that. That is in our national interest.

We have additional funds available to make sure that the taxes already on the books and owed are collected.

Obviously, for housing, there are many important things for taking care of the needs of those who need assisted housing.

The Judiciary has important measures in it as do the other related agencies.

It is time we move forward on this bill. We reported it out of committee in July. It is now here on the floor and ready to go. We earnestly ask that our colleagues join us and offer amendments, debate them, if necessary, and we will vote on them so we can move this bill to conference and get on with the business of the Federal Government.

I thank the Chair and yield the floor.

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

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

AMENDMENT NO. 2109

Mr. BOND. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2109.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide the Judicial Branch with certain procurement authorities)

Insert the following on page 356, after line 4, and renumber accordingly:

''SEC. 408. (a) Section 604 of title 28, United States Code, is amended by adding section (4) at the end of section ''(g)'':

''(4) The Director is hereby authorized:

(A) to enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 253l of 41 U.S.C.; and

(B) to enter into contracts for multiple years for the acquisition of property and services to the same extent as executive agencies under the authority of section 254c of 41 U.S.C.; and

(C) to make advance, partial, progress or other payments under contracts for property or services to the same extent as executive agencies under the authority of section 255 of 41 U.S.C.''

(b) Section 612 of title 28, United States Code, is amended by striking the current language in section (e)(2)(B) and inserting ''such contract is in accordance with the Director's authority in section 604(g) of 28 U.S.C.; and,''

(c) The authorities granted in this Section shall expire on September 30, 2010.

Mr. BOND. Mr. President, this is an amendment to reform the judiciary's ability to procure things. It is a procurement authority. The amendment actually establishes greater parity for the judicial branch by giving it the same procurement authorities that were given to the executive branch through acquisition reform legislation in the 1990s. We found this saved money. It gives the taxpayers a better bang for their buck. They can procure over several years.

Currently, the judiciary's procurement authority is limited when compared to the executive branch. This limitation increases the cost of doing business. Specifically, these limitations are on multiyear contracting, severable services contracts, and the timing of contract payments and, thus, prevent the judicial branch from taking advantage of the best prices offered for some goods and services. As an example, a typical information technology contract will extend for several years. It is far more efficient for the executive branch and it is more efficient for the judicial branch to be able to make these contracts over several years.

Simply put, this amendment gives the judicial branch authority it should already possess, and I believe makes good business sense for the American taxpayer.

I urge my colleagues to support this amendment.

Mrs. MURRAY. Mr. President, this amendment would extend to the judicial branch certain procurement authorities that are parallel with the authorities that have already been granted to the executive branch and would allow the judiciary to achieve certain cost efficiencies that I think we all want.

This amendment has been cleared by the Judiciary Committee with the sunset provision that limits the authority to 5 years.

I encourage an aye vote from all of our colleagues.

I thank the Chair.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2109) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I thank the Chair and my colleague.

We are still open for business—maybe not for much longer—but I hope all Senators will take the fact that we intend to either vote on amendments tomorrow or have third reading. It doesn't make any difference to us one way or the other. We want to finish this bill.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CARPER. Mr. President, I appreciate the opportunity to say a few words while we are contemplating the Transportation appropriations bill. A special thanks to our ranking Democrat and chairman of the appropriations subcommittee for the work that their staff and others on the subcommittee have done.

One of my primary issues of interest is energy independence. This is an issue that, in this Nation today, we all have to be interested in. Today, roughly 60 percent of the oil we will use to drive our cars, trucks, and vans will be from foreign sources. A lot of the oil is controlled by people who, frankly, are not that friendly to us and some of whom, I am convinced, would do us ill if they had the opportunity.

Meanwhile, as we pump more and more money out of our economy into the hands of folks in other countries, who may or may not wish us well, we need to pause and reflect on the wisdom of that.

One of the elements in this Transportation appropriations bill is money to continue to fund passenger rail service in this country. I will talk for a moment about whether that is an energy-efficient approach to part of our transportation challenge.

We are gathered in Washington, DC. Believe it or not, we can move one ton of freight by rail from Washington, DC, where we are located, up to Boston, MA, using one gallon of diesel fuel by train. Think of that. We can move one ton of freight by rail from Washington, DC, to Boston, MA, by simply using one gallon of diesel fuel.

In a day and age when almost 60 percent of the oil we use is from foreign sources, to be able to have that efficiency using rail—whether for freight or, in many cases, by passenger—we are wise to more fully utilize that transportation mode.

Today we were having a hearing in the Environment and Public Works Committee, where I serve, as does Senator BOND. We were having a hearing on the question of whether or not we should make it easier for folks to locate a refinery, to build a refinery on military bases that have been made available through the BRAC process.

While we go forward and explore that option, I suggested to my colleagues and to those who were witnesses before the committee today that we might be wise, as we again try to reduce our reliance on foreign oil, to take a look to the south of our country, down to Brazil, to see what they are doing to reduce their reliance on foreign oil. In Brazil, they have learned how to meet, in an increasing way, their need to drive their cars, trucks, and vans not by importing oil, not by pumping oil but by growing sugarcane, soybeans, in some cases corn, grass, different kinds of grass, and being able to transform those crops into fuel for their cars, trucks, and vans. I understand now over a quarter of the fuel needs of Brazilians, as they are driving around their country today and tonight, are met by the crops they grow.

I am proud to say, in Delaware, during the time I was privileged to be their Governor, we decided to try an experiment with our DelDOT vehicles. The experiment was one where we said, Why don't we use a combination of soybean oil—we raise a lot of soybeans in Delaware—use some of our soybean oil and mix it with diesel fuel and see if it works in powering our DelDOT vehicles. It worked fine and it ran well.

Actually, there were environmental consequences: The air pollution consequences were better with the mixture of soybean oil and diesel fuel, and we reduced our reliance on oil to some extent.

That experiment has given way to a broader experiment in our State, where we use a combination of soybean oil and diesel fuel to power an ever broader number of vehicles that are diesel powered, including farm equipment and I believe now some schoolbuses and other larger trucks.

We are building a refinery in Delaware today. It is not a traditional kind of refinery. We have a big oil refinery along the Delaware River in a town called Delaware City. This is a refinery where we are going to bring soybeans to the refinery and create, again, a blend of soybean oil and diesel fuel to help power those DelDOT vehicles and other vehicles normally diesel powered.

In the next year or so, new EPA requirements for cleaner, leaner, low-burning emission diesel engines will be phased in, Tier II requirements. As we face those requirements, we will find that diesel-powered vehicles, which used to belch black smoke pulling away from intersections and traffic lights, leaving a huge black plume of particulate and pollutants—those days are, at least with respect to new vehicles on the road, those days will be gone for the most part next year. We will see more diesel-powered vehicles which, in many cases in the future, will be clean burning, as lean burning, as low emission as our internal gas-powered engines that can take advantage of the refinery we are building north of Dover, DE, and other folks that are building similar biodiesel refineries in their own States.

We did a couple smart things in the Energy bill that we enacted early this year. They also relate to enhancing our ability to reduce our reliance on foreign oil. We have expanded the tax credit for people who buy hybrid-powered vehicles, a combination of internal combustion engine with the electric motor.

Under current law, the tax credit for people buying hybrids is about $1,000, a flat $1,000. I don't believe it is bigger if you have a vehicle that gets 60 miles per gallon as opposed to one that gets 30. The tax credit for hybrid-powered vehicles will change on January 1. Beginning that day, people who buy a hybrid-powered vehicle, ones that are highly energy efficient, get a tax credit worth up to as much as $3,400. For hybrid engine vehicles that are less energy efficient, the tax credit goes down.

Similarly, we are going to begin to offer, on January 1 of next year, a tax credit—again, a variable tax credit—for folks who buy lean-burning, clean-burn, low-emission, highly fuel-efficient diesel-fueled vehicles.

The head of Daimler Chrysler in North America, Juergen Schrempp, will head up Daimler Chrysler around the world and was here hosting a reception off of Capitol Hill and brought with him folks from Daimler Chrysler. Vehicles were, in some cases, internal combustion engines and other cases diesel powered. He brought with him a concept passenger car. They have not built it yet but they are hoping. My hope is that they will. The vehicle gets 60 miles per gallon in the city and 80 miles per gallon on the highway. The combination overall is about 70 miles per gallon. The vehicle will meet Tier II diesel requirements for lower emissions, as well.

We have seen our friends from GM and Daimler Chrysler create a partnership early this year for developing the next generation of hybrid-powered vehicles.

My hope is that one of the concepts they will come up with, one of the engines and power systems they will come up with, is something that marries together this notion of a low-emissions, highly energy efficient diesel-powered engine with an electric engine. It will be a diesel hybrid. GM has already introduced that kind of technology quite successfully with respect to buses. We have thousands of buses that are now roaming the streets of America that are diesel powered but also have a hybrid counterpart, too, to provide better efficiency and lower emissions.

I think it would be terrific for consumers and those of us who are interested in cleaner air and for those of us who are interested in reducing our reliance on foreign oil to take that same concept of a diesel engine with an electric hybrid motor—putting them together—and being able to introduce that kind of propulsion system in our cars, trucks, and vans, as we have—at least by GM—in larger vehicles.

Nobody in this country should be comfortable with the state we find ourselves in today, with this huge and growing reliance on foreign oil. We can do better. On behalf of all of us in this country, and especially our kids, the folks to whom we are leaving our trade deficit and our budget deficit, we have to do better than this.

About a quarter of our trade deficit is attributable to the cost of oil, the importation of oil. We cannot continue on a course, in my view, that has $300 billion or $400 billion budget deficits and $600 billion or $700 billion trade deficits. That is not sustainable. One of the ways we can at least take a big bite out of that trade deficit is to move toward energy independence, maybe by the year 2020—it would be great if we could do it sooner; that may not be realistic—but at least by 2020.

With that, Mr. President, I yield back my time and thank the Chair.

NOTICE OF INTENT

Mr. DORGAN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 3058 amendment No. 2078.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, it appears that action for the day on the Treasury, Transportation, Housing and Urban Development, the Judiciary, and Related Agencies appropriations bill has come to a close. I ask once again that our colleagues be prepared to offer amendments tomorrow or we will ask to go to third reading.

MORNING BUSINESS

Mr. BOND. Mr. President, I ask unanimous consent that we now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

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

## REPEAL OF MICROPURCHASE AUTHORITY

Mr. GRASSLEY. Mr. President, I rise today to speak regarding the repeal of expanded Federal Government micropurchase limits, as well as to speak regarding recent regulatory action taken by the Office of Management and Budget on this matter.

We are all deeply concerned with the recent events surrounding Hurricane Katrina and the massive rebuilding and reconstruction efforts ongoing in the gulf coast.

While we all agree that help is needed, many have argued how best to provide this help. The second supplemental emergency appropriation for Hurricane Katrina included a number of provisions to help provide for rebuilding and reconstruction—including nearly $61 billion.

This money will help rebuild the gulf coast, yet there were some provisions in that second supplemental that leave the rebuilding effort vulnerable to fraud, waste, and abuse of taxpayer dollars.

One such provision was the repeal of the limitations on micropurchase spending authority. Micropurchases represent delegated buying authority for Federal agencies and were designed to save money by providing flexible spending. Micropurchases are usually small—averaging $600—and are most often made through Government credit cards.

By law these Government credit card micropurchases were originally capped at $2,500 per purchase. This limit was raised following 9/11 for emergency purposes only, to $15,000 domestically and $25,000 abroad.

The second Hurricane Katrina supplemental raised this emergency rate from $15,000 to $250,000, per purchase. This change represents a nearly 1600 percent increase. Imagine a Government bureaucrat being able to walk into a store, purchase an item for $250,000 without prior approval, and say, ''Put it on the taxpayer's tab.''

History has proven that these Government credit cards are prone to fraud, waste and abuse of taxpayer funds. I began looking into this issue several years ago. Working with the Government Accountability Office, GAO, and the various inspectors general over the years, I have uncovered hundreds of millions of dollars lost to fraud, waste, and abuse due to inadequate controls on Government credit cards.

This history of abuse prompted my immediate attention and intervention

with OMB regarding the increased threshold. Through negotiations during the critical early hours following the passage of the micropurchase increase, OMB agreed to issue guidance which provided a temporary limit on who could utilize the new limits. This guidance helped to prevent undocumented spending and potential abuse; however, it only served as a temporary stop-gap measure.

On September 15, I introduced legislation on this topic. The bill introduced, S. 1716—the Emergency Health Care Relief Act of 2005—contained a provision that would roll back the increased micropurchase thresholds to a responsible level while maintaining flexibility for those providing relief in the impacted Gulf States. I included this provision in the bill I introduced because of my experience in fighting fraud, waste, and abuse that has occurred as a result of Government credit cards.

Unfortunately, S. 1716 has been held up in this body for too long, preventing legislation from fixing this potential giveaway and delaying health care to those most desperately in need.

I was pleased to hear that Senators DORGAN and WYDEN have voiced their concerns by recently introducing legislation on this matter. I am also pleased that legislation which was introduced by Senators COLLINS and LIEBERMAN on this matter was recently reported out of Committee in a favorable voice vote. Both of these bills represent what I believe is the sense of Congress, that this increased limit must be reduced statutorily.

On October 3, OMB revised its guidance for micropurchases, reducing the increased limits from $250,000 to $2,500, the same correction sought in the different legislation introduced by Senators COLLINS and LIEBERMAN and the subsequent legislation by Senators DORGAN and WYDEN. I applaud OMB for stepping forward and taking corrective action; however, I remain concerned that this limit could be changed by OMB at any time as the increased limit still remains in the law.

Fortunately, OMB has listened to my recommendations and recognized the need to rescind this provision and is now supporting efforts to provide a legislative fix. I have learned from OMB that all agencies within the Government have agreed that the higher limit is unnecessary and also support reducing the increased limit.

The micropurchase threshold increase needs to be repealed permanently by Congress and not merely corrected through regulatory guidance. As this body continues to hold up action on S. 1716, the best option for quick and decisive action to reduce this increased credit limit is to support the legislation introduced by Senators COLLINS and LIEBERMAN which was recently voted out by the Committee on Homeland Security and Government Affairs.

S. 1716 remains an important piece of legislation providing health care for those who have been affected by the tragedy in the Gulf States. By no means should my support of this legislation be seen as reducing the need to pass S. 1716 however; it just makes sense for this body to move quickly in closing this potential loophole for fraud, waste, and abuse.

I urge all my colleagues to join me in supporting quick passage of both S. 1716 and the legislation offered by Senators COLLINS and LIEBERMAN, to help prevent relief dollars from being lost to fraud, waste, and abuse and provide the much needed health care to the region devastated by Hurricane Katrina.

## HISPANIC HERITAGE MONTH

Mr. LAUTENBERG. Mr. President, I am pleased to rise today to commemorate Hispanic Heritage Month. I was proud to support, along with my Senate colleagues, a resolution recognizing Hispanic Heritage Month and celebrating the vast contributions that Hispanic Americans have made to the strength and culture of our Nation.

I would like to take a moment now to honor the contributions of the Latino community in the great State of New Jersey. New Jersey's 1.3 million Hispanic Americans are an integral and vital part of our State, contributing to every aspect of life, from business to culture. Hispanic or Latino Americans represent nearly 15 percent of the population of my State. They are the largest and fastest-growing minority group in the Nation and in New Jersey.

As the son of immigrants who came to this country for the opportunities it offers, I am proud of the way our Latino neighbors have worked to make a better life for themselves and for their children.

New Jersey is home to more than 50,000 Latino-owned businesses, ranging from big corporations like Goya Foods, which is based in Secaucus, to small mom-and-pop bodegas. Through their energy and talent, these Hispanic businesses in New Jersey generate more than $9 billion in economic activity and support 167,000 jobs.

Latinos contribute to our economy, to our culture, and also to our public life. Hispanic Americans serve our Nation and the State of New Jersey at all levels of government—as mayors and municipal council members, county freeholders, and in countless elected and appointed capacities throughout the State. Seven members of the State's current General Assembly are of Hispanic descent, as well as a member of our Congressional delegation, Congressman ROBERT MENENDEZ. In 2004, Justice Roberto Rivera-Soto became the first Hispanic American to serve on New Jersey's Supreme Court. And just this year, New Jersey's first Latino county prosecutor was appointed.

I am honored today to recognize the efforts and contributions of New Jersey's Hispanic Americans and I thank my colleagues for supporting this important resolution.

## LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On April 27, 1998, Stephen Goedereis, was killed by two teens near his home in Miami, FL. Goedereis was walking down the street, when he complimented one of the two teens. The teens then beat Goedereis, who subsequently died 2 days later in the local hospital. The teens were convicted of second degree murder and robbery, both of which were classified as hate crimes. I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## LIBERIA'S ELECTIONS

Mr. FEINGOLD. Mr. President, I commend the Liberian people on their recent Presidential and parliamentary elections. News reports of people camping outside polling areas to vote, strong voter turnout, and a free and fair democratic process in Liberia are inspiring. Following a 14-year-long civil war and the regime of former Liberian leader Charles Taylor, who fled in exile in August 2003, the war-tired people of Liberia deserve our support as they work to bring about a legitimate, representative government in that country.

However, Liberia's elections are not the silver bullet for stability. There remains much work to be done to build long-term stability in this country, and the U.S. has a meaningful role to play. We must remain engaged in Liberia to help rebuild and strengthen institutions. The legitimacy of government is contingent upon the public's confidence, and lasting stability depends on such steps as rooting out corruption and providing transparency in government. The Liberian people deserve our unflagging support in those endeavors. Too much is at stake to turn our back and allow Liberia to regress into a state that houses a corrupt and abusive government and further destabilizes West Africa.

