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## Senate

The Senate met at 2 p.m. and was called to order by the Honorable PAT ROBERTS, a Senator from the State of Kansas.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Creator of the universe, help us to grasp the length, breadth, and depth of Your love for us. We marvel that You desire a relationship with us and have given us the privilege of conversing with You in prayer.

Bless our Senators today and the many others who labor with them to keep our Nation strong. Open our eyes that we might perceive Your presence in our lives and world. Strengthen and sustain our loved ones who support and encourage us. Mold and meld us into the people You desire as we surrender ourselves to You for the business of this day.

Lord, we also pray for those affected by Hurricane Wilma and ask that You would help and comfort them. We pray in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable Pat Roberts 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 24, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAT ROBERTS, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. ROBERTS thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

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

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, today we will immediately resume consideration of the Labor-HHS appropriations bill, following statements by myself and the Democratic leader. Amendments may be offered during today's session, and we hope Senators will come to the floor and offer their amendments. If Senators are unable to come to the floor, we ask that they notify the two managers or their respective cloakrooms of their intention to offer amendments and the specific subject matter. I know the distinguished chairman will have more to say on this. He has made it clear that at the appropriate time, he will go to third reading in order to complete this bill. His statement in saying that and my statement in restating that is that we will finish this bill this week. We absolutely must have people come to the floor today as soon as possible, instead of doing what

has become almost a custom here, wait a few days before making the managers aware of their amendments.

It means that we will be voting, of course, through this week. We will have votes later tonight which I will speak to. As I have said before, working with the Democratic leader, it is very important that we work Monday, Tuesday, Wednesday, Thursday, and Friday. We have asked all of our colleagues, between now and Thanksgiving, to give us every Monday and every Friday instead, as has become the custom, of working Tuesday, Wednesday, Thursday on the floor and not Monday and Friday. We will have to ask everybody's cooperation and participation. The chairman will have more to say about that momentarily. We will have one vote, probably two votes, possibly three votes, but we will have one or more votes today beginning at 5:30. We hope we can have a vote on the Labor-HHS bill, if an amendment is offered and debated this afternoon. In addition, we have three district judges on the Executive Calendar, and those may require rollcall votes. Therefore, Senators can expect to begin voting at 5:30 today.

I remind Senators, we will have a very busy week with this particular bill. Senators are asked to report on time when we call a vote. Again, the tendency has been to go beyond 15 minutes and, indeed, beyond 20 minutes. Because we have so much to do in such a limited amount of time over the next 4 weeks, we will have to tighten that up and ask people to be more responsive than in the past.

Mr. REID. Will the Senator yield?

Mr. FRIST. I am happy to yield.

Mr. REID. Mr. President, I have kept quiet the last 8 or 9 months on this issue, but I am glad to hear somebody raising the issue of how long these votes take. It is so discourteous, so impolite of Senators to have us wait around here for 35, 40 minutes on a vote. It is not right. People have other

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



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things to do than wait for somebody who is finishing a phone call or some appointment. The only way to do this is to cut off the vote, have people miss votes. If I am late, cut off the vote. Senators come in here “hang tooth,” sad that they missed a vote, after we keep the vote going for 35 or 40 minutes. I served in the House of Representatives. We had 15 minutes to vote in the House. It is over with. There are 435 Members over there. They all manage to get over and vote on time. I know we have a rollcall, but it is simply unfair to this institution to waste hours every week. My Democratic Senators, if they are late and there is equal pain around here and you cut off your Republicans, I will cut off my Democrats, and I will handle them. I want everyone within the sound of my voice, all the staffs, to hear that it is my understanding, based upon the urging of Senator SPECTER, that we are going to cut these votes off. I hope that is the case. It is a pet peeve I have around here. Where else in the world would you be so discourteous as to have people standing around waiting for you to do something that none of us care about? I don't know what they are doing over there. We hear the excuses, the plane has just landed, they are on their way. They have had too many tardy slips. Let's not accept that anymore. I think if we did it once, the second time it would be a lot easier. And the third time it would never happen. I hope the distinguished Republican leader will force our Senators to recognize that they have the obligation of voting on time. It is the main reason we are here. If they miss a vote, they miss a vote.

Mr. FRIST. Mr. President, you have heard it now from the two leaders and the chairman and the ranking member. Let's plow ahead, again being respectful of the body itself and the use of time, and keep the bill moving forward and America moving forward.