In looking forward, Liberians must also reconcile with the past. Years of horrible violence and conflict and the drastic decline of humanitarian conditions in the country under the regime of Charles Taylor need resolution. We also know now that Charles Taylor's

desire for power and wealth extended beyond the borders of Liberia. I firmly believe that Charles Taylor is a war criminal, and I maintain that he should stand trial before the Special Court for Sierra Leone. The U.S. and the international community have a responsibility to ensure that the circle of violence and impunity in Liberia does not continue in its nascent government. And we must continue to help the Liberian people combat corruption, because no new leadership can bring lasting change if that fundamental problem is not addressed.

## ADDITIONAL STATEMENTS

### A TRIBUTE TO JUDGE TOMMY JEWELL

• Mr. BINGAMAN. Mr. President, I rise today to speak about a man of hope and deep conviction who has displayed a tireless commitment to improving the lives of New Mexicans. After serving the State of New Mexico for 22 years, Judge Tommy Jewell stepped down from the bench on September 30, 2005. With his resignation, New Mexico lost one of its finest, most compassionate public servants.

Judge Jewell began his career by breaking down barriers. In 1983, he became the first African American ever appointed to the New Mexico bench. In 1991, after serving for 8 years in Metropolitan Court as Chief Judge, Judge Jewell was appointed to Children's Court in New Mexico's Second Judicial District. Judge Jewell approached each case and each child who came before him with the same underlying philosophy: no one is beyond the reach of hope and everyone is capable of turning his or her life around and moving it in the right direction.

In dealing with juvenile offenders in the Children's Court, Judge Jewell emphasized the need for these young people to take responsibility for their actions. However, he also conveyed his strong belief that, by acknowledging their mistakes and owning up to the consequences, the troubled teens with whom he dealt could find power within themselves to change their life for the better. While striving to keep a firm hand and not let serious offenses go unmet by serious consequences, Judge Jewell believed that there was a degree of goodness in every person who stood before him. Moreover, he was unrelenting in his contention that children would learn more about themselves and how to contribute positively to society by working in recovery programs than they ever could while sitting on a bench behind jail bars.

Well liked and respected by his colleagues, Judge Jewell was honored for Outstanding Judicial Service by the State Bar of New Mexico in 1997 and, in 2001, was named Outstanding Judge by the Albuquerque Bar Association.

Judge Jewell's work in the legal field prior to becoming a judge helped him develop skills that contributed to his success while serving on the bench. He was a partner in the successful law firm of Jewell, Kelly, and Kitson. After graduating from the University of New Mexico School of Law in 1979, Judge Jewell went to work as a staff attorney with the Legal Aid Society, which provides essential legal services to the poor.

In addition to his success as a dedicated public servant, Tommy Jewell is also a man of many interests and talents. Judge Jewell is an avid musician and drummer in a band. As an undergraduate, he was a member of the New Mexico State University football team. Judge Jewell is also a dedicated family man. He and his wife Judge Angela Jewell, also a longtime public servant, have two children, Thomas and Taja.

During his career as a public servant, Judge Jewell has broken racial barriers and empowered many young New Mexicans by helping them believe in themselves. With his resignation, New Mexico loses one of its most committed and effective judges, but there is no doubt in my mind that Judge Tommy Jewell will continue to serve his State with great passion and success.•

### TRIBUTE TO IOWA'S 2005 ''PRIME TIME AWARDS'' WINNERS

• Mr. HARKIN. Mr. President, Experience Works is a national nonprofit organization dedicated to helping seniors get the training and assistance they need to find good jobs in their communities. Each year, Experience Works uses its Prime Time Awards program to recognize exemplary older workers. This year, two Iowans have been honored. Dwight Hauff of Sioux City, who is 100 years old, has been selected for a national award as America's Oldest Worker. And Milt Roth of Waterloo, who is 87, has been selected as Iowa's Outstanding Older Worker.

Mr. Hauff is the owner of a chain of sporting goods stores that includes Hauff Mid-America Sports, Dakota Sports, Inc., and the Iowa Sports Supply Company. He opened his first sporting goods store in Sioux City in 1933 at the height of the Great Depression. For 73 years, Mr. Hauff has supplied schools, athletic leagues, and businesses with quality sports equipment and apparel. In the 1960s, Dwight served as president of the National Sporting Goods Association. He is a past president of the National Operating Committee on Standards for Athletic Equipment, and is a current member of the Iowa High School Girls and Boys Athletic Association. At age 100, Mr. Hauff is still going strong. He spends 6 days a week at his sporting goods store in downtown Sioux City, where he is a much respected and beloved member of the community.

Mr. Roth is the owner and operator of Roth Jewelers, which his father founded in 1931, and which is now the second oldest retail business in downtown Waterloo. During the Second World War, Mr. Roth served in the U.S. Army and was initially assigned to the Armored Cavalry Unit at Fort Riley, KS. He attended Officers Candidate School, was commissioned as a lieutenant, and served with an ordnance unit in the European Theater. After the war he returned to Waterloo, and took over ownership of Roth Jewelers from his father. These days, well into his ninth decade, Mr. Roth still regularly puts in 40 or more hours a week at his store. He remains very much engaged in his community, where he has served on the Allen Memorial Hospital Board of Directors, and has been an active member of the Waterloo Chamber of Commerce and the Kiwanis Club. He has been a generous supporter of scholarships, local colleges, and the performing arts.

Someone once said that we make a living by what we get, but we make a life by what we give. Dwight Hauff and Milt Roth have been blessed with work that they love, and, in return, they have given so much to their communities. I congratulate them on their richly deserved honors from Experience Works. And I wish them many more years of continued service.•

### HONORING THE LIFE OF CHARLIE YATES

• Mr. ISAKSON. Yesterday, the city of Atlanta, the State of Georgia and the game of golf lost a legend and a friend, Charlie Yates.

Charlie Yates won the national college golf championship in 1934, and was a Walker Cup competitor twice. In 1938 Charlie Yates won the British Amateur Championship at Royal Troon in Scotland.

Charlie Yates was a close friend of the late Bobby Jones, and a constant playing partner with Jones at their beloved East Lake Golf Club. Yates played in eleven Masters tournaments, and was a member of the Augusta National Golf Club.

Charlie Yates's contributions were not limited to the game of golf. He served as president of the Atlanta Symphony Orchestra from 1962 to 1965, and then chaired the Atlanta Arts Alliance which became the Woodruff Arts Center, one of America's great centers for the Arts.

Under Yates's leadership the Woodruff Arts Center's overall budget rose from $3.8 million in 1973 to $163 million in 1983, and he led the effort that raised $5.4 million for the center's endowment.

Charlie Yates touched the lives of many Georgians, including this Senator, through his efforts on behalf of our community and through his wonderful family. I am honored to pay tribute to a great American, Charlie Yates.•

### 2005 SOLAR DECATHLON WINNER

• Mr. SALAZAR. Mr. President, it is with great pleasure and pride that I commend the University of Colorado

Solar Team on taking overall honors in the 2005 Solar Decathlon on the National Mall in Washington, DC. With their strong work ethic, vision, creativity and commitment to energy conservation and efficiency, the CU Solar Team has successfully designed, engineered and constructed a national model for an attractive, energy-efficient solar-powered home, while outshining esteemed competitors from such prestigious institutions as Cornell University and the California Polytechnic State University.

The 2005 Solar Decathlon was an international competition between 18 competing collegiate teams, sponsored by the Department of Energy's National Renewable Energy Laboratory, or NREL, in Golden, CO. Participants came from all over the United States, and as far away as Puerto Rico, Canada and Spain. Teams competed in 10 areas, including architecture, livability and comfort, as well as how well the homes provide energy for space heating and cooling, hot water, lighting and appliances. Home designs were also required to produce enough extra energy to power an electric car.

The CU Solar Team is a tight-knit group of students and faculty from the colleges of architecture, engineering, and environmental studies. Charged with the task of integrating natural materials and innovative technology into an environmentally conscious, publicly accessible and energy efficient modular home design, architecture students began to ''think like engineers'' and engineering students were placed in the role of architect. In the end, the team rose to the challenge and successfully achieved an exceptional solar design which included features such as a rooftop photovoltaic system composed of 32 SunPower 200-watt solar panels, and made of building materials such as soy, corn, sunflower and canola.

At a time when our Nation's energy policy continues to be heavily dependent on foreign oil, and when home heating costs are rising to unbearable levels, I commend the ambitious work of these students in envisioning, designing and successfully creating a model for energy-efficient mobile home design. Their achievement stands as a testament to the world-class research and innovation produced at the University of Colorado, which is one of the nation's most accomplished research universities.

I also want to briefly pay tribute to NREL. It is no exaggeration to say that NREL holds the key to our Nation's long-term energy security. For nearly 30 years, NREL has been at the forefront of alternative energy research and development, and their sponsorship of research projects like the decathlon helps ensure that our young engineers and scientists have opportunities to channel their education, creativity, and talent towards solving our Nation's energy challenges.

The work done by this team of 14 students at CU Boulder is impressive, important and will help lead the United States to a future of greater energy independence and greater security.●

## DR. C. DELORES TUCKER

● Mr. SANTORUM. Mr. President, I rise today in recognition of the passing of a great Pennsylvanian, and great American, Dr. C. DeLores Tucker. Throughout her distinguished life, Dr. Tucker demonstrated an incredible amount of courage, selflessness, and compassion, as well as an unquenchable thirst for equality for all Americans. Dr. Tucker lived her life in a manner we should all aspire to, and she will be sorely missed.

Born in Philadelphia on October 4, 1927, the child of a north Philadelphia pastor, Dr. Tucker was truly a daughter of Pennsylvania. She attended Temple University and the University of Pennsylvania-Wharton School, and in 1951 married Mr. William Tucker, a successful Philadelphia real estate agent.

Dr. Tucker had a significant, renowned history in the civil rights movement. Her involvement included raising funds for the National Association for the Advancement of Colored People, participating in the 1965 march in Selma, AL with Dr. Martin Luther King, Jr., and founding the National Political Congress of Negro Women, now known as the National Congress of Black Women, and the Philadelphia Martin Luther King, Jr. Association for Nonviolence, Inc. Her devotion to obtaining equal rights for African Americans altered the future of this Nation, and history will remember C. DeLores Tucker as a patriot, a revolutionary thinker, and a credit to America.

Dr. Tucker, a pioneer so often throughout her life, became the first African-American secretary of state for the Commonwealth of Pennsylvania in 1971. In assuming this position, Dr. Tucker also became the first African-American woman secretary of state in America's history. Dr. Tucker often walked upon the road less traveled, and while on this path, paved the way towards a better life for those that followed.

Following her time as secretary of state, Dr. Tucker took up an intense interest in protecting our children, the future of America. She was founder and president of the Bethune-DuBois Institute, Inc., an institution with the goal of enhancing the cultural and intellectual development of African-American youth through scholarships and educational programs. Dr. Tucker was a firm believer in the preservation of values in our culture, and fought hard against the inclusion of explicit lyrics in rap and hip-hop music, citing their detrimental effect on the youth of this Nation.

Personally, I had the pleasure to work with Dr. Tucker in her capacity as national chair of the National Congress of Black Women, Inc. Dr. Tucker and the organization she founded established the Sojourner Truth Crusade, an effort to put the likeness of Sojourner Truth on the Suffrage Monument that now stands in the Capitol Rotunda. In working with Dr. Tucker, I was able to see first-hand the dedication, the joy, and the passion that she brought to both her work and her everyday life.

America has lost a great citizen with the passing of C. DeLores Tucker, and the Commonwealth of Pennsylvania has lost one of its brightest stars. While we will surely miss Dr. Tucker and all that she brought to the lives of each person she touched, there is no question that her legacy will live on for years to come.●

## GEORGE HALE

● Ms. SNOWE. Mr. President, I rise today to express my deep admiration for the indomitable George Hale, a man whose voice has danced over the airwaves of Maine television and radio over the last 50 years.

George Hale has an exceptional ability of bringing unique personality and perspective to each and every broadcast. With a career in sports, George provides the listener with the personal stories of triumph that make competition enthralling.

Maine can not take all the credit for George Hale. Born in Cleveland, OH, George had to decide whether to come to Bangor and work in television or accept a desk job in New York City. By my estimation, he made the right decision subsequently establishing himself as one of Maine's premier broadcasting personalities.

The most famous story about George is the time that he predicted snow flurries in the evening weather forecast and the next day Bangor awoke to find itself buried in the biggest snowstorm in its history. To this day, residents refer to him as ''Flurries Hale''.

I extend my most sincere congratulations to Mr. Hale on this milestone accomplishment.●

## MESSAGES FROM THE HOUSE

At 6:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 55. An act to adjust the boundary of Rocky Mountain National Park in the State of Colorado.

S. 156. An act to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 3765) to extend through December 31, 2007, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

## ENROLLED BILL SIGNED

At 6:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3765. An act to extend through March 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities and to expedite the processing of permits.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4256. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program and State Children's Health Insurance Program (SCHIP) Payment Error Rate Measurement'' (RIN0938–AN77) received on October 6, 2005; to the Committee on Finance.

EC–4257. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Conditions of Participation: Immunization Standard for Long Term Care Facilities'' (RIN0938–AN95) received on October 06, 2005; to the Committee on Finance.

EC–4258. A communication from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Business and Industry Guaranteed Loan Program Annual Renewal Fee'' (RIN0570–AA34) received on October 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4259. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Protected Plant Permits'' (APHIS Docket No. 04–137–1) received on October 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4260. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Noxious Weed Control and Eradication Act; Revisions to Authority Citations'' (APHIS Docket No. 05–012–2) received on October 6, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4261. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle and Bison; State and Zone Designations; Michigan'' (APHIS Docket No. 05–035–1) received on October 11, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4262. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Melons Grown in South Texas; Continued Suspension of Handling and Assessment Collection Regulations'' (Docket No. FV05–979–2 IFR) received on October 11, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4263. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Relaxation of Pack Requirements'' (Docket No. FV05–920–1 FR) received on October 11, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4264. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Increased Assessment Rate'' (Docket No. FV05–920–2 FR) received on October 11, 2005; to the Committee on Agriculture Nutrition, and Forestry.

EC–4265. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002'' ((RIN0910–AC40) (Docket No. 200N–0276)) received on October 6, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4266. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board's 2005 Annual Report; to the Committee on Health, Education, Labor, and Pensions.

EC–4267. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Dental Devices; Classification of Oral Rinse to Reduce the Adhesion of Dental Plaque'' (Docket No. 2005N–0338) received on October 11, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4268. A communication from the Administrator, Office of National Programs, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H–1B Visas in Speciality Occupations and as Fashion Models; Labor Attestations Regarding H–1B1 Visas; Interim Final Rule'' (RIN1205–AB38) received on October 11, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4269. A communication from the Administrator, Office of National Programs, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Labor Certification for the Permanent Employment of Aliens in the United States; Backlog Reduction; Interim Final Rule'' (RIN1205–AB37) received on October 11, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4270. A communication from the Senior Procurement Executive, National Aeronautics and Space Administration, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–06'' (FAC 2005–06) received on October 6, 2005; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1516. A bill to reauthorize Amtrak, and for other purposes (Rept. No. 109–143).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CRAIG for the Committee on Veterans' Affairs.

George J. Opfer, of Virginia, to be Inspector General, Department of Veterans Affairs.

*Robert Joseph Henke, of Virginia, to be an Assistant Secretary of Veterans Affairs (Management).

*William F. Tuerk, of Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs.

*John M. Molino, of Virginia, to be an Assistant Secretary of Veterans Affairs (Policy and Planning).

*Lisette M. Mondello, of Texas, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. ENSIGN):

S. 1881. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the ''Granite Lady'', and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Ms. CANTWELL, and Mr. LAUTENBERG):

S. 1882. A bill to amend title 49, United States Code, to provide for a national tire fuel efficiency program; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself and Mr. BAUCUS):

S. 1883. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to assist property owners and Federal agencies in resolving disputes relating to private property; to the Committee on Environment and Public Works.

By Mr. CRAPO:

S. 1884. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the medicare program; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mrs. DOLE, Mrs. LINCOLN, Mr. SMITH, Mr. DURBIN, Mr. MARTINEZ, Mr. LEVIN, Mr. CORZINE, and Mr. LEAHY):

S. 1885. A bill to encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LUGAR (for himself and Mr. BIDEN):

S. 1886. A bill to authorize the transfer of naval vessels to certain foreign recipients; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself, Ms. CANTWELL, Mr. LIEBERMAN, Mr. DURBIN, Mr. AKAKA, Ms. MURKOWSKI, Mrs. MURRAY, and Mr. BIDEN):

S. Res. 275. A resolution designating the week of February 6, 2006 as ''National Teen Dating Violence Awareness and Prevention Week''; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself, Mr. BURR, and Mrs. DOLE):

S. Res. 276. A resolution expressing the sense of the Senate that the attachment therapy technique know as rebirthing is a dangerous practice and should be prohibited; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. GRASSLEY, Mr. BIDEN, Mr. TALENT, Mrs. DOLE, Mr. STEVENS, Mr. DOMENICI, and Mr. CHAMBLISS):

S. Res. 277. A resolution supporting the goals of Red Ribbon Week; considered and agreed to.

By Mr. REED (for himself, Ms. COLLINS, Mr. BAYH, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mrs. CLINTON, Mr. COCHRAN, Mr. CORZINE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HAGEL, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. MURRAY, Mr. OBAMA, Mr. PRYOR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TALENT, Mr. CONRAD, and Ms. MURKOWSKI):

S. Res. 278. A resolution designating the week of October 23, 2005, through October 29, 2005, as ''National Childhood Lead Poisoning Prevention Week''; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 279. A resolution to authorize testimony in State of Mississippi v. Edward Statecum; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. CLINTON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 241

At the request of Ms. SNOWE, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 406

At the request of Ms. SNOWE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 406, a bill to amend title I of the Employee Retirement Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees.

S. 408

At the request of Mr. DEWINE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 495

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 558

At the request of Mr. REID, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 685

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 685, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 756

At the request of Mr. BENNETT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 756, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 910

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 910, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 1269

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1269, a bill to amend the Federal Water Pollution Control Act to clarify certain activities the conduct of which does not require a permit.

S. 1351

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1351, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era.

S. 1418

At the request of Mr. ENZI, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1418, a bill to enhance the adoption of a nationwide inter-operable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1440

At the request of Mr. CRAPO, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1489

At the request of Mrs. CLINTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1489, a bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes.

S. 1516

At the request of Mr. LOTT, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1516, a bill to reauthorize Amtrak, and for other purposes.

S. 1597

At the request of Mr. ENZI, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1597, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1725

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1725, a bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local

officials to enhance emergency communications capabilities, to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, and for other purposes.

S. 1749

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1749, a bill to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina.

S. 1779

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1815

At the request of Mr. ALEXANDER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1815, a bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes.

S. 1859

At the request of Mr. BURR, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1859, a bill to amend the Clean Air Act to provide for a Federal Fuels List, and for other purposes.

S. 1864

At the request of Mr. TALENT, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1864, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 1867

At the request of Mr. FEINGOLD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1867, a bill to extend to individuals evacuated from their residences as a result of Hurricane Katrina the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, and for other purposes.

S.J. RES. 25

At the request of Mr. TALENT, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S.J. Res. 25, a joint resolution proposing an amendment to the Constitution of the United States to authorize the President to reduce or disapprove any appropriation in any bill presented by Congress.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 272

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Res. 272, a resolution recognizing and honoring the life and achievements of Constance Baker Motley, a judge for the United States District Court, Southern District of New York.

AMENDMENT NO. 2062

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 2062 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2063

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. CORZINE) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 2063 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2065

At the request of Mr. BINGAMAN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 2065 intended to be proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. ENSIGN):

S. 1881. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the ''Granite Lady'', and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President. I rise today to join my colleagues Senators Boxer and Ensign to introduce legislation to authorize the United States Mint to issue a commemorative coin that will honor the San Francisco Old Mint and help restore this historic building in downtown San Francisco.

The San Francisco Old Mint Building is an important historical landmark for San Francisco, the State of California, and the United States.

Beginning its operations in 1854, the Old Mint Building was established to take advantage of the plentiful gold and silver mined in the West during the California Gold Rush. At one point, more than half of the money minted in the United States came from the San Francisco Mint, and it once held a third of the Nation's gold supply.

The Old Mint Building, located in the heart of the city, has been standing for more than 125 years as the oldest stone building in San Francisco.

The Greek-revivalist design of the Old Mint Building was created by architect Alfred B. Mullet, who also designed the U.S. Treasury Building and the Old Executive Office Building in Washington, DC. The San Francisco Old Mint building is also listed on the National Register of Historic Places.

Aided by its magnificent stone structure, the Old Mint Building was able to survive the terrible San Francisco earthquake and fire of 1906. In fact, the Mint was the only financial institution that remained operable after the earthquake and the building was used as the treasury for the city's disaster relief funds.

The San Francisco Old Mint Building minted coins until 1937 when the building became too small and its operations moved to a larger space elsewhere in San Francisco. In the years since then, the building has deteriorated.

In 1994, the Bureau of the Mint closed the Old Mint because it could not afford the then-estimated $20 million seismic retrofit to bring the building up to code. Since 2003, the General Services Administration transferred ownership of the building to the City of San Francisco.

The San Francisco Museum and Historical Society has proposed an exciting project to restore and rejuvenate the Old Mint Building in downtown San Francisco. A fine history museum supported by shops and a visitor's center will combine to make the building a striking and viable destination.

The bill authorizes the Secretary of the Treasury to mint and issue 100,000 $5 gold coins and 500,000 $1 silver coins emblematic of the San Francisco Old Mint Building and its importance to California and the United States.

Proceeds generated from the sale of these commemorative coins will be paid to the San Francisco Museum and

Historical Society for the restoration of the Old Mint Building.

The San Francisco Old Mint is venerated by coin collectors, Californians, and millions of Americans as a national treasure and I believe it is worthy of a commemorative coin.

I believe honoring and restoring the San Francisco Old Mint building is an important historic preservation project.

Next year will mark the 100th anniversary of the building's survival of the 1906 San Francisco earthquake and fire.

No other mint has been commemorated and because issuance of these coins would make a vital contribution to preserving this national treasure, the San Francisco Old Mint merits commemoration at this time.

I hope my colleagues will join me to support this legislation to help preserve and restore this majestic building and honor the important role it played in rebuilding the great ''City by the Bay''.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1881

*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 ''San Francisco Old Mint Commemorative Coin Act''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Granite Lady played an important role in the history of the Nation.

(2) The San Francisco Mint was established pursuant to an Act of Congress of July 3, 1852, to convert miners' gold from the California gold rush into coins.

(3) The San Francisco Old Mint Building was designed by architect A.B. Mullett, who also designed the United States Treasury Building and the Old Executive Office Building.

(4) The solid construction of the Granite Lady enabled it to survive the 1906 San Francisco earthquake and fire, making it the only financial institution that was able to operate immediately after the earthquake as the treasury for disaster relief funds for the city of San Francisco.

(5) Coins struck at the San Francisco Old Mint are distinguished by the ''S'' mint mark.

(6) The San Francisco Old Mint is famous for having struck many rare, legendary issues, such as the 1870–S $3 coin, which is valued today at well over $1,000,000, and the 1894–S dime which is comparatively rare.

(7) The San Francisco Old Mint Commemorative Coin will be the first commemorative coin to honor a United States mint facility.

**SEC. 3. COIN SPECIFICATIONS.**

(a) DENOMINATIONS.—Notwithstanding any other provision of law, and in commemoration of the San Francisco Old Mint, the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

**SEC. 4. DESIGN OF COINS.**

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the San Francisco Old Mint Building, its importance to California and the history of the United States, and its role in rebuilding San Francisco after the 1906 earthquake and fire.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2006''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts, and the Board of the San Francisco Museum and Historical Society; and

(2) reviewed by the Citizens Coinage Advisory Committee.

**SEC. 5. ISSUANCE OF COINS.**

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—The coins authorized under this Act shall be struck at the San Francisco Mint, to the greatest extent possible.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2006.

**SEC. 6. SALE OF COINS.**

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

**SEC. 7. SURCHARGES.**

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the San Francisco Museum and Historical Society for the purposes of rehabilitating the Historic Old Mint in San Francisco as a city museum and an American Coin and Gold Rush Museum.

(c) AUDITS.—The San Francisco Museum and Historical Society shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

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By Mr. HATCH (for himself and Mr. BAUCUS):

S. 1883. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to assist property owners and Federal agencies in resolving disputes relating to private property; to the Committee on Environment and Public Works.

Mr. HATCH. Mr. President: I rise today to introduce S. 1883, the Empowering More Property Owners with Enhanced Rights Act of 2005, or the EMPOWER Act, a bill that amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act). The EMPOWER Act will assist property owners and Federal agencies in resolving disputes relating to private property outside of the courts. I am joined by my colleague Senator BAUCUS as lead cosponsor of this bill.

In the wake of the Supreme Court decision Kelo v. New London, citizens around the country are calling members of Congress asking if their homes, small businesses, and family farms are safe from the power of the government. While this legislation doesn't address Kelo directly, the EMPOWER Act will enhance the rights of private property owners, when their property becomes a target of the federal government.

The Uniform Act applies to all Federal agencies, and was passed by Congress to ''provide for uniform and equitable treatment of persons displaced from their homes, businesses or farms by Federal and federally assisted programs. . . .'' The Act was amended in 1987 to designate the U.S. Department of Transportation (DOT) as the Lead Agency, requiring it to coordinate with other Federal agencies to issue government-wide standards for eminent domain actions.

The EMPOWER Act would super-size the Uniform Act by assigning the DOT stronger responsibilities in protecting the rights of property owners. It accomplishes this goal in two significant ways. First, it establishes a Property Owners' Bill of Rights, adding new powers to property owners. Second, it establishes a Private Property Ombudsperson to act as a neutral party to assist property owners, small businesses, and family farms when they are subject to Federal or federally assisted actions that affect their property.

The property owners' ''Bill of Rights'' includes those rights already enumerated in the Uniform Act, such as the right to just compensation, replacement housing, and relocation assistance. However, the bill would add several new rights that would significantly enhance the power of the Uniform Act. These are: the right to full

disclosure of the government's appraised value of the property in question; the right to an independent second appraisal; the right to participate in mediation or, if necessary, arbitration as an alternative to costly and time-consuming litigation; the right to be informed about their rights and access to assistance; and the right to assistance from a Property Rights Ombudsperson.

The Property Rights Ombudsperson established by the EMPOWER Act would assist property owners in negotiating the Federal bureaucracy and to act as a third-party neutral in resolving disputes. The Ombudsperson would inform the public of their rights and actively work to help property owners take full advantage of those rights. The Ombudsperson would call for mediated disputes; force arbitration if necessary; work with Federal agencies to advise them about their actions which affect private property; ensure that agencies inform affected property owners of their rights; and provide information to private citizens, citizen groups, and other interested parties regarding rights and responsibilities relating to property rights.

The EMPOWER Act is modeled after a highly successful program in Utah, which has led the Nation in the area of property rights. After 8 years in effect in Utah, this program has taken a great deal of the acrimony and pain out of the process of eminent domain. It has saved the state millions of dollars in litigation fees and reduced the condemnation rate by half. Most important, it has considerably improved government to citizen relations. The vast majority of those using this program in Utah are homeowners and the program has provided them with considerable relief.

The EMPOWER Act adapts the Utah model to the Federal Government. The Act does not change the rules of Federal acquisition of private property, but it does provide significant assistance to private property owners, small businesses, and family farmers when they are faced with a daunting Federal bureaucracy and the possibility of private property loss.

The EMPOWER Act goes a long way toward protecting our citizens from overbearing federal action with regard to private property rights. It takes nothing away from government but does empower citizens, and requires agencies to ensure that property owners are treated fairly. I urge my colleagues to support this Act.

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By Mr. LAUTENBERG (for himself, Mrs. DOLE, Mrs. LINCOLN, Mr. SMITH, Mr. DURBIN, Mr. MARTINEZ, Mr. LEVIN, Mr. CORZINE, and Mr. LEAHY):

S. 1885. A bill to encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Food Employment Empowerment and Development Act or FEED Act along with my colleagues Senators DOLE and LINCOLN. This important, bipartisan legislation will award grants to qualified programs that effectively combat hunger while creating opportunity through food rescue programs and job training.

This legislation is inspired by some of the great work that food rescue programs in my State of New Jersey, such as Table to Table in Englewood Cliffs, Elijah's Promise in New Brunswick; the Food Bank of Monmouth and Ocean Counties, in Spring Lake; and the Community Food Bank of New Jersey in Hillside are doing.

It is a tragedy that in the United States, a country where food is plentiful, more than 34 million people are either going hungry or living on the edge of hunger. Thirteen million of those are children.

While on average New Jersey is one of the wealthiest States in the Nation, nearly 12 percent of all New Jersey households experience either hunger, food insecurity or both. Low wages, unstable employment and the high cost of living in the State leave many people in need. Senior adults in particular, faced with high housing costs, rising taxes and significant medical expenses miss meals to help make ends meet.

That is why we believe the FEED Act is so important. The FEED Act would provide eligible entities with a maximum grant of $200,000 per year to carry out food rescue and job training activities.

Food rescue programs collect food from restaurants and businesses and turn it into nutritional meals for seniors, children, and low-income families. In turn, these meals can be distributed and served to hungry people at homeless shelters, community and youth centers, children's after-school programs, and senior citizen programs.

Such programs have proven to be very successful, encouraging partnerships between existing social service programs like welfare-to-work, meals-on-wheels, the school lunch program, and after school programs with the preparation of nutritious meals for people in need. Food rescue programs often maximize use of existing school, community, or private food service facilities and resources to run programs.

But just addressing the immediate problem of hunger by providing food is half the battle. Hunger and poverty are closely related. With hunger on the rise in America, we need to go further and address the root causes of hunger by encouraging self sufficiency and responsibility. We need to focus on opportunities that will provide for a living wage through job training and education.

Programs supported by FEED are designed to provide long-term hunger relief by helping participants find employment in the food service industry. In the food service industry, the average wage for starting jobs is $8.81—over three dollars higher than the Federal minimum wage.

I urge my colleagues to support this bipartisan legislation. Together we can make progress by finding innovative, cost-effective ways to use food to feed the hungry while working to break the cycle of poverty by training the homeless and unemployed in food service preparation and delivery.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1885

*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 ''Food Employment Empowerment and Development Program Act of 2005''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that meets the requirements of section (3)(b).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(3) VULNERABLE SUBPOPULATION.—

(A) IN GENERAL.—The term ''vulnerable subpopulation'' means low-income individuals, unemployed individuals, and other subpopulations identified by the Secretary as being likely to experience special risks from hunger or a special need for job training.

(B) INCLUSIONS.—The term ''vulnerable subpopulation'' includes—

(i) addicts (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

(ii) at-risk youths (as defined in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472));

(iii) individuals that are basic skills deficient (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

(iv) homeless individuals (as defined in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b));

(v) homeless youths (as defined in section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a));

(vi) individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102));

(vii) low-income individuals (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)); and

(viii) older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)).

**SEC. 3. FOOD EMPLOYMENT EMPOWERMENT AND DEVELOPMENT PROGRAM.**

(a) ESTABLISHMENT.—The Secretary shall establish a food employment empowerment and development program under which the Secretary shall make grants to eligible entities to encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training.

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a public agency, or private nonprofit institution, that conducts, or will conduct, 2 or more of the following activities as an integral part of the normal operation of the entity:

(1) Recovery of donated food from area restaurants, caterers, hotels, cafeterias, farms, or other food service businesses.

(2) Distribution of meals or recovered food to—

(A) nonprofit organizations described in section 501(c)(3) of the Internal Revenue Code of 1986;

(B) entities that feed vulnerable subpopulations; and

(C) other agencies considered appropriate by the Secretary.

(3) Training of unemployed and underemployed adults for careers in the food service industry.

(4) Carrying out of a welfare-to-work job training program in combination with—

(A) production of school meals, such as school meals served under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); or

(B) support for after-school programs, such as programs conducted by community learning centers (as defined in section 4201(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171(b))).

(c) USE OF FUNDS.—An eligible entity may use a grant awarded under this section for—

(1) capital investments related to the operation of the eligible entity;

(2) support services for clients, including staff, of the eligible entity and individuals enrolled in job training programs;

(3) purchase of equipment and supplies related to the operation of the eligible entity or that improve or directly affect service delivery;

(4) building and kitchen renovations that improve or directly affect service delivery;

(5) educational material and services;

(6) administrative costs, in accordance with guidelines established by the Secretary; and

(7) additional activities determined appropriate by the Secretary.

(d) PREFERENCES.—In awarding grants under this section, the Secretary shall give preference to eligible entities that perform, or will perform, any of the following activities:

(1) Carrying out food recovery programs that are integrated with—

(A) culinary worker training programs, such as programs conducted by a food service management institute under section 21 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b–1);

(B) school education programs; or

(C) programs of service-learning (as defined in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511)).

(2) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(3) Integrating recovery and distribution of food with a job training program.

(4) Maximizing the use of an established school, community, or private food service facility or resource in meal preparation and culinary skills training.

(5) Providing job skills training, life skills training, and case management support to vulnerable subpopulations.

(e) ELIGIBILITY FOR JOB TRAINING.—To be eligible to receive job training assistance from an eligible entity using a grant made available under this section, an individual shall be a member of a vulnerable subpopulation.

(f) PERFORMANCE INDICATORS.—The Secretary shall establish, for each year of the program, performance indicators and expected levels of performance for meal and food distribution and job training for eligible entities to continue to receive and use grants under this section.

(g) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide technical assistance to eligible entities that receive grants under this section to assist the eligible entities in carrying out programs under this section using the grants.

(2) FORM.—Technical assistance for a program provided under this subsection includes—

(A) maintenance of a website, newsletters, email communications, and other tools to promote shared communications, expertise, and best practices;

(B) hosting of an annual meeting or other forums to provide education and outreach to all programs participants;

(C) collection of data for each program to ensure that the performance indicators and purposes of the program are met or exceeded;

(D) intervention (if necessary) to assist an eligible entity to carry out the program in a manner that meets or exceeds the performance indicators and purposes of the program;

(E) consultation and assistance to an eligible entity to assist the eligible entity in providing the best services practicable to the community served by the eligible entity, including consultation and assistance related to—

(i) strategic plans;

(ii) board development;

(iii) fund development;

(iv) mission development; and

(v) other activities considered appropriate by the Secretary;

(F) assistance considered appropriate by the Secretary regarding—

(i) the status of program participants;

(ii) the demographic characteristics of program participants that affect program services;

(iii) any new idea that could be integrated into the program; and

(iv) the review of grant proposals; and

(G) any other forms of technical assistance the Secretary considers appropriate.

(h) RELATIONSHIP TO OTHER LAW.—

(1) BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT.—An action taken by an eligible entity using a grant provided under this section shall be covered by the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

(2) FOOD HANDLING GUIDELINES.—In using a grant provided under this section, an eligible entity shall comply with any applicable food handling guideline established by a State or local authority.