#### DARFUR

Mr. FRIST. Mr. President, the United States will very soon vote on a resolution urging the international community and the Government of Sudan to end genocide in Darfur. Since March of 2003, more than 181,000 people have died in the Darfur region, Darfur and the country west of Sudan—Darfur is in the western part of Sudan and the country west of that, Chad, and the neighboring towns in that region. One hundred eighty-one thousand people have died of violence and disease. They are dying of malnutrition. More than 2 million people have been displaced from their homes, many times without their families, and remain scattered in these refugee camps in the Darfur region and in Chad.

I have had the opportunity to travel to Sudan many times and to the Darfur region, last year to Chad. Along the border, there are a whole number of refugee camps, each with anywhere

from 6,000 to as many as 12,000 people. When you go into these refugee camps and you sit down on a little mat with all these little makeshift tents with 8,000 people who have had to leave their homes, you hear the stories of murder, the stories of rape from young women. You hear those stories of violence, many with descriptions of the Government of Sudan's jeeps driving through these villages as they are pushed forward. I have heard the stories myself. I have talked to enough people on the ground to know that this is, indeed, genocide and that it is time for us, the international community, to do something about it.

I have said basically that same thing on the floor of the Senate for the last year; many of us have. It is embarrassing to have to come back to the floor to say it once again.

The Government of Sudan has failed to take credible steps in terms of ending this genocide. There has been a lot of talk, but we don't see any action. It was clear, as I was there, as it is now, that the death toll is going to increase. It is going to increase unless we have stronger action, unified action, but not just by the Government of Sudan, because they are not going to act, but the entire international community against Khartoum, where the Government of Sudan is centered. President Bush and former Secretary of State Colin Powell and the Senate have all declared that the Darfur crisis is, in fact, genocide. It was the Senate that officially condemned it as genocide. Once again, we see no real response by the international community.

This past Friday, the United Nations High Commissioner for Refugees warned that the situation in the Darfur region of the Sudan is getting worse. Where is the international community's response?

Innocent civilians continue to be targeted by the Sudanese Government in Khartoum and its allied Janjaweed militias. The Janjaweed have even caused the United Nations to temporarily suspend some of its relief activities in many areas of Darfur. In the words of the High Commissioner, the situation is “extremely nasty, with ugly events.” Last month, 400 Janjaweed Arab militia on camels and horseback attacked a refugee camp killing 35 people, wounding 10 others. More than 80 homes were burned to the ground. On October 8, an African Union convoy was ambushed in the southern part of Darfur. Four Nigerian soldiers and two civilian contractors were killed. The very next day, a group of rebels abducted 38 African Union soldiers in the border town of Tine, threatening the African Union to stay out of the territory.

Today there are fresh reports of heavy gunfire over the weekend in half a dozen towns in the region. The African Union forces deployed to the Darfur region have done a professional job and deserve praise for their determination. But they are up against

ruthless opponents who attack and maim and kill their opponents. Nearly 200,000 civilians are dead, 2 million more displaced and suffering. The violence must stop. Those who are responsible for genocide for these war crimes against humanity and these criminal acts must be brought to justice.

I urge the United States to renew efforts to implement additional sanctions on the Government of Sudan through the United Nations Security Council. I also support an expansion of the size and mandate of the African Union mission in Darfur, and I encourage my colleagues to continue to support its efforts.

Time is running out. We cannot wait and see. The international community must live up to its declared responsibility to protect innocent citizens targeted for genocide. The credibility of the international community is at stake. Even more important than that are the hundreds of thousands of innocent people whose lives now hang in the balance.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished Democratic leader is recognized.

#### AMERICA'S PRIORITIES

Mr. REID. Mr. President, I think most Americans have been to Florida. It is such a pleasant place, and beautiful, with wonderful beaches and tremendous weather. But nature has been very unkind to Florida in the past few years. There have been numerous storms, devastating storms. Florida is now being buffeted by Wilma. Winds are over 125 miles an hour with torrential rains, flooding many parts of Florida. Over 20,000 people have sought safety in shelters. Many have chosen to ride out the storm, and that is unfortunate. According to reports, less than 10 percent of the residents of the Florida Keys have evacuated, and it appears this may turn out to be the most damaging hurricane to hit this region in more than a decade. This afternoon, Wilma's victims are certainly in our thoughts. The storm is still there.