(3) INSPECTIONS.—An eligible entity using a grant provided under this section shall be exempt from inspection under sections 303.1(d)(2)(iii) and 381.10(d)(2)(iii) of volume 9, Code of Federal Regulations (or a successor regulation), if the eligible entity—

(A) has a hazard analysis and critical control point (HACCP) plan;

(B) has a sanitation standard operating procedure (SSOP); and

(C) otherwise complies with the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

(i) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided to an eligible entity for a fiscal year under this section shall not exceed $200,000.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2011.

(2) TECHNICAL ASSISTANCE.—Of the amount of funds that are made available for a fiscal year under paragraph (1), the Secretary shall use to provide technical assistance under subsection (g) not more than the greater of—

(A) 5 percent of the amount of funds that are made available for the fiscal year under paragraph (1); or

(B) $1,000,000.

Mrs. LINCOLN. Mr. President, I rise today in support of the Food Employment Empowerment and Development (FEED) Act. I am proud to join my good friends and colleagues, Senators LAUTENBERG and DOLE in introducing this legislation that aims to help feed hungry Americans and provide job training to low-income Americans in search of self-sufficiency.

The United States Department of Agriculture estimates that Americans throw away 96 billion pounds of food each year. This number includes the food we throw away after meals, food that loses its shelf life and food that never makes it to store shelves. Meanwhile, 36 million Americans, including 13 million children, don't know where their next meal is coming from. Many of these children will go to bed tonight on an empty stomach. This is a paradox in a land of plenty.

Several blocks from this magnificent and historic Capitol building, there is a kitchen located in the basement of a building that houses social services. In that kitchen, every day, over 4,000 meals are prepared by low-income, recovering drug addicts or unemployed persons who are training to be chefs. The dozen men and women are in a 12-week culinary arts training program and once completed, they will earn their culinary arts certification which will empower them to find a job in the culinary industry. The over 4,000 meals produced at the DC Central Kitchen each day come from a combination of donated, rescued or purchased food and are delivered to hundreds of agencies in the Washington metro area that in turn feed hungry adults and children.

America's Second Harvest has a national network of foodbanks which conduct similar programs called ''Community Kitchens'' that achieve the same goals.

These types of programs are smart and responsible uses of resources and Senators LAUTENBERG and DOLE and I recognize a great model when we see one. We believe that by infusing some Federal support with private business, foundations, and faith-based and local non-profit resources, we can grow similar programs all across the Nation.

Again, we are taking rescued food, food that would otherwise be wasted, turning it into meals that are being prepared by people who are training to get a job to help support themselves and their family, and using the meals to feed hungry American adults and children.

I believe that all of us that are committed to helping end hunger in America agree with the old adage: ''Give a man a fish and he eats for a day; teach a man to fish and he eats for a lifetime.'' And it is this simple concept that is the impetus for the FEED Act.

I am hopeful that this legislation will help local anti-hunger organizations in Arkansas and across the Nation who want to use this multi-pronged approach to feed the hungry, empower the unemployed and maximize food resources.

I am proud to join my colleagues in introducing this bi-partisan bill today

and I appreciate those Senators who have joined us in sponsoring this commonsense legislation. I look forward to working with all of my colleagues to ensure its speedy consideration and passage.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 275—DESIGNATING THE WEEK OF FEBRUARY 6, 2006 AS ''NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK''

Mr. CRAPO (for himself, Ms. CANTWELL, Mr. LIEBERMAN, Mr. DURBIN, Mr. AKAKA, Ms. MURKOWSKI, Mrs. MURRAY, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 275

Whereas 1 in 3 female high school students reports being physically abused or sexually abused by a dating partner;

Whereas over 40 percent of male and female high school students surveyed had been victims of dating violence at least once;

Whereas violent relationships in adolescence can have serious ramifications for victims, who are at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult re-victimization;

Whereas the severity of violence among intimate partners has been shown to increase if the pattern was established in adolescence;

Whereas 81 percent of parents surveyed either believed dating violence is not a problem or admitted they did not know it is a problem; and

Whereas the establishment of a ''National Teen Dating Violence Awareness and Prevention Week'' will benefit schools, communities, and families regardless of socio-economic status, race, or gender: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of February 6, 2006 as ''National Teen Dating Violence Awareness and Prevention Week''; and

(2) calls on the people of the United States, especially high schools, law enforcement, local, and State officials, and interested groups to observe the week with appropriate activities that promote awareness and prevention of the crime of teen dating violence in our communities.

Mr. CRAPO. Mr. President, I rise to submit a resolution in a critical and too often overlooked subject—teen dating violence. For many decades the tragic crime of domestic violence in the United States went largely unacknowledged by the public face that our society wears. Behind smiling couples and seemingly carefree children lurked something that was better left unspoken, or so many were convinced. Fortunately, in recent years, this dreadful violence that makes a home a prison where rights, human dignity and freedom are eclipsed by fear and rage is now something that society is more willing to acknowledge, talk about and report to proper authorities. As we expose domestic violence to the light of truth and hold perpetrators accountable for their violent actions and destructive words, it is important to address the reality of the transgenerational nature of this crime within families.

I've always liked the adage, ''Children learn what they live.'' Never is this more true than in the case of abuse and domestic violence. When children begin to enter their teen years, the relationship norms they learned watching those in parental roles become their own. The results in many junior high, high schools, and colleges across our Nation are chilling: 20 percent of surveyed male students reported witnessing someone they go to high school with physically hit a person they were dating; 58 percent of rape victims report having been raped between the ages of 12–24; 81 percent of parents surveyed either believe teen dating violence is not an issue or admit they don't know if it is an issue; There is a clear link between adolescent dating violence and adult marital violence.

Clearly, the crime of teen dating violence, including physical, emotional, and sexual assault, is a reality for many American teenagers. Like drug abuse, it's a reality of which many parents are unaware. It makes sense to have the people most affected by this insidious disease leading the efforts to raise awareness of and prevent the further spread of it.

The Teen Dating Violence Awareness and Prevention Initiative is a movement spearheaded by teenagers across the nation to make a stand and put a stop to teen dating violence. Led by the American Bar Association's Steering Committee on the Unmet Needs of Children and co-sponsored by dozens of other organizations, teenagers from 20 State Teams attended a national awareness and education summit in 2004. At that time, they developed Teen Dating Violence Prevention and Awareness Toolkits to distribute to high schools across the Nation in conjunction with a proposed National Teen Dating Violence Awareness and Prevention Week in early 2006.

Today, I am submitting a resolution declaring February 6–10, 2006, National Teen Dating Violence Awareness and Prevention Week. Many governors, the Department of Education and the Department of Justice have already pledged to work with the goals and activities that are part of the Initiative. This resolution calls on government representatives and agencies, private organizations and public officials to promote activities in their respective communities that raise awareness of the high incidence of teen dating violence that occurs among our teens every day, as well as prevention strategies. I thank my colleagues, Senators CANTWELL, MURRAY, LIEBERMAN, MURKOWSKI, DURBIN, AKAKA and BIDEN in joining me in raising awareness of the problem. This is one major step we can take toward the goal of eliminating the tragedy of children hurting children, and I am privileged to be in a position to help lead this effort.

### SENATE RESOLUTION 276—EXPRESSING THE SENSE OF THE SENATE THAT THE ATTACHMENT THERAPY TECHNIQUE KNOW AS REBIRTHING IS A DANGEROUS PRACTICE AND SHOULD BE PROHIBITED

Mr. SALAZAR (for himself, Mr. BURR, and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 276

Whereas ''rebirthing'' is the most dangerous form of attachment therapy, a controversial and scientifically unsupported form of therapy that claims to treat emotionally disturbed children by using physical restraints;

Whereas rebirthing techniques attempt to reenact the birth process by restraining a child with blankets or other materials and forcing the child to emerge unaided;

Whereas rebirthing techniques are based on the erroneous assumption that a reenactment of the birth process will treat children with reactive attachment disorder, a psychiatric condition characterized by the inability to form emotional attachments, by purging the child of rage resulting from past mistreatment and allowing the child to form stronger emotional attachments in the future;

Whereas attachment therapists claim rebirthing techniques create new bonds between adopted children and adoptive parents and often use rebirthing techniques in therapy sessions with adoptive families;

Whereas in 2000, Candace Newmaker, a 10-year-old child from North Carolina, died from suffocation, after being wrapped in flannel sheets, covered with pillows, and leaned on by 4 adults to simulate contractions, when Candace became trapped by the sheets because she was forcibly restrained by these adults and could not emerge through her own efforts to be reborn into her adoptive family;

Whereas between 1995 and 2005, at least 4 other children in the United States have died from other forms of attachment therapy;

Whereas the American Psychiatric Association, a national medical specialty society that focuses on the diagnosis, treatment, and prevention of mental illnesses, maintains that no scientific evidence supports the effectiveness of rebirthing techniques;

Whereas in 2002, Paul S. Appelbaum, M.D., President of the American Psychiatric Association, condemned rebirthing techniques as ''extreme methods [that] pose serious risk and should not be used under any circumstances''; and

Whereas several States have enacted or are considering legislation to prohibit the use of rebirthing techniques: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) rebirthing, an attachment therapy technique that reenacts the birth process by physically restraining a child and forcing the child to emerge unaided, is dangerous, potentially life-threatening, and unsupported by scientific evidence; and

(2) each State should enact laws prohibiting the use of rebirthing techniques.

### SENATE RESOLUTION 277—SUPPORTING THE GOALS OF RED RIBBON WEEK

Ms. MURKOWSKI (for herself, Mr. GRASSLEY, Mr. BIDEN, Mr. TALENT, Mrs. DOLE, Mr. STEVENS, Mr. DOMENICI,

and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 277

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually cosponsor Red Ribbon Week during the week of October 23 through October 31;

Whereas a purpose of the Red Ribbon Campaign is to commemorate the service of Enrique ''Kiki'' Camarena, a Drug Enforcement Administration special agent who died in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign is nationally recognized and is in its twentieth year of celebration, helping to preserve Special Agent Camarena's memory and further the cause for which he gave his life;

Whereas the objective of Red Ribbon Week is to promote drug-free communities through drug prevention efforts, education, parental involvement, and community wide support;

Whereas drug and alcohol abuse contributes to domestic violence and sexual assaults, and places the lives of children at risk;

Whereas drug abuse is one of the major challenges our Nation faces in securing a safe and healthy future for our families and children;

Whereas emerging drug threats, such as the growing epidemic of methamphetamine abuse, jeopardize the progress made against illegal drug abuse; and

Whereas parents, youth, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week long celebration: Now, therefore, be it

*Resolved,* That the Senate—

(1) supports the goals of Red Ribbon Week;

(2) encourages children and teens to choose to live a drug-free life; and

(3) encourages all people of the United States to promote drug-free communities and to participate in drug prevention activities to show support for healthy, productive, drug-free lifestyles.

## SENATE RESOLUTION 278—DESIGNATING THE WEEK OF OCTOBER 23, 2005, THROUGH OCTOBER 29, 2005, AS ''NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK''

Mr. REED (for himself, Ms. COLLINS, Mr. BAYH, Mr. BIDEN, Mr. BOND, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mrs. CLINTON, Mr. COCHRAN, Mr. CORZINE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HAGEL, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. MURRAY, Mr. OBAMA, Mr. PRYOR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TALENT, Mr. CONRAD, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 278

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 310,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates the week of October 23, 2005, through October 29, 2005, as ''National Childhood Lead Poisoning Prevention Week''; and

(2) calls upon the people of the United States to observe the week with appropriate programs and activities.

## SENATE RESOLUTION 279—TO AUTHORIZE TESTIMONY IN STATE OF MISSISSIPPI V. EDWARD STATECUM

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 279

Whereas, in the case of State or Mississippi v. Edward Statecum, Case No. M051648, pending in Municipal Court in the City of Clarksdale, Mississippi, testimony has been requested from Kim Coalter, an employee in the office of Senator Thad Cochran;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved,* that Kim Coalter is authorized to testify in the case of State of Mississippi v. Edward Statecum, except concerning matters for which a privilege should be asserted.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2069. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 2070. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. AKAKA, Mr. WARNER, Mr. LEVIN, and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2071. Mr. BROWNBACK (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 3058, supra.

SA 2072. Mr. CRAIG (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2073. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2074. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2075. Mr. FRIST (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2076. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2077. Mr. REED (for himself, Ms. COLLINS, Mr. KERRY, Mr. KENNEDY, Ms. SNOWE, Ms. CANTWELL, Mrs. CLINTON, Mr. COLEMAN, Mr. HARKIN, Mr. DORGAN, Mr. SCHUMER, Ms. STABENOW, Mr. SMITH, Mr. LAUTENBERG, Mr. BAUCUS, Mr. BINGAMAN, Mr. KOHL, Mr. DURBIN, Mr. JEFFORDS, Mr. SALAZAR, Mrs. LINCOLN, Ms. MIKULSKI, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. JOHNSON, Mr. REID, Mr. CORZINE, Mr. LEVIN, Mr. BAYH, Mr. BYRD, Mr. CONRAD, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2078. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2079. Mr. BOND proposed an amendment to the bill H.R. 3058, supra.

SA 2080. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2081. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2082. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2083. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2084. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2085. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2086. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2087. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2088. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2089. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2090. Mr. COBURN submitted an amendment intended to be proposed by him

to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2091. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2092. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2093. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2094. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2095. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2096. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2097. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2098. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2099. Mr. NELSON of Florida (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2100. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2101. Mr. AKAKA (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2102. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2103. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2104. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2105. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2106. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2107. Mr. SCHUMER (for himself, Ms. CANTWELL, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2108. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2109. Mr. BOND proposed an amendment to the bill H.R. 3058, supra.

SA 2110. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2111. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2069.** Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1____. Item number 274 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended by striking ''Van Buren, Belleville Road widen to 5 lanes between Tyler and Ecorse'' and inserting ''Intersection improvements at Belleville and Ecorse Roads and approach roadways, and widen Belleville Road from Ecorse to Tyler, Van Buren Township, Michigan''.

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**SA 2070.** Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. AKAKA, Mr. WARNER, Mr. LEVIN, and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 406, between lines 7 and 8, insert the following:

**SEC. 724. REPEAL OF INCREASE IN MICRO-PURCHASE THRESHOLD.**

Section 101 of the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109–62; 119 Stat. 1992) is repealed.

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**SA 2071.** Mr. BROWNBACK (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

DIVISION B—DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2006

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $33,200,000, to remain available until expended: *Provided,* That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further,* That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further,* That not more than $1,200,000 of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $12,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: *Provided*, That any amount provided under this heading shall be available only after such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $218,912,000, to be allocated as follows: for the District of Columbia Court of Appeals, $9,198,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $87,342,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $41,643,000, of which not to exceed $1,500 is for official reception and representation expenses; and $80,729,000, to remain available until September 30, 2007, for capital improvements for District of Columbia courthouse facilities: *Provided,* That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further,* That the solicitation and contract shall contain the clause ''availability of Funds'' found at 48 CFR 52.232–18: *Provided further,* That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all

amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: *Provided further,* That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $45,000,000, to remain available until expended: *Provided,* That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $80,729,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further,* That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $80,729,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further,* That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided futher,* That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia and the Public Defender Service for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $201,388,000, of which not to exceed $2,000 is for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $129,360,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $42,195,000 shall be available to the Pretrial Services Agency; and of which $29,833,000 shall be transferred to the Public Defender Service for the District of Columbia: *Provided,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further,* That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further,* That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further,* That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the D.C. Government for space and services provided on a cost reimbursable basis: *Provided further,* That *for this fiscal year and subsequent fiscal years,* the Public Defender Service is authorized to charge fees to cover costs of materials distributed *and training provided* to attendees of educational events, including conferences, sponsored by the Public Defender Service, and notwithstanding section 3302 of title 31, United States Code, said fees shall be credited to the Public Defender Service account to be available for use without further appropriation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $5,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided,* That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITIATIVE

For a Federal payment to the District of Columbia Department of Transportation, $3,000,000, to remain available until September 30, 2007, for design and construction of a continuous pedestrian and bicycle trail system from the Potomac River to the District's border with Maryland.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $1,300,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE

For a Federal payment to the District of Columbia Department of Transportation, $1,000,000, to implement a downtown circulator transit system.

FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS IN THE DISTRICT OF COLUMBIA

For the Federal payment to the District of Columbia for foster care improvements, $2,000,000 to remain available until expended: *Provided,* That $1,750,000 shall be for the Child and Family Services Agency, of which $1,000,000 shall be for a loan repayment program for social workers; of which $750,000 shall be for post-adoption services: *Provided further,* That $250,000 shall be for the Washington Metropolitan Council of Governments, to continue a program in conjunction with the Foster and Adoptive Parents Advocacy Center, to provide respite care for and recruitment of foster parents: *Provided further,* That these Federal funds shall supplement and not supplant local funds for the purposes described under this heading.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, $16,500,000: *Provided,* That these funds shall be available for the projects and in the amounts specified in the Statement of the Managers on the conference report accompanying this Act: *Provided further,* That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate a report on the activities to be carried out with such funds no later than March 15, 2006.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $40,000,000, to be allocated as follows: for the District of Columbia Public Schools, $13,000,000 to improve public school education in the District of Columbia; for the State Education Office, $13,000,000 to expand quality public charter schools in the District of Columbia, to remain available until September 30, 2007; for the Secretary of the Department of Education, $14,000,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126), of which up to $1,000,000 may be used to administer and fund assessments: *Provided,* That of the $13,000,000 provided for public charter schools in the District of Columbia; $4,000,000, to remain available until expended, shall be for the Direct Loan Fund for Charter Schools; $2,000,000, to remain available until expended, shall be for Credit Enhancement; $2,000,000 shall be for continuation of the City Build Charter School Program; $1,500,000 shall be for flexible grants; $2,000,000 shall be used only for grants to public charter schools for improvement of public school facilities; $400,000 shall be for college access programming; $300,000 shall be to create a truancy center; $250,000 shall be for administration of Federal entitlement funding; $300,000 shall be for data collection

and analysis; and $250,000 shall be for administration within the State Education Office.

FEDERAL PAYMENT FOR BIOTERRORISM AND FORENSICS LABORATORY

For a Federal payment to the District of Columbia, $5,200,000, to remain available until September 30, 2007, for costs associated with the construction of a bioterrorism and forensics laboratory: *Provided,* That the District of Columbia shall provide an additional $1,500,000 with local funds as a condition of receiving this payment.

FEDERAL PAYMENT FOR THE NATIONAL GUARD YOUTH CHALLENGE PROGRAM

For a Federal payment to the District of Columbia National Guard for the Youth Challenge program, $500,000.

FEDERAL PAYMENT FOR MARRIAGE DEVELOPMENT AND IMPROVEMENT

For a Federal payment for marriage development and improvement in the District of Columbia, $3,000,000, to remain available until expended: *Provided,* That $1,500,000 shall be for the Capital Area Asset Building Corporation for the establishment of marriage development accounts in accordance with the requirements in the accompanying report, of which $400,000 shall be for program planning, marketing, evaluation, and account administration: *Provided further,* That $1,500,000 shall be for mentoring, counseling, community outreach, and training and technical assistance, of which $850,000 shall be for the National Center for Fathering and $650,000 shall be for the East Capitol Center for Change to carry out these activities: *Provided further,* That within 30 days of enactment of this Act, the entities receiving funds under this title shall submit to the Committees on Appropriations of the House and Senate, a detailed expenditure plan and program requirements that comport with the guidance in the accompanying report.

FEDERAL PAYMENT FOR A LATINO YOUTH INITIATIVE

For a Federal payment to improve health and educational outcomes of Latino youth in the District of Columbia, $2,000,000, to remain available until expended: *Provided,* That $1,100,000 shall be for The National Council of La Raza to provide mentoring, training, intervention services and policy research: *Provided further,* That $400,000 shall be for the MidAtlantic Equity Center to develop a comprehensive Latino youth literacy plan: *Provided further,* That $500,000 shall be for the Latin American Youth Center for direct services to Latino youth: *Provided further,* That within 15 days of enactment of this Act, the entities receiving funds under this title shall submit to the Committees on Appropriations of the House and Senate, a detailed expenditure plan that comports with the requirements in the accompanying report.

FEDERAL PAYMENT FOR PRISONER REENTRANT HOUSING

For a Federal payment to the District of Columbia to increase the capacity of available housing for ex-offenders returning to the community, $3,000,000, to remain available until expended: *Provided,* That the District will use a portion of these funds to provide housing to on-site mentors as a condition of receiving this payment: *Provided further,* That within 15 days of enactment of this Act, the Mayor shall submit to the Committees on Appropriations of the House and Senate, a detailed expenditure plan that comports with the requirements in the accompanying report.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided,* That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2006 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $8,700,158,000 (of which $5,007,344,000 shall be from local funds, $1,921,287,000 shall be from Federal grant funds, $1,754,399,000 shall be from other funds, and $17,129,000 shall be from private funds), in addition, $163,116,000 from funds previously appropriated in this Act as Federal payments: *Provided further,* That of the local funds, $466,894,000 shall be derived from the District's general fund balance: *Provided further,* That of these funds the District's intradistrict authority shall be $468,486,000: in addition for capital construction projects there is appropriated an increase of $2,820,637,000, of which $1,072,671,000 shall be from local funds, $49,551,000 from Highway Trust funds, $172,183,000 from the Local Street Maintenance fund, $378,000,000 from securitization of future revenue streams, $400,000,000 from Certificates of Participation financing, $534,800,000 from financing for construction of a baseball stadium, $213,432,000 from Federal grant funds, and a rescission of $295,032,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $2,525,605,000, to remain available until expended: *Provided further,* That the amounts provided under this heading are to be allocated and expended as proposed under ''Title II—District of Columbia Funds'' of the Fiscal Year 2006 Proposed Budget and Financial Plan submitted to the Congress of the United States by the District of Columbia on June 6, 2005: *Provided further,* That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further,* That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: *Provided further,* That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2006, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 104. None of the Federal funds provided in this Act may be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 105. (a) None of the Federal funds provided in this Act may be used to carry out lobbying activities on any matter. The District may use local funds to carry out lobbying activities not inconsistent with this Act.

(b) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any issue.

SEC. 106. (a) None of the funds provided under this title to the agencies funded by this title, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this title, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming.

(b) None the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of $3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriations.

SEC. 107. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 108. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Official Code, sec. 1–601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–2041.22(3)), shall apply with respect to the compensation of District of Columbia employees. For pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 109. No later than 30 days after the end of the first quarter of fiscal year 2006, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and

Senate the new fiscal year 2006 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2007. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 110. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 111. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 112. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, sec. 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 113. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b)(1) No such Federal, private, or other grant may be obligated, or expended pursuant to subsection (a) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council has reviewed and approved the obligation, and expenditure of such grant.

(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the obligation, and expenditure of a grant if—

(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this title, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

(e) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

SEC. 114. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2006, an inventory, as of September 30, 2005, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 115. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2006 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2–302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 116. (a) None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 117. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 118. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted: *Provided*, That the Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by April 1, 2006 and October 1, 2006, a summary list showing each report, the due date, and the date submitted to the Committees.

SEC. 119. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

SEC. 120. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 121. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2006 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 122. Notwithstanding any other law, in fiscal year 2006 and in each subsequent fiscal year, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts under section 10(b)(1) and (2) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(1) and (2)): *Provided*, that the transferred funds are hereby made available and shall remain available until expended and shall be used by the Office of the Attorney General of the District of Columbia for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(3)).

SEC. 123. (a) None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends an action brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer, or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

(b) In this section, the term ''action'' includes an administrative proceeding and any ensuing or related proceedings before a court of competent jurisdiction.

SEC. 124. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Education Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia. As part of the certification, the Chief Financial Officer of the District of Columbia shall require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification. The Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA. The Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

SEC. 125. The amount appropriated by this title may be increased by no more than $42,000,000 from funds identified in the comprehensive annual financial report as the District's fiscal year 2005 unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District's long-term financial, fiscal, and economic vitality.

(2) The District of Columbia may only use these funds for the following expenditures:

(A) One-time expenditures.

(B) Expenditures to avoid deficit spending.

(C) Debt Reduction.

(D) Program needs.

(E) Expenditures to avoid revenue shortfalls.

(3) The amounts shall be obligated and expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(5) The amounts may not be obligated or expended unless the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 126. (a) The fourth proviso in the item relating to ''Federal Payment for School Improvement'' in the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1327) is amended—

(1) by striking ''$4,000,000'' and inserting ''$4,000,000, to remain available until expended,''; and

(2) by striking ''$2,000,000 shall be for a new incentive fund'' and inserting ''$2,000,000, to remain available until expended, shall be for a new incentive fund''.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005.

SEC. 127. (a) To account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia Funds pursuant to this Act may be increased—

(1) by an aggregate amount of not more than 25 percent, in the case of amounts proposed to be allocated as ''Other-Type Funds'' in the Fiscal Year 2006 Proposed Budget and Financial Plan submitted to Congress by the District of Columbia on June 6, 2005; and

(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts proposed to be allocated in such Proposed Budget and Financial Plan.

(b) The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify—

(A) the increase in revenue; and

(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with the requirements of this Act.

(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 128. Beginning in fiscal year 2006 and for each fiscal year thereafter, the Chief Financial Officer for the District of Columbia may, for the purpose of cash flow management, conduct short-term borrowing from the emergency reserve fund and from the contingency reserve fund established under section 450A of the District of Columbia Home Rule Act (Public Law 98–198): *Provided*, That the amount borrowed shall not exceed 50 percent of the total amount of funds contained in both the emergency and contingency reserve funds at the time of borrowing: *Provided further*, That the borrowing shall not deplete either fund by more than 50 percent: *Provided further*, That 100 percent of the funds borrowed shall be replenished within 9 months of the time of the borrowing or by the end of the fiscal year, whichever occurs earlier: *Provided further*, That in the event that short-term borrowing has been conducted and the emergency or the contingency funds are later depleted below 50 percent as a result of an emergency or contingency, an amount equal to the amount necessary to restore reserve levels to 50 percent of the total amount of funds contained in both the emergency and contingency reserve fund must be replenished from the amount borrowed within 60 days.

SEC. 129. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 130. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 131. CONVEYANCE OF TITLE FOR EDUCATIONAL PURPOSES.—Section 7 of the District of Columbia Stadium Act of 1957 (Public Law 85–300, 71 Stat. 619), as amended, is further amended by inserting after paragraph (d)(4) the following:

''(e)(1) Upon receipt of a written description from the District of Columbia of not more than 15 contiguous acres (hereinafter referred to as 'the 15 acres'), with the longest side of the 15 acres abutting one of the roads bounding the property, within the area designated 'D' on the revised map entitled 'Map to Designate Transfer of Stadium and Lease of Parking Lots to the District' and bound by Oklahoma Avenue, NE, Benning Road, NE, the Metro line, and C Street, NE, and execution of a long-term lease that is contingent up the Secretary's conveyance of the 15 acres and for the purpose consistent with this paragraph, the Secretary shall convey the 15 acres described land to the District of Columbia for the purpose of siting, developing, and operating an educational institution for the public welfare, with first preference given to a pre-collegiate public boarding school.

''(2) Upon conveyance, the portion of the stadium lease that affects the15 acres on the property and all the conditions associated

therewith shall terminate, and the 15 acres property shall be removed from the 'Map to Designate Transfer of Stadium and Lease of Parking Lots to the District', and the long-term lease described in paragraph (1) shall take effect immediately.''.

SEC. 132. CONTINUATION OF CERTAIN AUTHORITIES OF CHIEF FINANCIAL OFFICER. The authority that the Chief Financial Officer of the District of Columbia exercised with respect to personnel and the preparation of fiscal impact statements during a control period (as defined in Public Law 104–8) shall remain in effect until September 30, 2006.

SEC. 133. CLARIFICATION OF CERTAIN AUTHORITIES OF THE CHIEF FINANCIAL OFFICER. The entire process used by the Chief Financial Officer to acquire any and all kinds of goods, works and services by any contractual means, including but not limited to purchase, lease or rental, shall be exempt from all of the provisions of the District of Columbia's Procurement Practices Act: *Provided*, That provisions made by this subsection shall take effect as if enacted in D.C. Law 11–259 and shall remain in effect until September 30, 2006.

SEC. 134. Section 4013 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2005, passed on first reading on May 10, 2005 (engrossed version of Bill 16–200), is hereby enacted into law.

SEC. 135. The Chief Financial Officer of the District is hereby authorized to transfer $5,000,000 from the local funds appropriated for the Deputy Mayor for Economic Development to the Anacostia Waterfront Corporation and to reallocate the appropriation authority for such funds to a heading to be entitled 'Anacostia Waterfront Corporation' in addition, an amount of $3,200,000 is hereby appropriated from the local funds made available to the Anacostia Waterfront Corporation in fiscal year 2005. *Provided, That* all of the funds made available herein to the Anacostia Waterfront Corporation shall remain available until expended.

SEC. . Amounts appropriated in this Act for the Department of Health may be increased by 250,000 in local funds to remain available until expended to conduct a health study in Spring Valley.

**SEC. #. WAIVER OF CONGRESSIONAL REVIEW OF AMENDMENTS TO BALLPARK OMNIBUS FINANCING AND REVENUE ACT OF 2004**

Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act, amendments to the Ballpark Technical Amendments Act of 2005 and the Ballpark Fee Rebate Act of 2005 shall take effect on the date of the enactment by the District of Columbia.

This Division may be cited as the ''District of Columbia Appropriations Act, 2006''.

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**SA 2072.** Mr. CRAIG (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1____. Beginning in fiscal year 2006 and thereafter, the Federal share of the cost of any project under the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) that is located in the State of Idaho shall be determined in accordance with section 120(b) of title 23, United States Code.

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**SA 2073.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be used by the Federal Aviation Administration for ARAC consolidation of Fort Sill, Oklahoma into OKC TRACON: *Provided*, That $3,000,000 shall be available for ARAC maintenance and associated salaries at Fort Sill, Oklahoma and $4,236,070 shall be available for repair and improvement at the Lawton-Fort Sill Regional Airport in Lawton, Oklahoma.

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**SA 2074.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

**SEC. 321. ELIMINATION OF CAP ON NUMBER OF MORTGAGES INSURED.**

(a) SHORT TITLE.—This section may be cited as the ''Reverse Mortgages to Help America's Seniors Act''.

(b) NATIONAL HOUSING ACT.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (g), by striking the first sentence; and

(2) in subsection (i)(1)(C), by striking ''limitations'' and inserting ''limitation''.

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**SA 2075.** Mr. FRIST (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill H.R 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 310 line 11, strike the word ''and'' after the word ''LISC'' and insert '','' and on page 310 on line 12 after the words ''Enterprise Foundation'' insert '', and the Habitat for Humanity''; and

On page 319 line 17 after the word ''Foundation'' insert the following ''Habitat for Humanity,''.

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**SA 2076.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child; and

(6) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002), shall be considered income to that individual.

(c) Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue final regulations to carry out the provisions of this section.

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**SA 2077.** Mr. REED (for himself, Ms. COLLINS, Mr. KERRY, Mr. KENNEDY, Ms. SNOWE, Ms. CANTWELL, Mrs. CLINTON, Mr. COLEMAN, Mr. HARKIN, Mr. DORGAN, Mr. SCHUMER, Ms. STABENOW, Mr. SMITH, Mr. LAUTENBERG, Mr. BAUCUS, Mr. BINGAMAN, Mr. KOHL, Mr. DURBIN, Mr. JEFFORDS, Mr. SALAZAR, Mrs. LINCOLN, Ms. MIKULSKI, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. JOHNSON, Mr. REID, Mr. CORZINE, Mr. LEVIN, Mr. BAYH, Mr. BYRD, Mr. CONRAD, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.), $3,100,000,000, for the unanticipated home energy assistance needs of 1 or more States, as authorized by section 2604(e) of the Act (42 U.S.C. 8623(e)), which amount shall be made available for obligation in fiscal year 2006 and which amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

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**SA 2078.** Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of

Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE ____—SPECIAL COMMITTEE OF SENATE ON WAR AND RECONSTRUCTION CONTRACTING**

**SEC. ____01. FINDINGS.**

Congress makes the following findings:

(1) The wars in Iraq and Afghanistan have exerted very large demands on the Treasury of the United States and required tremendous sacrifice by the members of the Armed Forces of the United States.

(2) Congress has a constitutional responsibility to ensure comprehensive oversight of the expenditure of United States Government funds.

(3) Waste and corporate abuse of United States Government resources are particularly unacceptable and reprehensible during times of war.

(4) The magnitude of the funds involved in the reconstruction of Afghanistan and Iraq and the war on terrorism, together with the speed with which these funds have been committed, presents a challenge to the effective performance of the traditional oversight function of Congress and the auditing functions of the executive branch.

(5) The Senate Special Committee to Investigate the National Defense Program, popularly know as the Truman Committee, which was established during World War II, offers a constructive precedent for bipartisan oversight of wartime contracting that can also be extended to wartime and postwar reconstruction activities.

(6) The Truman Committee is credited with an extremely successful investigative effort, performance of a significant public education role, and achievement of fiscal savings measured in the billions of dollars.

(7) The public has a right to expect that taxpayer resources will be carefully disbursed and honestly spent.

**SEC. ____02. SPECIAL COMMITTEE ON WAR AND RECONSTRUCTION CONTRACTING.**

There is established a special committee of the Senate to be known as the Special Committee on War and Reconstruction Contracting (hereafter in this title referred to as the ''Special Committee'').

**SEC. ____03. PURPOSES AND DUTIES.**

(a) PURPOSES.—The purposes of the Special Committee are as follows:

(1) To investigate the awarding and performance of contracts to conduct military, security, and reconstruction activities in Afghanistan and Iraq and to support the prosecution of the war on terrorism.

(2) To investigate the awarding and performance of contracts to conduct, recovery, relief, and reconstruction efforts in the Gulf Coast of the United States relating to damage caused by Hurricane Katrina and Hurricane Rita.

(b) DUTIES.—The Special Committee shall examine the contracting actions described in subsection (a) and report on such actions, in accordance with this section, regarding—

(1) bidding, contracting, accounting, and auditing standards for Federal Government contracts;

(2) methods of contracting, including sole-source contracts and limited competition or noncompetitive contracts;

(3) subcontracting under large, comprehensive contracts;

(4) oversight procedures;

(5) consequences of cost-plus and fixed price contracting;

(6) allegations of wasteful and fraudulent practices;

(7) accountability of contractors and Government officials involved in procurement and contracting;

(8) penalties for violations of law and abuses in the awarding and performance of Government contracts; and

(9) lessons learned—

(A) from the contracting process used in Iraq and Afghanistan and in connection with the war on terrorism with respect to the structure, coordination, management policies, and procedures of the Federal Government; and

(B) from the contracting process used in the recovery, relief, and reconstruction efforts regarding the damage caused by Hurricane Katrina and Hurricane Rita with respect to the structure, coordination, management policies, and procedures of the Federal Government.

(c) INVESTIGATION OF WASTEFUL AND FRAUDULENT PRACTICES.—The investigation by the Special Committee of allegations of wasteful and fraudulent practices under subsection (b)(6) shall include investigation of allegations regarding any contract or spending entered into, supervised by, or otherwise involving the Coalition Provisional Authority, regardless of whether or not such contract or spending involved appropriated funds of the United States.