In recent weeks, we have seen how destructive nature can be. The people of Florida know we stand ready to help if, in fact, that is necessary.

Victims of Hurricane Wilma join the growing list of the Americans who need our help. While Wilma is upon us—we had Rita before that—we cannot forget the people who have suffered such devastating losses from the storm that hit the gulf, Hurricane Katrina. But it is obvious that the majority has forgotten about them.

We have had bills agreed upon by the Finance Committee and others—bipartisan bills—that we cannot move to the Senate floor. We cannot move them. Now I am told a bill that started out at

\$8 billion to help the people who are in such need of medical care and attention, the Medicaid bill, has now shrunk to less than \$2 billion. It will be, of course, a Band-Aid. It will give the majority something to say: we are trying to help. The fact is, they are not trying to help.

Weeks have gone by, and now Wilma is upon us, and Wilma will likely create the need for more help for people in Florida, which will push Katrina's victims, in the minds of the majority, further off the radar screen.

The American people, even before Wilma, were already looking to the Senate for help with rising energy prices, and preparedness for future disasters, such as the avian flu. We must add Wilma's victims to this list.

It is my hope that the majority in the Senate will join Democrats in focusing on these priorities. These priorities are about doing something about these staggering energy costs—heating fuel, filling the gas tank—or doing something about being prepared for what we have been told is going to be a pandemic, the avian flu. We have seen it leave the Far East and travel to Europe. And what are we going to do about the Katrina victims?

With few weeks remaining in this work period before Thanksgiving, we need to come together and make sure the agenda of the Senate reflects the agenda of the American people. Unfortunately, it does not at the present time.

This week, the Senate Budget Committee will mark up the bills they get from the various committees and move forward with budget reconciliation. This is legislation that cuts health care for the neediest of the needy, the Medicaid recipients. It will cut housing. It will cut programs for farmers. It could put at risk the pensions of millions of working Americans. But the majority's mantra is: Rich people of America, we are coming to your rescue; we are going to cut your taxes some more.

I am appealing to my colleagues in the majority: Don't do this. Postpone this effort. We have very real needs to address in this country. I repeat, rising energy prices, hurricane victims, and preparedness for the avian flu. These issues should be the focus of every Senator, not cutting programs to help those most in need and providing tax breaks for special interests.

Democrats voted against this immoral Republican budget once before Katrina hit. Now, after all we have been through, I think it is even more of an embarrassment to this institution that we are moving forward to cut the poor even more and cut taxes for special interests even more.

After a summer of rising energy prices and multiple hurricanes, hundreds of thousands of families are struggling to meet basic needs. The cuts in the Republican budget will only make these problems worse. Of course, even if Republicans move forward with

their plans, Democrats will continue to insist the Senate address the priorities of the American people.

As we did last week, we will continue to try to bring forward legislation that will help working families. On energy, we will fight to make sure the Senate takes a real look at price gouging and takes steps to help millions of families fill their tanks and heat their homes. On avian flu, we will continue to push the Senate to consider our comprehensive preparedness legislation so our country has the tools and resources it needs to confront this pandemic. If we do not do something, we are told 48 percent of the people who get this flu are going to die. And with Katrina, we are going to do everything we can to make sure hundreds of thousands of victims get the health care, housing and economic opportunities they need.

This weekend brought a new round of stories about how gulf coast communities are struggling. The problems of Katrina have not gotten better. For many families they have gotten worse.

With Katrina, we also have to ensure we get answers to how this happened so we can do everything possible to prevent it from happening again. The Senate has an obligation to act.

I say to my friends who now, as we see from the morning papers, are concerned about how many Iraqis are killed and soon—it may have already happened—just a matter of hours from now, 2,000 Americans will have been killed in Iraq. No one was looking for offsets and have not been looking for offsets on the billions of dollars being spent in Iraq.

Unfortunately, the Republicans blocked our attempts to help the American people last week. We could have made real progress. Instead, the Senate wasted much of its time. America can do better. We do not have time to lose. Every day that goes by, the problems faced by Katrina's victims grow worse. Every day that goes by, families are squeezed tighter by the energy crunch. Every day that goes by, we lose precious time in preparing for the avian flu pandemic.

We can do better. America can do better.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Illinois is recognized.

Mr. DURBIN. I thank the President for recognizing me.

I would like to follow on the remarks made by the Democratic leader of the Senate. The American people we represent expect us on the floor of the Senate to truly represent them and their real concerns—the needs of their families, the needs of their communities, the needs of businesses and farmers. We are elected to speak for them and to come together in common purpose on a bipartisan basis and deal with the real issues Americans face.

I would certainly acknowledge that the pending appropriations bill for Labor, Health and Human Services, which includes education as well, is

one of the most important appropriations bills that addresses those needs. In years gone by, there was a Congressman from Kentucky named Bill Natcher who was the chairman of the subcommittee that handles this bill. He always called this bill on the House floor the "people's appropriations bill." I think it was aptly named because it meant so much.

So as we visit this bill this week, it is time well spent, time to reflect on what we can do to help education in America, time to reflect on what we can do in the area of health care for America, medical research for America. It is time to look at some of the most basic programs we count on.

Sadly, this bill is the exception, it is not the rule.

Too many times we come to the floor of the Senate not to serve the needs of the people of this great Nation, but to serve the needs of special interest groups. They dominate this process because it has become such an expensive process. Unless you are independently wealthy and can finance your own campaigns from the millions of dollars you made before you came to the Senate, most Senators, mere mortals, spend their time raising money. From whom? Well, from their voters somewhat but, by and large, from special interest groups. So it is no surprise that the agenda of the Senate reflects those special interest groups.

Just a week ago, the new bankruptcy law went into effect. Professor Warren of Harvard Law School this morning in the New York Times talks about what it is going to mean. This was a 9-year effort by the financial institutions and credit card companies of America to make it more difficult for families to file for bankruptcy. Nine years they put into it, and they finally scored their big victory this year. They got this new bankruptcy bill passed.

What it means is fewer people who walk into bankruptcy court will be able to walk out with a clean slate. Many people walking in, crushed by debt, will find themselves walking out still carrying most of that debt.

Who are these people? Who are these folks who have been accused of abusing the bankruptcy system? Take a look at them: Over half of them are people who were overwhelmed by one thing—medical bills. There was an article in the New York Times this Sunday on the front page—my colleagues might have read it—of a family with health insurance and a sick baby who ended up losing their home, despite the fact they had health insurance, because of the serious medical problems that little baby faced.

This new bankruptcy law pushed on us by financial institutions and credit card companies will make it more difficult for families like that to ever erase the slate and start over. The special interests won again.

Then we had this debate on the floor of the Senate about the Department of Defense authorization bill. Can you

think of anything more important, certainly to the families of 150,000 American soldiers serving in Iraq today? Is there anything more important than the Department of Defense authorization bill, a bill which addresses the needs of our soldiers, the needs of the Pentagon, the needs of our veterans? Could there be a higher priority for us to deal with on the floor of the Senate?

Do you know what happened to that bill? The Republican leadership pulled that bill off the floor and said: We don't have time to consider it. And what did they replace it with? They replaced it with a bill pushed by the gun lobby, the National Rifle Association, a bill which says that gun manufacturers cannot be held liable in court for their wrongdoing. That is right, we have created this class in America, a limited class of people who are not responsible for their wrongdoing. It doesn't apply to you, not as an individual. If you are guilty of wrongdoing you can be held accountable. It does not apply to 99.9 percent of the businesses in America. Guilty of wrongdoing? You are held accountable.

But the gun industry, this big special interest group, so powerful that Republican leadership pulled the Department of Defense bill off the floor and has never returned to it.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield for a question.

Mr. REID. I apologize for interrupting.

In the New York Times today on the front page there is a column that says: "GOP Testing Ways to Blunt Leak Charges." Is the Senator aware that the senior Senator from Texas said she hoped "that if there is going to be an indictment that says something happened"—referring to the Rove-Libby scandal in the White House—"that it is an indictment on a crime and not some perjury technicality. . . ." Will my friend comment on this statement?

Mr. DURBIN. Mr. President, I did read the article on the plane coming out here. I think everyone knows, without saying this is a critical week, that something could happen this week. There are investigations under way of the Republican leadership, the House and the Senate, and now there is a question as to whether there will be indictments handed down for others in the executive department.