(d) EVIDENCE CONSIDERED.—In carrying out its duties, the Special Committee shall ascertain and evaluate the evidence developed by all relevant governmental agencies regarding the facts and circumstances relevant to contracts described in subsection (a) and any contract or spending covered by subsection (c).

**SEC. ____04. COMPOSITION OF SPECIAL COMMITTEE.**

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Special Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the President pro tempore of the Senate, in consultation with the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Special Committee shall be made not later than 90 days after the date of the enactment of this Act.

(b) VACANCIES.—Any vacancy in the Special Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, chairman, or ranking member of the Special Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIRMAN AND RANKING MEMBER.—The chairman of the Special Committee shall be designated by the majority leader of the Senate, and the ranking member of the Special Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Special Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Special Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Special Committee, or ⅓ of the members of the Special Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Special Committee.

**SEC. ____05. RULES AND PROCEDURES.**

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this resolution, the investigation, study, and hearings conducted by the Special Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Special Committee may adopt additional rules or procedures if the chairman and ranking member agree that such additional rules or procedures are necessary to enable the Special Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

**SEC. ____06. AUTHORITY OF SPECIAL COMMITTEE.**

(a) IN GENERAL.—The Special Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) HEARINGS.—The Special Committee or, at its direction, any subcommittee or member of the Special Committee, may, for the purpose of carrying out this resolution—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Special Committee or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Special Committee considers advisable.

(c) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (b) shall bear the signature of the Chairman of the Special Committee and shall be served by any person or class of persons designated by the Chairman for that purpose.

(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(d) MEETINGS.—The Special Committee may sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate.

**SEC. ____07. REPORTS.**

(a) INITIAL REPORT.—The Special Committee shall submit to the Senate a report on the investigation conducted pursuant to section ____03 not later than 270 days after the appointment of the Special Committee members.

(b) UPDATED REPORT.—The Special Committee shall submit an updated report on such investigation not later than 180 days after the submission of the report under subsection (a).

(c) ADDITIONAL REPORTS.—The Special Committee may submit any additional report or reports that the Special Committee considers appropriate.

(d) FINDINGS AND RECOMMENDATIONS.—The reports under this section shall include findings and recommendations of the Special Committee regarding the matters considered under section ____03.

(e) DISPOSITION OF REPORTS.—Any report made by the Special Committee when the

Senate is not in session shall be submitted to the Clerk of the Senate. Any report made by the Special Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

**SEC. ___08. ADMINISTRATIVE PROVISIONS.**

(a) STAFF.—

(1) IN GENERAL.—The Special Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Special Committee, or the chairman or the ranking member, considers necessary or appropriate.

(2) APPOINTMENT OF STAFF.—

(A) IN GENERAL.—The Special Committee shall appoint a staff for the majority, a staff for the minority, and a nondesignated staff.

(B) MAJORITY STAFF.—The majority staff shall be appointed, and may be removed, by the chairman and shall work under the general supervision and direction of the chairman.

(C) MINORITY STAFF.—The minority staff shall be appointed, and may be removed, by the ranking member of the Special Committee, and shall work under the general supervision and direction of such member.

(D) NONDESIGNATED STAFF.—Nondesignated staff shall be appointed, and may be removed, jointly by the chairman and the ranking member, and shall work under the joint general supervision and direction of the chairman and ranking member.

(b) COMPENSATION.—

(1) MAJORITY STAFF.—The chairman shall fix the compensation of all personnel of the majority staff of the Special Committee.

(2) MINORITY STAFF.—The ranking member shall fix the compensation of all personnel of the minority staff of the Special Committee.

(3) NONDESIGNATED STAFF.—The chairman and ranking member shall jointly fix the compensation of all nondesignated staff of the Special Committee, within the budget approved for such purposes for the Special Committee.

(c) REIMBURSEMENT OF EXPENSES.—The Special Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Special Committee.

(d) PAYMENT OF EXPENSES.—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Special Committee. Such payments shall be made on vouchers signed by the chairman of the Special Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

**SEC. ___09. TERMINATION.**

The Special Committee shall terminate on February 28, 2007.

**SEC. ___10. SENSE OF SENATE ON CERTAIN CLAIMS REGARDING THE COALITION PROVISIONAL AUTHORITY.**

It is the sense of the Senate that any claim of fraud, waste, or abuse under the False Claims Act that involves any contract or spending by the Coalition Provisional Authority should be considered a claim against the United States Government.

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**SA 2079.** Mr. BOND proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 295, line 6, strike ''or HOPE VI vouchers'' and insert in lieu thereof: '', HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act''.

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**SA 2080.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, add the following:

SEC. 18___. Section 112(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking ''title 40'' and all that follows through the period and inserting ''title 40.'';

(2) by striking subparagraph (B);

(3) by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively;

(4) in subparagraph (E) (as redesignated by paragraph (3)), in the first sentence, by striking ''subparagraph (E)'' and inserting ''subparagraph (D)''; and

(5) by striking subparagraph (G).

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**SA 2081.** Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 10 and 11, insert the following:

SEC. ___.(a) The Secretary shall permit the city of Columbus, Ohio, to conduct a pilot project to authorize the erection and maintenance of graphics in the downtown district of the city pursuant to ordinances and regulations promulgated by the city.

(b) The pilot program shall be a new initiative for advertising artistic and other graphics to revitalize the urban core of the city.

(c) Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the pilot project.

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**SA 2082.** Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, line 9, strike ''$86,000,000'' and insert ''$80,000,000''.

On page 244, lines 17 and 18, strike ''$226,688,000, to be derived from the Highway Trust Fund:'' and insert ''$232,688,000, to be derived from the Highway Trust Fund, of which $13,679,000 shall be available for the New Car Assessment Program and $6,000,000 of such amount shall remain available until September 30, 2007:''.

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**SA 2083.** Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 248, between lines 20 and 21, insert the following:

SEC. 133.(a) The amount appropriated under this title for the National Highway Traffic Safety Administration under the heading ''Operations and Research'' is increased by $6,000,000. Of the amount appropriated under that heading, $13,679,000 shall be made available for the New Car Assessment Program, of which $6,000,000 shall remain available until September 30, 2007.

(b) The amount appropriated under this title for the Office of the Secretary under the heading ''Salaries and Expenses'' is reduced by $6,000,000.

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**SA 2084.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 3058 shall also be included in the conference report or joint statement accompanying H.R. 3058 in order to be considered as having been approved by both Houses of Congress.

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**SA 2085.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1___.(a) Section 144(g)(1) of title 23, United States Code, is amended—

(1) in subparagraph (A)(ii), by striking ''for the construction of a bridge joining the Island of Gravina to the community of Ketchikan in Alaska'' and inserting ''for the reconstruction of the Twin Spans Bridge connecting New Orleans, Louisiana, and Slidell, Louisiana'';

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) in item 406—

(A) by striking ''AK'' and inserting ''LA''; and

(B) by striking ''Planning, design, and construction of a bridge joining the Island of Gravina to the Community of Ketchikan'' and inserting ''Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana''; and

(2) in item 3323—

(A) by striking ''AK'' and inserting ''LA''; and

(B) by striking ''Earthwork and roadway construction Gravina Access Project'' and inserting ''Reconstruction of Twin Spans Bridge connecting New Orleans and Slidell, Louisiana''.

(c)(1) The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users ( Public Law 109–59; 119 Stat. 1144) is amended—

(A) by striking section 4410; and

(B) by redesignating sections 4411 through 4413 as sections 4410 through 4412, respectively.

(2) The table of contents of that Act is amended—

(A) by striking the item relating to section 4410; and

(B) by redesignating the items relating to sections 4411 through 4413 as sections 4410 through 4412, respectively.

(d) Nothing in this section or an amendment made by this section affects the allocation of funds to any State other than the States of Alaska and Louisiana.

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**SA 2086.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 308, strike the period on line 12 and insert the following: ": Provided further, That not less than 80 percent of the funds made available under this heading shall be used exclusively for providing direct financial assistance for housing of eligible program participants.''.

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**SA 2087.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

**SEC. 321. LIMITATION ON FUNDING FOR CONFERENCES.**

Of the funds made available for the Department of Housing and Development under the heading ''Management and Administration, Salaries and Expenses'' in this title, not to exceed $3,000,000 shall be available for expenses related to conferences, including for conference programs, staff time, travel costs, and related expenses.

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**SA 2088.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

SEC. ____. None of the funds appropriated under this Act may be used to enforce Executive Order 13166, issued August 16, 2000 (65 Fed. Reg. 50121) (relating to improving access to services for persons with limited English proficiency).

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**SA 2089.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

**SEC. 321. STAND UP FOR ANIMALS.**

None of the funds made available for the Department of Housing and Urban Development under the heading ''Community Development Fund'' in this title, shall be available for Stand Up for Animals in Westerly, Rhode Island for building construction.

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**SA 2090.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

**SEC. 321. MISSOURI SOYBEAN ASSOCIATION.**

None of the funds made available for the Department of Housing and Urban Development under the heading ''Community Development Fund'' in this title, shall be available for the Missouri Soybean Association for test plots for the Life Sciences Research Development and Commercialization Project in Boone County, Missouri.

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**SA 2091.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

**SEC. 321. SEATTLE ART MUSEUM.**

None of the funds made available for the Department of Housing and Urban Development under the heading ''Community Development Fund'' in this title, shall be available for the Seattle Art Museum in Seattle, Washington for the construction of the Olympic Sculpture Park.

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**SA 2092.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

**SEC. 321. MISSISSIPPI FILM ENTERPRISE ZONE.**

None of the funds made available for the Department of Housing and Urban Development under the heading ''Community Development Fund'' in this title, shall be available for the Mississippi Film Enterprise Zone in Canton, Mississippi, to create an art film enterprise facility.

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**SA 2093.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 5 and 6, insert the following:

**SEC. 321. JOSLYN ART MUSEUM.**

None of the funds made available for the Department of Housing and Urban Development under the heading ''Community Development Fund'' in this title, shall be available for a parking facility as part of the Joslyn Art Museum Master Plan, in Omaha, Nebraska.

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**SA 2094.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, amounts not required by law provided in this Act for fiscal year 2006 are reduced on a pro rata basis by 1 percent.

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**SA 2095.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, amounts not required by law provided in this Act for fiscal year 2006 are reduced on a pro rata basis by 2 percent.

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**SA 2096.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of

Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, amounts not required by law provided in this Act for fiscal year 2006 are reduced on a pro rata basis by 3 percent.

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**SA 2097.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, amounts not required by law provided in this Act for fiscal year 2006 are reduced on a pro rata basis by 4 percent.

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**SA 2098.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, amounts not required by law provided in this Act for fiscal year 2006 are reduced on a pro rata basis by 5 percent.

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**SA 2099.** Mr. NELSON of Florida (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 293, after line 25, insert the following:

SEC. 221.(a)(1) On December 17, 2004, the Secretary of State placed Al-Manar, a global satellite television operation, on the Terrorist Exclusion List pursuant to section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) because Al-Manar engages in terrorist activity.

(2) The United States included Hizballah on a Specially Designated Global Terrorist list pursuant to Executive Order No. 13224 (50 U.S.C. 1701 note; relating to prohibiting transactions with persons who support terrorism) on October 31, 2001.

(3) Al-Manar is an official mouthpiece of the Hizballah terrorist network.

(4) Pursuant to Executive Order No. 13224, except to the extent required by section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses issued pursuant to that Order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of that Order, all property and interests in property of the following persons in the United States or that come within the United States, or that come within the possession or control of United States persons shall be blocked:

(A) Foreign persons listed in the Annex to that Order.

(B) Foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of United States nationals or the national security, foreign policy, or economy of the United States.

(C) Persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to that Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of that Order.

(D) Except as provided in section 5 of that Order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, deems appropriate in the exercise of the Secretary's discretion, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General—

(i) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to that Order or determined to be subject to that Order; or

(ii) to be otherwise associated with those persons listed in the Annex to that Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of that Order.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury, in conjunction with the Secretary of Homeland Security, the Secretary of State, and the Attorney General, shall submit to the appropriate congressional committees a report on whether the activities of Al-Manar and the Lebanese Communications Group SAL, the parent company of Al-Manar, fit the criteria established for placement on the Specially Designated Global Terrorist list pursuant to Executive Order No. 13224.

(c) In this section, the term ''appropriate congressional committees'' means the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate and the Committee on Appropriations, the Committee on Financial Services, the Committee on International Relations, and the Committee on Ways and Means of the House of Representatives.

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**SA 2100.** Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 10 and 11, insert the following:

SEC. 8____. Notwithstanding any other provision of law, the projects numbered 5094 and 5096 in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) shall be subject to section 120(c) of title 23, United States Code.

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**SA 2101.** Mr. AKAKA (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 293, after line 25, add the following:

**SEC. ____. DEBT INDICATOR PROGRAM.**

None of the funds appropriated or otherwise made available by this Act may be used for the Debt Indicator program announced in Internal Revenue Service Notice 99–58.

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**SA 2102.** Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 10 and 11, insert the following:

SEC. 8____.(a) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) in item number 1429, by striking ''Construct Flats East Bulkhead and Riverwalk: construct bulkhead and riverwalk connecting Front and Maine Ave'' and inserting ''For roadway improvements and construction of Flats East Bulkhead and Riverwalk: construct bulkhead and riverwalk connecting Front and Maine Ave.''; and

(2) in item number 4632, by striking ''Construct 1,100 foot bulkhead/riverwalk connecting Front and Maine Ave. public rights-of-way'' and inserting ''For roadway improvements and construction of 1,100 foot bulkhead/riverwalk connecting Front and Maine Ave. public rights-of-way''.

(b) The table contained in section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended in item number 516 by striking ''Dayton Wright Stop Plaza'' and inserting ''Downtown Dayton Transit Enhancements''.

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**SA 2103.** Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. EXTENSION OF REQUIREMENT FOR AIR CARRIERS TO HONOR TICKETS FOR SUSPENDED AIR PASSENGER SERVICE.**

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking ''November 19, 2005.'' and inserting ''November 30, 2006.''.

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**SA 2104.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) PROMOTION OF FAMILY FORMATION AND HEALTHY MARRIAGE.—Section 402(a)(1)(A) of the Social Security Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

''(vii) Encourage equitable treatment of healthy 2-parent married families under the program referred to in clause (i).''.

(b) HEALTHY MARRIAGE PROMOTION GRANTS; REPEAL OF BONUS FOR REDUCTION OF ILLEGITIMACY RATIO.—Section 403(a)(2) of such Act (42 U.S.C. 603(a)(2)) is amended to read as follows:

''(2) HEALTHY MARRIAGE PROMOTION GRANTS.—

''(A) AUTHORITY.—

''(i) IN GENERAL.—The Secretary shall award competitive grants to States and Indian tribes and tribal organizations for not more than 50 percent of the cost of developing and implementing innovative programs to promote and support healthy 2-parent married families.

''(ii) USE OF OTHER TANF FUNDS.—A State or Indian tribe or tribal organization with an approved tribal family assistance plan may use funds provided under other grants made under this part for all or part of the expenditures incurred for the remainder of the costs described in clause (i). In the case of a State, any such funds expended shall not be considered qualified State expenditures for purposes of section 409(a)(7).

''(B) HEALTHY MARRIAGE PROMOTION ACTIVITIES.—Funds provided under subparagraph (A) and corresponding State matching funds shall be used to support any of the following programs or activities:

''(i) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

''(ii) Education in high schools on the importance of healthy marriages and the characteristics of other healthy relationships experienced throughout life, including education on the importance of grounding all relationships in mutual respect and how earlier healthy relationships are the building blocks for later healthy marital relationships.

''(iii) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement, for non-married pregnant women, non-married expectant fathers, and non-married recent parents.

''(iv) Pre-marital education and marriage skills training for engaged couples and for couples or individuals interested in marriage.

''(v) Marriage enhancement and marriage skills training programs for married couples.

''(vi) Divorce reduction programs that teach relationship skills.

''(vii) Marriage mentoring programs which use married couples as role models and mentors.

''(viii) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

''(C) VOLUNTARY PARTICIPATION.—

''(i) IN GENERAL.—Participation in programs or activities described in any of clauses (iii) through (vii) of subparagraph (B) shall be voluntary.

''(ii) ASSURANCE OF INFORMED CONSENT AND OPTION TO DISENROLL.—Each State or Indian tribe or tribal organization that carries out programs or activities described in any of clauses (iii) through (vii) of subparagraph (B) shall provide the Secretary with an assurance that each recipient of assistance under the State program funded under this part who elects to participate in such programs or activities shall be informed, prior to making such election—

''(I) that such participation is voluntary;

''(II) that the recipient may elect at any time to disenroll from such programs or activities by notifying the State or Indian tribe or tribal organization that the recipient no longer wants to participate in such programs or activities;

''(III) of the process, if any, by which a recipient who chooses to withdraw from, or fails to participate in, such programs or activities may be required to follow to become engaged in other programs or activities that are not programs or activities described in clauses (iii) through (vii) of subparagraph (B); and

''(IV) that the State may reassign a recipient at any time, in accordance with the requirements of section 408(b), to other activities that are not programs or activities described in clauses (iii) through (vii) of subparagraph (B).

''(iii) NO SANCTION FOR REFUSAL OR FAILURE TO PARTICIPATE.—

''(I) IN GENERAL.—No State or Indian tribe or tribal organization shall deny or reduce assistance to a recipient of assistance under the State program funded under this part solely on the basis of the recipient's withdrawal from, or failure to, participate in programs or activities described in clauses (iii) through (vii) of subparagraph (B).

''(II) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as precluding a State or Indian tribe or tribal organization from requiring a recipient of assistance under the State program funded under this part to engage in programs or activities that are not programs or activities described in clauses (iii) through (vii) of subparagraph (B) or to sanction a recipient for failure to engage in such programs or activities or to follow any such procedures the State may establish to enroll a recipient in such other programs or activities.

''(D) GENERAL RULES GOVERNING USE OF FUNDS.—The rules of section 404, other than subsection (b) of that section, shall not apply to a grant made under this paragraph.

''(E) REQUIREMENTS FOR RECEIPT OF FUNDS.—A State or Indian tribe or tribal organization may not be awarded a grant under this paragraph unless the State or Indian tribe or tribal organization, as a condition of receiving funds under such a grant—

''(i) consults with domestic violence organizations that have demonstrated expertise working with survivors of domestic violence in developing policies, procedures, programs and training necessary to appropriately address domestic violence in families served by programs and activities funded under such grant;

''(ii) describes in the application for a grant under this paragraph—

''(I) how the programs or activities proposed to be conducted will appropriately address issues of domestic violence; and

''(II) what the State or Indian tribe or tribal organization, will do, to the extent relevant, to ensure that participation in such programs or activities is voluntary, and to inform potential participants that their involvement is voluntary;

''(iii) establishes a written protocol for providers and administrators of programs and activities relevant to the grant that—

''(I) provides for helping identify instances or risks of domestic violence; and

''(II) specifies the procedures for making service referrals and providing protections and appropriate assistance for identified individuals and families;

''(iv) establishes performance goals for funded programs and activities that clarify the primary objective of such funded programs and activities is to increase the incidence and quality of healthy marriages and not solely to expand the number or percentage of married couples; and

''(v) submits the annual reports required under subparagraph (F).

''(F) ANNUAL REPORTS TO THE SECRETARY.—Each State and Indian tribe or tribal organization awarded a grant under this paragraph shall submit to the Secretary an annual report on the programs and activities funded under the grant that includes the following:

''(i) A description of the written protocols developed in accordance with the requirements of subparagraph (E)(iii) for each program or activity funded under the grant and how such protocols are used, including specific policies and procedures for addressing domestic violence issues within each program or activity funded under the grant and how confidentiality issues are addressed.

''(ii) The name of each individual, organization, or entity that was consulted in the development of such protocols.

''(iii) A description of each individual, organization, or entity (if any) that provided training on domestic violence for the State, Indian tribe or tribal organization, or for any subgrantees.

''(iv) A description of any implementation issues identified with respect to domestic violence and how such issues were addressed.

''(G) BIANNUAL REPORTS TO CONGRESS.—Not later than 24 months after the date of enactment of the Personal Responsibility and Individual Development for Everyone Act, and every 6 months thereafter, the Secretary shall submit to Congress a report regarding the programs and activities funded with grants awarded under this paragraph. Each report submitted in accordance with this subparagraph shall include the following:

''(i) The name of each program or activity funded with such grants and the name of each grantee and subgrantee.

''(ii) The total number of individuals served under programs or activities funded under the grant.

''(iii) The total number of individuals who—

''(I) completed a program or activity funded under the grant, including the number of such individuals who received assistance under the State program funded under this part or with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) while participating in such program or activity; and

''(II) did not complete such a program or activity, including due to ceasing to receive assistance under the State program funded under this part or with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) or for other reasons.

''(iv) A description of the types of services offered under such programs or activities.

''(v) The criteria for selection of programs or activities to be funded under such grant with respect to the award of grants by the Secretary and the awarding of funds to subgrantees.

''(vi) A description of the activities carried out by the Secretary to support grantees and subgrantees in responding to domestic violence issues.

''(v) A summary of the written domestic violence protocols used by grantees and subgrantees.

''(vii) A summary of who the grantees and subgrantees consulted with in developing such protocols.

''(viii) A summary of the training provided to grantees and subgrantees on domestic violence.

''(ix) A list of the organizations, entities, and activities funded under sections 103(c) and 114(e) of the Personal Responsibility and Individual Development for Everyone Act.

''(H) DOMESTIC VIOLENCE DEFINED.—In this paragraph, the term 'domestic violence' has the meaning given that term in section 402(a)(7)(B).

''(I) APPROPRIATION.—

''(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2005 through 2010, $100,000,000 for grants under this paragraph.

''(ii) EXTENDED AVAILABILITY OF FUNDS.—

''(I) IN GENERAL.—Funds appropriated under clause (i) for each of fiscal years 2006 through 2010 shall remain available to the Secretary until expended.

''(II) AUTHORITY FOR GRANT RECIPIENTS.—A State or Indian tribe or tribal organization may use funds made available under a grant awarded under this paragraph without fiscal year limitation pursuant to the terms of the grant.''.

(c) BEST PRACTICES FOR ADDRESSING DOMESTIC VIOLENCE.—Section 413 of such Act (42 U.S.C. 613) is amended by adding at the end the following:

''(k) BEST PRACTICES FOR ADDRESSING DOMESTIC VIOLENCE.—

''(1) IN GENERAL.—The Secretary shall, by grant, contract, or interagency agreement, develop and implement programs that are designed to address domestic violence as a barrier to healthy relationships, marriage, and economic security. Programs developed and implemented under this subsection shall include—

''(A) training for caseworkers administering the State program funded under this part;

''(B) technical assistance;

''(C) the provision of voluntary services for victims of such violence; and

''(D) activities related to the prevention of domestic violence.

''(2) DOMESTIC VIOLENCE DEFINED.—In this subsection, the term 'domestic violence' has the meaning given that term in section 402(a)(7)(B).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $10,000,000 for each of fiscal years 2006 through 2010. Amounts appropriated to carry out this subsection shall be in addition to and not in lieu of amounts otherwise appropriated to carry out programs to address domestic violence.''.

(d) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—Section 409(a)(7)(B)(i) of such Act (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

''(V) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—Subject to subclauses (II) and (III), the term 'qualified State expenditures' includes the total expenditures by the State during the fiscal year under all State programs for a purpose described in paragraph (3) or (4) of section 401(a).''.

(e) PURPOSES.—Section 401(a)(4) of such Act (42 U.S.C. 601(a)(4)) is amended by striking ''two-parent families'' and inserting ''healthy 2-parent married families, and encourage responsible fatherhood''.

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**SA 2105.** Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1____. Item number 512 of the table contained in section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended by striking ''Corning, NY, Phase II Corning Preserve Transportation Enhancement Project'' and inserting ''Transportation Center Enhancements, Corning, NY''.

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**SA 2106.** Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1____. Item number 4596 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended by striking ''Corning Preserve improvements Phase II'' and inserting ''Transportation Center, Corning, NY''.

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**SA 2107.** Mr. SCHUMER (for himself, Ms. CANTWELL, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1____. (a) Section 30123 of title 49, United States Code, is amended—

(1) in subsection (b), by inserting after the first sentence the following: ''The grading system shall include standards for rating the fuel efficiency of tires designed for use on passenger cars and light trucks.''; and

(2) by adding at the end the following:

''(d) NATIONAL TIRE FUEL EFFICIENCY PROGRAM.—(1) The Secretary shall develop and carry out a national tire fuel efficiency program for tires designed for use on passenger cars and light trucks.

''(2) The program shall include the following:

''(A) Policies and procedures for testing and labeling tires for fuel economy to enable tire buyers to make informed purchasing decisions about the fuel economy of tires.

''(B) Policies and procedures to promote the purchase of energy-efficient replacement tires, including purchase incentives, website listings on the Internet, printed fuel economy guide booklets, and mandatory requirements for tire retailers to provide tire buyers with fuel-efficiency information on tires.

''(C) Minimum fuel economy standards for tires, promulgated by the Secretary.

''(3) The minimum fuel economy standards for tires shall—

''(A) ensure that the average fuel economy of replacement tires is equal to or better than the average fuel economy of tires sold as original equipment;

''(B) secure the maximum technically feasible and cost-effective fuel savings;

''(C) not adversely affect tire safety;

''(D) not adversely affect the average tire life of replacement tires;

''(E) incorporate the results from—

''(i) laboratory testing; and

''(ii) to the extent appropriate and available, on-road fleet testing programs conducted by the manufacturers; and

''(F) not adversely affect efforts to manage scrap tires.

''(4) The policies, procedures, and standards developed under paragraph (2) shall apply to all types and models of tires that are covered by the uniform tire quality grading standards under section 575.104 of title 49, Code of Federal Regulations (or any successor regulation).

''(5) Not less often than every three years, the Secretary shall review the minimum fuel economy standards in effect for tires under this subsection and revise the standards as necessary to ensure compliance with requirements under paragraph (3). The Secretary may not, however, reduce the average fuel economy standards applicable to replacement tires.

''(6) Nothing in this chapter shall be construed to preempt any provision of State law relating to higher fuel economy standards applicable to replacement tires designed for use on passenger cars and light trucks.

''(7) Nothing in this chapter shall apply to—

''(A) a tire or group of tires with the same SKU, plant, and year, for which the volume of tires produced or imported is less than 15,000 annually;

''(B) a deep tread, winter-type snow tire, space-saver tire, or temporary use spare tire;

''(C) a tire with a normal rim diameter of 12 inches or less;

''(D) a motorcycle tire; or

''(E) a tire manufactured specifically for use in an off-road motorized recreational vehicle.

''(8) In this subsection, the term 'fuel economy', with respect to tires, means the extent to which the tires contribute to the fuel economy of the motor vehicles on which the tires are mounted.''.

(b) Section 30103(b) of title 49, United States Code, is amended in paragraph (1) by striking ''When'' and inserting ''Except as provided in section 30123(d) of this title, when''.

(c) The Secretary of Transportation shall ensure that the national tire fuel efficiency program required under subsection (d) of section 30123 of title 49, United States Code (as

added by subsection (a)(2)), is administered so as to apply the policies, procedures, and standards developed under paragraph (2) of such subsection (d) beginning not later than March 31, 2008.

**SA 2108.** Mr. VOINOVICH submitted an amendment intended to be proposed by her to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 10 and 11, insert the following:

SEC. 8_____. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) in item number 1926, by striking ''Grading, paving, roads for the transfer of rail to truck for the intermodal facility at Rickenbacker Airport'' and inserting ''Grading, paving, roads, and construction of an intermodal freight facility at Rickenbacker Airport, Columbus, Ohio'';

(2) in item number 2893, by striking ''Grading, paving, roads for the transfer of rail to truck for the intermodal facility at Rickenbacker Airport'' and inserting ''Grading, paving, roads, and construction of an intermodal freight facility at Rickenbacker Airport, Columbus, Ohio'';

(3) in item number 4620, by striking ''Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport Columbus, OH'' and inserting ''Grading, paving, roads, and construction of an intermodal freight facility at Rickenbacker Airport, Columbus, Ohio''; and

(4) in item number 4651, by striking ''Grading, paving, roads for the transfer of rail to truck for the intermodal facility at Rickenbacker Airport'' and inserting ''Grading, paving, roads, and construction of an intermodal freight facility at Rickenbacker Airport, Columbus, Ohio''.

**SA 2109.** Mr. BOND proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Insert the following on page 356, after line 4, and renumber accordingly:

''SEC. 408. (a) Section 604 of title 28, United States Code, is amended by adding section (4) at the end of section ''(g)'':

''(4) The Director is hereby authorized:

(A) to enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 253 of 41 U.S.C.; and

(B) to enter into contracts for multiple years for the acquisition of property and services to the same extent as executive agencies under the authority of section 254c of 41 U.S.C; and

(C) to make advance, partial, progress or other payments under contracts for property or services to the same extent as executive agencies under the authority of section 255 of 41 U.S. C.''

(b) Section 612 of title 28, United States Code, is amended by striking the current language in section (e)(2)(B) and inserting ''such contract is in accordance with the Director's authority in section 604(g) of 28 U.S.C.; and,''

(c) The authorities granted in this Section shall expire on September 30, 2010.

**SA 2110.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 356, between lines 4 and 5, insert the following:

SEC. 408.(a) The division of the court shall release to the Congress and to the public not later than 60 days after the date of enactment of this Act all portions of the final report of the independent counsel of the investigation of Henry Cisneros made under section 594(h) of title 28, United States Code, except for any such portions that contain information of a personal nature that the division of the court determines the disclosure of which would cause a clearly unwarranted invasion of privacy that outweighs the public interest in a full accounting of this investigation.

(b) The office of the independent counsel established to investigate Henry Cisneros shall terminate on the date of the release of the report referred to in subsection (a).

**SA 2111.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 276, after line 24, insert the following:

SEC. 1____. Section 127(a) of title 23, United States Code, is amended by adding at the end the following:

''(13) ARKANSAS.—During the harvesting season of cotton in the State of Arkansas, as determined by the Governor of the State, the State of Arkansas may allow the operation of vehicles with a gross vehicle weight of up to 80,000 pounds for the hauling of cotton seed on—

''(A) United States Route 63 from Gilbert, Arkansas, at the Lake David interchange, to Jonesboro, Arkansas; and

''(B) Interstate Route 555, if that route is open to traffic.''.

## NOTICES OF HEARINGS/MEETINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will beheld on Tuesday, November 8, 2005, at 10 a.m., in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the progress made on the development of interim and long-term plans for use of fire retardant aircraft in Federal wildfire suppression operations.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Frank Gladics (202–224–2878), Dick Bouts (202–224–7545), or Kristina Rolph (202–224–8276) of the Committee staff.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 18, 2005, at 10 a.m., to mark up S. 1562, ''Safe and Fair Deposit Insurance Act of 2005,'' and an original bill entitled ''FHA Asset Disposition Act of 2005,'' for purposes of reporting the text of both bills to the Senate Budget Committee as Title II for reconciliation purposes. Immediately following the markup, the Committee will conduct a hearing on ''The Future of the National Flood Insurance Program.''

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

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 18, 2005, at 2:30 p.m., to conduct a hearing on ''Growth and Development of the Derivatives Market.''

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

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, October 18 at 10 a.m. The purpose of this hearing is to discuss the winter fuels outlook and the effect of high prices this coming winter.

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

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, October 18 at 3 p.m. The purpose of this hearing is to consider our national capacity for producing technological innovation and the importance of this innovation to our global economic competitiveness. The Committee will hear testimony describing the results of a recently released National Academy of Science report on this same topic.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a business meeting on October 18, 2005 at 2:30 p.m., to consider a bill, S. ——, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to make technical corrections.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on October 18, 2005 at 2:35 p.m., to conduct a legislative hearing on S. 1772, the Gas Petroleum Refiner Improvement and Community Empowerment Act.

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

COMMITTEE ON FINANCE

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, October 18, 2005, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the nomination of James S. Halpern, to be Judge of the United States Tax Court, The Judiciary; Susan C. Schwab, to be Deputy United States Trade Representative, with the Rank of Ambassador, executive Office of the President; Karen K. Bhatia, to be Deputy United States Trade Representative, with the rank of Ambassador, Executive Office of the President; Franklin L. Lavin, to be Under Secretary of Commerce for International Trade, Department of Commerce, and, Clay Lowery, to be Deputy Under Secretary of the Treasury, U.S. Department of Treasury.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 18, 2005, at 9:30 a.m., to hold a hearing on Prospects for United Nations Reform.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Tuesday, October 18, 2005, at 2:30 p.m. in SD–430.

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

COMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Comprehensive Immigration Reform II'' on Tuesday, October 18, 2005, at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

*Witness List*

Panel I: The Honorable Michael Chertoff, Secretary of the Department of Homeland Security, Washington, DC; The Honorable Elaine Chao, Secretary of the Department of Labor, Washington, DC.

Panel II: Frank Sharry, Executive Director, National Immigration Forum, Washington, DC; Mark Krikorian, Executive Director, Center for Immigration Studies, Washington, DC; Douglas S. Massey, Ph.D., Professor of Sociology, Princeton University, Princeton, NJ.

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

COMMITTEE ON THE JUDICIARY

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Executive Nominations'' on Tuesday, October 18, 2005, at 2:30 p.m. in the Dirksen Senate Office Building Room 226.

*Witness List*

Panel I: Members of Congress.

Panel II: James O'Gara to be Deputy Director for Supply Reduction, Office of National Drug Control Policy; Julie Myers to be Assistant Secretary for Immigration and Customs Enforcement, Department of Homeland Security; Emilio Gonzales to be Director of the Bureau of Citizenship and Immigration Services, Department of Homeland Security.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, October 18, 2005, to markup the following nominations:

1. William F. Tuerk, Under Secretary for Memorial Affairs, VA.
2. Robert J. Henke, Assistant Secretary for Management, VA.
3. John M. Molino, Assistant Secretary of Policy and Planning, VA.
4. Lisette M. Mondello, Assistant Secretary of Public and Intergovernmental Affairs, VA.
5. George J. Opfer, Inspector General, VA.

The markup will take place in the Reception Room off the Senate Floor, the Capitol following the first rollcall vote of the Senate after 1 p.m.

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

## PRIVILEGE OF THE FLOOR

Mr. WYDEN. Mr. President, I ask unanimous consent that Kristen Averyt, a fellow in my office, be given the privilege of the floor during today's session.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

## SUPPORTING THE GOALS OF RED RIBBON WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 277 which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 277) supporting the goals of Red Ribbon Week.

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

Ms. MURKOWSKI. I rise today in support of a resolution that commemorates the annual ''Red Ribbon Week.'' I am pleased to have Mr. GRASSLEY, Mr. BIDEN, Mr. TALENT, Mrs. DOLE, Mr. STEVENS, Mr. DOMINICI, and Mr. CHAMBLISS join me in introducing this resolution. The purpose of Red Ribbon Week is to educate and advocate a commitment to a drug-free lifestyle. Red Ribbon Week also remembers the contribution of one soldier in the war against drugs, Drug Enforcement Administration Special Agent Enrique ''Kiki'' Camarena. I am honored to be here to seek the Senate's recognition and support again for the annual Red Ribbon Week Campaign.