It is clear from the statement by some Senators, including the one quoted, that they are trying to prepare America for the shock that even higher level indictments could be handed down.

I say to the Senator from Nevada, and I think he would agree with me, the vast majority of the men and women serving in the House and Senate today are the most honest, hard-working people America could ever hope for. They come to work every day trying to serve the public good and yet in every institution, whether it is Gov-

ernment, business, families, even churches, there is wrongdoing. People do the wrong thing.

I hope what we hear being said by some Members of the Senate minimizing the possibility of indictments at the highest level of our Government does not reflect the true feeling of this body. I honestly believe there has been a rampant culture of corruption and cronyism that can take over our lives if we are not careful in public life. I hope we are mindful of the public's need to know that we are committed to continuing honest, ethical conduct in public service. Otherwise, we lose the confidence. Nothing else we do means much.

To minimize the possibility of someone being indicted for perjury overlooks the obvious. What is at stake, what is at issue in this investigation involving Valerie Plame, is the fact that this woman was a career employee of the Central Intelligence Agency in a covert status, which meant people did not know what she was doing. That gave her *entre* and opportunity others did not have. So protecting her identity was an important part of her service to this Nation.

There are many like her who risk their lives every day for America to make it safer to uncover potential acts of terrorism before they occur. So when her husband, a former ambassador, put an article in the newspaper critical of the Bush administration for overstating the reasons we were going to invade Iraq, someone—according to columnist Robert Novak, two people in the White House—came forward to out her identity. They did that for the most vain national political reasons, to punish her and her husband for speaking out against the administration.

That is a crime, to out the identity of a CIA agent. Who created this crime? It was a crime created by President Bush's father, former head of the CIA, who was so enraged that someone had written a book disclosing the identity of a CIA agent which he believed resulted in their death that he called on Congress to pass a law to say if anybody disclosed that identity, they should be held responsible for it. That is what is at the heart of this.

This is not a political game. It involves the lives and good fortunes of many men and women who serve this country selflessly. So to minimize this Valerie Plame investigation and to say it is over some technicality—for goodness sakes, the security of America and the security of the men and women in our intelligence agency, that is not a technicality. That is part of the defense of this country. I certainly hope what we have seen in the paper this morning, reflected in yesterday's talk shows, is not part of some strategy to try to minimize what is an extremely serious investigation.

I also say this before I yield the floor—I see the Senator from Pennsylvania is here as chairman of the committee. The three points made by the

Senator from Nevada are critical points. Five weeks from now, how can we go home and say Thanksgiving has come, we are ready for the holidays, we are headed off, and not do something about energy in America? How can we face the people we represent who cannot afford to pay their heating bills, people who cannot afford the cost of gas in my part of the world, in the Midwest, or the cost of heating oil in the Northeast? Can we say we have done the best we can do? I do not think so.

When it comes to energy, the bill we passed was a sop to the special interests. It was \$9 billion in subsidies to oil companies which are experiencing the highest profits they have seen in decades. Some parts of the bill were good, and I voted for it because it included ethanol and biodiesel and a few other things, but by and large this bill did not force us into an energy policy. What we need to do is very obvious.

First, we need to protect consumers in America from these price spikes. They are defenseless when the cost of gasoline reaches the point they cannot afford to go to work or run their small businesses or bring the harvest in from the farm.

Secondly, we need to punish profiteers. The four major oil companies in America in the first 6 months of this year had over \$40 billion in profits.

When you stuck that nozzle in the tank of your car and watched those numbers racing by on the pump, you were sending it directly to the boardrooms of these oil companies, \$40 billion in profits that they took right out of that experience.

One of the Senators from the other side last week asked, what is wrong with profits? Well, I guess nothing is wrong with profits unless you have to pay for them out of your hard-earned money every single day, and unless you cannot heat your home in the dead of winter because the cost of heating oil has gone up to make sure those profits keep coming to the boardrooms.

Some of us believe it is time to say, end of the road to these major oil companies that are profiteering, and to punish the profiteers with a windfall profits tax which tells them there is no incentive in raising the price for more profiteering. Some say that is harsh, it goes too far. I do not think so. Imposing that tax and bringing the money back to consumers directly in rebates or to help pay for LIHEAP so low-income families can heat their homes, in my mind, is simple justice.

Finally, we need an energy policy that looks ahead to making America less energy dependent. There was one critical issue on the floor when it came to the Energy bill. It was an amendment offered by Senator Maria Cantwell of Washington, cosponsored by many of us, and here is what it said: Much like President Kennedy's goal of reaching the Moon, we will set as a national goal reducing our dependence on foreign oil in America by 40 percent over the next 20 years. Is there a person

following this debate who does not think that is a good idea, a positive thing, that we would take the impact of the OPEC cartel and oil sheiks out of the American economy, minimize their impact?

We called that amendment up for a vote. One would think it would have been a unanimous vote, but it turned out to be a partisan vote. Not a single Republican Senator would support it. To reduce the dependence on foreign oil? That makes no sense.

We need to push for creativity when it comes to energy. We need to find renewable, sustainable sources of energy. What is the administration's answer to the energy crisis? Drill in the Arctic National Wildlife Refuge. An argument can be made there is not enough oil there to sustain us for any period of time. Over 20 years, the oil coming out of there is worth 6 months of America's energy supply. Over 20 years, it would produce 6 months' worth.

What happened last week in the Energy Committee? Up came a vote which said, incidentally, if there is going to be drilling in the Arctic National Wildlife Refuge, the oil better come down to America to help reduce our prices. That amendment was defeated. It was defeated on a largely partisan rollcall. There were many who said, no, the oil companies cannot be told what to do with the oil they take out of a wildlife refuge that has been protected for 50 years.

One wonders about the reach and impact of special interest groups. President Eisenhower's Arctic Wildlife Refuge, which we have valued and protected for 50 years, is going to be invaded and desecrated to drill for oil for America's energy, but this Congress would not say that oil would come back for heat and to fuel the cars of Americans. Where will it go? Probably to China.

Think about that for a second. One of our largest competitors in the world, energy hungry themselves, may end up with the very oil we are taking out of this wildlife refuge we have debated for years.

The point made about Hurricane Katrina is a good one. How can we leave without creating an independent, nonpartisan commission to figure out what went wrong? For 24/7, we saw those ghastly images of our fellow Americans struggling so that their children could survive this flood. We watched corpses bobbing in the flooded waters, seeing people desperate for shelter, water, and food. Much like 9/11, we think we ought to look into that to make sure we never repeat those mistakes again. There is resistance from the White House and from the majority.

Basically, the avian influenza is another call to arms. If this avian influenza, which has been described as inevitable by Dr. Gerberding of the Centers for Disease Control, strikes America, the people of this country have a right to turn to every single elected official

and ask, what did you do, knowing this was coming? What did you do to stockpile the antiviral agents that might save the lives of the children in my family? What did you do to start the vaccine production that might save the lives of hundreds of thousands of Americans? What did you do back in October of the year 2005 when you had that chance?

So the question is whether we will go home having addressed any of those issues: energy, Katrina or avian influenza. This bill before us is critically important, but after this bill is finished I hope we will move to those three items. I think they are of great national significance.

I yield the floor.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, parliamentary inquiry: What is the pending business?

DEPARTMENTS OF LABOR,  
HEALTH AND HUMAN SERVICES,  
AND EDUCATION, AND RELATED  
AGENCIES APPROPRIATIONS  
ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3010, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Mr. SPECTER. Mr. President, I made an opening statement on Friday morning and I intend to yield in a moment or two to my distinguished colleague, the ranking member, Senator HARKIN. I urge all Senators to come forward with their amendments. So far staff has contacted every Senator's office to find out if there are amendments which the Senator intends to file. We have been made aware of approximately 15 amendments identified so far where there is an intention to file. We have had a fair number of other comments from staffers of other Senators who do not know what their Members intend to do.

We have a very complicated bill, in excess of \$145 billion, three of the most important Departments of the Federal Government: Education, Health and Human Services, and Labor. We are in the closing days of this session. After the passage of this bill, we are going to have to go to conference and resolve many difficult matters. So it is important that this bill be completed as early as possible.

We also have many Members who are involved in this bill who are engaged in the preparation of the confirmation hearings on Ms. Harriet Miers for the Supreme Court of the United States. That is weighing very heavily on my

mind, but this is an important bill which comes first. Senator HARKIN and I are determined, and Senator FRIST, the leader, as well as Senator REID, the Democratic leader, will back us up. Senator REID took the initiative to remind Senators about a statement which I initiated last week about going to the 15-minute plus 5, 20 minutes total, vote tally so we do not consume a large amount of time, which has become the practice of the Senate.