In Alaska, Red Ribbon Week will be a statewide celebration involving thousands of school children and those people and organizations who care about the welfare of our children and communities. On October 24, the city of Anchorage of will celebrate with a series of Red Ribbon events coordinated with the Anchorage School District, the Alaska National Guard, the Alaska State Troopers, the mayor of Anchorage, the Boys & Girls Clubs of Alaska, the Drug Enforcement Administration, the local U.S. Attorney's Office, many PTA groups and many others throughout the community.

Throughout the week, Alaskans will be encouraged to show gratitude for everyone who remains drug-free and pledges to live a safe and drug-free life and remember those we have lost in the fight against drugs.

The Red Ribbon Week Campaign was started in 1988 by the Federation of Parents. It was organized as an 8-day event and was then chaired by then-President and Mrs. Reagan. The event began as a tribute to DEA Special Agent Enrique ''Kiki'' Camarena who was kidnapped, tortured, and murdered by drug traffickers in 1985. Those who advocate that drug addiction is a

victimless crime should talk to the widow and children of Agent Camarena. His sons, Erik and Enrique, Jr. continue to honor their father and work to help children and families who are victims of drug-related crimes.

The Red Ribbon that we wear during Red Ribbon Week is a symbol of zero tolerance for illegal drug use and a commitment to drug abuse prevention. The ribbon will be worn or displayed in the upcoming Red Ribbon Week by millions of Americans in an act of unity and remembrance of Agent ''Kiki'' Camarena.

The distribution and abuse of illicit drugs is not a private matter. Drugs harm children. Drugs harm our communities. Illegal drugs only facilitate dependency, addiction and the breakdown of families.

We must encourage our children to make better choices by making the same commitment in our own lives. We as parents and leaders must set good examples.

Our children are growing up in a culture that continues to send confusing and mixed signals. Therefore, our children are confronting difficult choices on a continuous basis. Celebrities in the media, movies, television, and music often encourage them to make the wrong decisions. The Red Ribbon Campaign is one effort to help our children make the right decisions.

I thank my colleagues for joining me in support of this resolution to help illustrate the Senate's commitment in ensuring that our children know the benefits of a drug-free lifestyle and encouraging all people to live such a lifestyle.

Mr. GRASSLEY. Mr. President. I am pleased to join my colleague Senator MURKOWSKI in sponsoring a resolution commemorating the annual ''Red Ribbon Week.'' Celebrated October 23–31, Red Ribbon Week encourages individuals, families, and communities to take a stand against alcohol, tobacco, and illegal drug use. I hope the rest of the Senate will join in supporting this resolution and support this very important campaign.

The tradition of Red Ribbon Week now in its twentieth year of wearing and displaying red ribbons started following the assassination of U.S. Drug Enforcement Agency Special Agent Enrique ''Kiki'' Camarena. In an effort to honor his memory and unite in the battle against drug crime and abuse, friends, neighbors, and students from his home town began wearing red ribbons. Shortly thereafter, the National Family Partnership took the celebration nationwide. Since then, the Red Ribbon campaign has reached millions of children, families, and communities across the country, spreading the message about the destructive effects of drugs.

In my State of Iowa, this year's theme for Red Ribbon Week is ''Take a Stand—Be Drug Free.'' Schools and community groups across the State are organizing a variety of activities including pledges, contests, workshops, rallies, theatrical and musical performances, and other family and educational events all designed to educate our children on the negative effects of drugs and promote a drug-free environment.

Research tells us that the longer a child stays drug-free the less likely they will become addicted or even try illegal drugs. This is why it is so important to maintain a coherent anti-drug message that begins early in adolescence and continues throughout the growing years. Such an effort must involve parents, communities, and young people. Red Ribbon Week provides each of us the opportunity to take a stand by helping our children make the right decisions when it comes to drugs.

In light of the growing epidemic of methamphetamine abuse throughout the Nation and especially in State of Iowa, this year's Red Ribbon Week holds greater importance. I urge colleagues to join us in passing this resolution to demonstrate our commitment to raising awareness about drugs and encourage everyone to make healthy choices.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 277) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 277

Whereas the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually cosponsor Red Ribbon Week during the week of October 23 through October 31;

Whereas a purpose of the Red Ribbon Campaign is to commemorate the service of Enrique ''Kiki'' Camarena, a Drug Enforcement Administration special agent who died in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign is nationally recognized and is in its twentieth year of celebration, helping to preserve Special Agent Camarena's memory and further the cause for which he gave his life;

Whereas the objective of Red Ribbon Week is to promote drug-free communities through drug prevention efforts, education, parental involvement, and community wide support;

Whereas drug and alcohol abuse contributes to domestic violence and sexual assaults, and places the lives of children at risk;

Whereas drug abuse is one of the major challenges our Nation faces in securing a safe and healthy future for our families and children;

Whereas emerging drug threats, such as the growing epidemic of methamphetamine abuse, jeopardize the progress made against illegal drug abuse; and

Whereas parents, youth, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week long celebration: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals of Red Ribbon Week;

(2) encourages children and teens to choose to live a drug-free life; and

(3) encourages all people of the United States to promote drug-free communities and to participate in drug prevention activities to show support for healthy, productive, drug-free lifestyles.

## NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 278 which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 278) designating the week of October 23, 2005, through October 29, 2005, as National Childhood Lead Poisoning Prevention Week.

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

Mr. FRIST. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

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

The resolution (S. Res. 278) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 278

Whereas lead poisoning is a leading environmental health hazard to children in the United States;

Whereas according to the Centers for Disease Control and Prevention, 310,000 preschool children in the United States have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of October 23, 2005, through October 29, 2005, as ''National Childhood Lead Poisoning Prevention Week''; and

(2) calls upon the people of the United States to observe the week with appropriate programs and activities.

## AUTHORIZATION OF TESTIMONY

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 279 which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 279) to authorize testimony in the State of Mississippi versus Edward Statecom.

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

Mr. FRIST. Mr. President, this resolution concerns a request for testimony in a shoplifting action pending in Municipal Court in the City of Clarksdale, MS. Trial is scheduled to commence on or about October 20, 2005. The defendant has subpoenaed a member of the Senator's staff who has provided casework assistance to him. The enclosed resolution would authorize that staff member to testify in connection with this action.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 279) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 279

Whereas, in the case of State of Mississippi v. Edward Statecum, Case No. M051648, pending in Municipal Court in the City of Clarksdale, Mississippi, testimony has been requested from Kim Coalter, an employee in the office of Senator Thad Cochran;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, that Kim Coalter is authorized to testify in the case of State of Mississippi v. Edward Statecum, except concerning matters for which a privilege should be asserted.

## AUTHORIZING THE TRANSFER OF NAVAL VESSELS

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to immediate consideration of S. 1886, introduced earlier today.

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

The assistant legislative clerk read as follows:

A bill (S. 1886) to authorize the transfer of naval vessels to certain foreign recipients.

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

Mr. FRIST. I ask unanimous consent 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. 1886) was read the third time and passed, as follows:

S. 1886

*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 ''Naval Vessels Transfer Act of 2005''.

**SEC. 2. TRANSFERS BY GRANT.**

The President is authorized to transfer vessels to foreign recipients on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) GREECE.—To the Government of Greece, the OSPREY class minehunter coastal ship PELICAN (MHC–53).

(2) EGYPT.—To the Government of Egypt, the OSPREY class minehunter coastal ships CARDINAL (MHC–60) and RAVEN (MHC–61).

(3) PAKISTAN.—To the Government of Pakistan, the SPRUANCE class destroyer ship FLETCHER (DD–992).

(4) TURKEY.—To the Government of Turkey, the SPRUANCE class destroyer ship CUSHING (DD–985).

**SEC. 3. TRANSFERS BY SALE.**

The President is authorized to transfer vessels to foreign recipients on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) INDIA.—To the Government of India, the AUSTIN class amphibious transport dock ship TRENTON (LPD–14).

(2) GREECE.—To the Government of Greece, the OSPREY class minehunter coastal ship HERON (MHC–52).

(3) TURKEY.—To the Government of Turkey, the SPRUANCE class destroyer ship O'BANNON (DD–987).

**SEC. 4. GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.**

The value of a vessel transferred to another country on a grant basis pursuant to authority provided by section 2 shall not be counted against the aggregate value of excess defense articles transferred to countries in any fiscal year under section 516 of the Foreign Assistance Act of 1961.

**SEC. 5. COSTS OF CERTAIN TRANSFERS.**

Notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)), any expense incurred by the United States in connection with a transfer authorized under section 2 shall be charged to the recipient.

**SEC. 6. REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.**

To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of that country be performed at a shipyard located in the United States, including a United States Navy shipyard.

**SEC. 7. EXPIRATION OF AUTHORITY.**

The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

## MONTH OF GLOBAL HEALTH

Mr. FRIST. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 225 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 225) designating the month of November 2005 as the ''Month of Global Health.''

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

Mr. FRIST. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and any statements be printed without intervening action or debate.

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

The resolution (S. Res. 225) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 225

Whereas child survival is a key element of global health and is of utmost importance to the United States and all countries of the world;

Whereas child survival must be addressed on a global scale;

Whereas increasing child survival rates is critical to population growth in countries around the world;

Whereas child survival depends on access to key nutrients that can avert millions of unnecessary deaths in third world countries from preventable diseases;

Whereas 5 simple interventions, if delivered to children before the age of 5, may significantly increase their chances of survival;

Whereas these 5 interventions—vaccines, antibiotics, Vitamin A and micronutrients, oral rehydration therapy, and insecticide-treated bednets—can be provided to third world countries at minimal cost; and

Whereas 10,000,000 children die each year from preventable diseases in third world countries and 6,000,000 of those deaths could be prevented by the use of these interventions: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the month of November 2005 as the ''Month of Global Health'';

(2) reaffirms its commitment to ensuring that children around the world receive the interventions necessary for survival as an integral component of efforts to improve global health; and

(3) encourages the people of the United States to observe the ''Month of Global Health'' with appropriate participation in key activities, programs, and fundraising in support of worldwide child survival.

## URGING PROHIBITION OF REBIRTHING TECHNIQUES

Mr. SALAZAR. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 276, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 276) expressing the sense of the Senate that the attachment therapy technique known as rebirthing is a dangerous practice and should be prohibited.

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

Mr. SALAZAR. Mr. President, I rise today to speak about a resolution I have introduced with my colleague from North Carolina, Senator BURR. This resolution encourages States to prohibit a controversial procedure known as ''rebirthing.''

Today's action sheds light on the death of a North Carolina child brought to Colorado to undergo the ''rebirthing'' procedure.

Like many, I first learned of this intervention procedure known as ''rebirthing'' when information about the death of Candace Newmaker was reported in Colorado newspapers.

Rebirthing is a procedure which attempts to reenact the birth process by restraining a child with blankets and forcing a child to emerge unaided.

Candace, a 10-year-old, was brought to my State to undergo ''rebirthing,'' which was supposed to help her form a bond with her newly adoptive mother. Instead, this dangerous procedure, which is supported by no scientific evidence, and is in fact condemned by the American Psychiatric Association, cut short a life full of possibilities.

Her adoptive mother believed that this procedure would help her establish a stronger relationship with Candace, who was having difficulty adjusting to her new home and who had been in and out of the foster care system.

By paying $7,000 for someone to diagnose and to treat Candace, her adoptive mother believed that she would establish a connection with her new daughter. After a few days, the hired ''experts'' decided that ''rebirthing'' would erase Candace's childhood memories so that she could form a lasting mother-daughter relationship.

Candace was wrapped in flannel blankets, held down by the weight of four adults, who bounced her and squeezed her to simulate contractions. When Candace begged for the procedure to cease, the adults holding her down ignored her pleas. When she told the strangers restraining her that she felt she was going to die, they ignored her.

In April 2001, when Candace was brought to Children's Hospital in Denver, she was unconscious. She had been restrained under blankets for over an hour. Tragically, she suffocated to death.

I was Colorado's Attorney General at the time this tragedy occurred. When one of the therapists was convicted for the death of Candace, my office successfully upheld that conviction upon appeal.

As I stated then, and still believe today: adults are responsible for their criminal recklessness when caring for a child, regardless of whether it is called ''therapy'' or some other form of unusual care or treatment.

We cannot take back the actions of the past and bring Candace back, but we can take action to ensure that her life was not lost in vain.

Her grandparents, David and Mary Davis, have been the primary force behind efforts to honor the life of Candace. Through their advocacy, the States of Colorado and North Carolina have passed laws banning rebirthing.

The Davis family also worked with their representative in the U.S. House of Representatives to pass a resolution encouraging States to outlaw rebirthing.

With the introduction of this resolution, the Senate is poised to act.

Candace's grandparents and several members of her extended family are with us today. I welcome the Davis family and sincerely appreciate their presence. I am honored to join with Senator BURR to support this resolution.

It is my hope that our actions today will prevent further pain and suffering.

I urge the Senate to promptly act on this resolution in the name of Candace Newmaker and all children who could potentially be victimized by this life-threatening procedure.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I thank my colleague from Colorado. It is seldom we have an opportunity to effect a change for a specific individual. We have an opportunity to do that today for an individual we will never meet, an individual who might be placed in the same situation as Candace. In fact, in 2001, Candace Newmaker, the granddaughter of David and Mary Davis of Vale, NC, was killed. She was killed during a so-called rebirthing therapy session. This dangerous practice involves therapists, as my colleague said, wrapping sheets and towels and pillows around a patient who almost always is a young child, who is curled in a fetal position. The therapists attempt to recreate the child's birth by physically restraining and pushing against the child, urging the child to escape.

The stories are horrendous. Rebirthing has resulted in numerous injuries as well as the suffocation and death of five children. If there was ever a time that called out for us to act on a resolution like this, this is it; to reach out to States and say: Do what North Carolina did, do what Colorado did—outlaw this practice.

In 2003, North Carolina did outlaw this unsafe therapy, largely due to the Davises' efforts. Today, Senator SALAZAR and I urge other States to do exactly that. The Candace Newmaker resolution encourages States to examine the rebirthing technique and enact laws prohibiting this dangerous practice. Organizations such as the American Psychological Association fully support the ban of this technique. The possible loss of another child to this harmful therapy should be enough reason for the Senate to pass this resolution; if we can affect one child with our action, a child we have not met who might be exposed to this, we should do so.

The House of Representatives, led by my colleague, Representative SUE MYRICK, passed a similar resolution on December 17, 2002. The Davises are here today, and I thank them personally for their passion and for their commitment to have rebirthing outlawed. Their dedication to this cause is a reflection of the amount of love and loss they feel toward Candace.

Mr. President, I proudly join my colleague, Senator SALAZAR, to raise awareness of this resolution and to urge our colleagues in this body for a quick consideration.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 276) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 276

Whereas ''rebirthing'' is the most dangerous form of attachment therapy, a controversial and scientifically unsupported form of therapy that claims to treat emotionally disturbed children by using physical restraints;

Whereas rebirthing techniques attempt to reenact the birth process by restraining a child with blankets or other materials and forcing the child to emerge unaided;

Whereas rebirthing techniques are based on the erroneous assumption that a reenactment of the birth process will treat children with reactive attachment disorder, a psychiatric condition characterized by the inability to form emotional attachments, by purging the child of rage resulting from past mistreatment and allowing the child to form stronger emotional attachments in the future;

Whereas attachment therapists claim rebirthing techniques create new bonds between adopted children and adoptive parents and often use rebirthing techniques in therapy sessions with adoptive families;

Whereas in 2000, Candace Newmaker, a 10-year-old child from North Carolina, died from suffocation, after being wrapped in flannel sheets, covered with pillows, and leaned on by 4 adults to simulate contractions, when Candace became trapped by the sheets because she was forcibly restrained by these adults and could not emerge through her own efforts to be reborn into her adoptive family;

Whereas between 1995 and 2005, at least 4 other children in the United States have died from other forms of attachment therapy;

Whereas the American Psychiatric Association, a national medical specialty society that focuses on the diagnosis, treatment, and prevention of mental illnesses, maintains that no scientific evidence supports the effectiveness of rebirthing techniques;

Whereas in 2002, Paul S. Appelbaum, M.D., President of the American Psychiatric Association, condemned rebirthing techniques as ''extreme methods [that] pose serious risk and should not be used under any circumstances''; and

Whereas several States have enacted or are considering legislation to prohibit the use of rebirthing techniques: Now, therefore, be it

*Resolved,* That it is the sense of the Senate that—

(1) rebirthing, an attachment therapy technique that reenacts the birth process by

physically restraining a child and forcing the child to emerge unaided, is dangerous, potentially life-threatening, and unsupported by scientific evidence; and

(2) each State should enact laws prohibiting the use of rebirthing techniques.

## ORDERS FOR WEDNESDAY, OCTOBER 19, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, October 19. 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 for the two leaders be reserved, and there then be a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the Republican leader or his designee, provided that following morning business the Senate then resume consideration of H.R. 3058, the Transportation, Treasury Appropriations bill.

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

## PROGRAM

Mr. FRIST. Mr. President, the Senate continued to work on the Transportation—Treasury appropriations bill today. A number of amendments have indeed been filed. I encourage Senators who are serious about offering them to come down early in the day tomorrow to do just that. We hope to dispose of the pending Kennedy amendment and an alternative to that amendment at an early hour tomorrow.

The two managers were here all day and have been very patient. If Senators do not come down in a timely manner to offer their amendments, then I would encourage the managers to close out the bill to further amendment and proceed to final passage. We will finish this bill this week, either Wednesday or Thursday, or Friday, if necessary, and therefore votes can be expected each day until we finish this bill.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, 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.

There being no objection, the Senate, at 7:16 p.m., adjourned until Wednesday, October 19, 2005, at 9:30 a.m.