Speaking as the manager, and I know Senator HARKIN concurs with this—I would ask the Senator if that is correct?

Mr. HARKIN. Yes.

Mr. SPECTER. We are going to move to enforce the time limits. The managers intend to press to file a cloture petition tomorrow which will require that all amendments be filed by Wednesday at noon and that we take up only germane amendments.

We think these rules are the ones which should govern the consideration of this bill. If anybody has nongermane amendments, the floor is open this afternoon, and until cloture is invoked, the germane amendments will be open for consideration tomorrow.

I again urge our colleagues to come forward at this time with any amendments which they desire to offer.

The distinguished Senator from Iowa was not present to hear my lavish praise about him on Friday afternoon. He is giving me the waving-on signal. The choice is either to praise him again or relegate him to read the CONGRESSIONAL RECORD, so I choose to renew the praise.

He has been a steadfast colleague as we have moved the work of this important subcommittee without partisanship. The gavel has changed hands from time to time between Senator HARKIN and me. I know that while he has said some good things about my chairmanship, he prefers to be chairman. I do not know why, but he has maintained that position. In the public interest, when the chairmanship is changed, we use the expression "a seamless exchange of the gavel."

Now I do not hand him the gavel, but I hand him the floor seamlessly.

The ACTING PRESIDENT pro tempore. The distinguished, seamless, and steadfast Senator from Iowa is recognized. Mr. HARKIN. Mr. President, I thank my friend, the distinguished chairman of this vital and important subcommittee on appropriations. Senator SPECTER and I have worked together—now that I think back, it has been 17 years that we have worked together, either as chairman or ranking member on this subcommittee. The chairman is absolutely right. No matter who has the gavel, we work together. I couldn't ask for a better working relationship with anyone than I have with my friend and my chairman, Senator SPECTER of Pennsylvania. It is Senator SPECTER who has led the charge in the past to do the things that enable our country to move

ahead educationally and to be better prepared healthwise. It was Senator SPECTER who led the charge in the 1990s to get us up on the plateau, to double the funding for NIH. People said it could not be done.

We had fallen so low in terms of the number of peer-reviewed projects that were being funded that people were just giving up. We were not getting a pipeline of researchers. Maybe they had 1 chance in 10, maybe 1 chance in 20 of ever getting their research project funded, and this was after it went through the peer review and was deemed worthy of funding.

We had fallen to a terrible state, so Senator SPECTER and I worked together with our staffs to get a funding schedule that would double the funding for NIH. If I am not mistaken, I believe it was started under a Democratic President and finished under a Republican President. It was a bipartisan approach, but we got the job done. More and more people are looking at NIH now as again the premier institution it once was in our country and really the premier medical research institution anywhere in the world. It was Senator SPECTER who led that charge.

Many years ago, you will remember, there was a movie called "Outbreak." It had Dustin Hoffman in it. It was about 15 years ago, something like that. I happened to be chairman of the subcommittee at that time. I went down to Atlanta to visit the Centers for Disease Control. That was its name then. We changed the name to the Centers for Disease Control and Prevention, which is its rightful name now, in 1991 or 1992. I went down there to see these fancy things that were in the movie with Dustin Hoffman, these fancy laboratories and high-tech stuff. I wanted to see this. I went down to see this, and I found out that the movie producers had, indeed, visited the Centers for Disease Control to make this movie, but the facilities were so ramshackle, so rundown, so poor, they decided to build their own Hollywood set because no one would believe this really was the high-class, high-intensity, super-secure environment in which to investigate these kinds of infectious diseases. Indeed they were. They were working, actually, in buildings that had been constructed pre-World War II. In some cases, laboratories had been reconstructed from rest rooms that were, in those days, for colored men, colored women, White men, White women. They had done away with all that, and now they made them into laboratories.

Senator SPECTER and I both looked at that and said: We have to do something about this. And we did. We have now embarked on a multiyear program. We started several years ago, building facilities at the Centers for Disease Control and Prevention. They are now the best in the world. Not all of it is done, but many of the buildings have been built. As I said, we now have the kind of facilities that a great nation such as ours requires and deserves.

That is just my way of paying my respects to Senator SPECTER for his great leadership on this subcommittee in terms of health and of education in our country.

Having said that, I am pleased we have the bill on the floor. Last year, we never even got to the floor. As of last week, it looked as if we would not get to this one, so this is the last appropriations bill this year, and it deserves the full consideration of the Senate.

Second to Defense, this is the largest appropriations subcommittee. Health, Education, Labor it provides over \$600 billion in programs. I mentioned the National Institutes of Health; Centers for Disease Control and Prevention; libraries—a lot of other things. It is the bill that paves the way for medical breakthroughs, provides job training to dislocated workers, vocational education, and helps our most disadvantaged students through title I, Individuals with Disabilities Education, Pell grants. It was once said of our committee that the Defense Appropriations Subcommittee is the committee that defends America; the Labor, Health and Human Services, Education Appropriations Subcommittee defines America. I believe that is true. It defines who we are, what kind of people we are, and how we perceive the future of our country. So it is true, the Defense Appropriations Subcommittee defends America. I think this subcommittee has the legislation and the money that defines America.

I again thank Senator SPECTER, and I especially wish to thank his staff. It goes without saying, our staffs have worked together very closely across the aisle for all these years. I could not ask for better relationships and openness, transparency, congeniality, working together.

So we have the bill before us. Am I ecstatic over this bill? Not quite. I am not. But I will say this: Senator SPECTER and his staff and I and our staff have done the best with what I consider a bad hand that was dealt us. A lot of times when the budget comes through here, we have a debate on the budget, people vote on the budget, and it goes through as if it doesn't have much effect. The budget goes through, ho-hum, and that is the end of it. But we have to operate with that budget and within that budget, and that is why we have the bill we have. Once the budget was adopted, our subcommittee had no hope of restoring all the cuts in the President's budget, much less giving increases to vitally important health and education programs.

We did the best we could. Again, I compliment Senator SPECTER, but just take a look at the National Institutes of Health. Again thanks to the leadership of Senator SPECTER, we go up about \$1 billion. The President's budget only had it up \$100 million. In community health centers, we are basically funded at the level of last year, but the demand is greater. The Community Services Block Grant Program got \$636

million, the same as last year. That is less by \$14 million than what we had in the year 2000. So we have more poor people—more people demanding services everywhere from Head Start to LIHEAP to childcare services—yet we have basically level funded, at least in our bill, the Community Services Block Grant Program.

Some Senators may remember that when the Defense Appropriations Subcommittee bill was on the floor, I offered an amendment to increase the community services block grants to this year's level because the continuing resolution we are operating under right now cut the community services block grants back to the level at which they were in 1986: about \$340 million or \$350 million.

This is October 24. We are now 24 days into this quarter at which the funding for our community action agencies is down to less than half of what was in last year's bill. So here we are, trying to get at least last year's level, even though that is inadequate. It is less than what we had in the year 2000, and we know poverty has increased. There is more demand for Head Start services, LIHEAP, and others. But again, at least in our bill, we keep it level funded. The continuing resolution knocked it back, it said, to the levels of 1986.

I mentioned LIHEAP. We have \$2.2 billion in our bill. We should have more. The budget resolution wouldn't allow it, so we did the best we could. And with oil prices up—I checked in Iowa when I was there last week, and heating prices are double what they were last year. Natural gas prices are at least a minimum of 50 percent more than they were last year. Yet the amount of money we have for LIHEAP is the same as what it was last year—the Low-Income Home Energy Assistance Program, the same level as last year. I understand there will be an amendment offered to increase this. I assume it is going to take 60 votes, so I don't know how much hope we have of passing it. I hope it does pass because the demand is there. The need is there.

Pell grants are \$4,050, maximum. That is the same as last year. There is no increase whatsoever, yet we know tuition costs have gone up. Pell grant purchasing power now is about 40 percent of what it was just 15 years ago when we were working together on this—40 percent less purchasing power in a Pell grant, and Pell grants go to the lowest income families in America for their kids to go to college.

We have the Perkins Program for Vocational Education. At a time when we need to be training and retraining workers in vocations such as electronics and computers and software and when they need retraining for the new kinds of jobs of the future, we have a program called the Perkins Program for Vocational Education. We funded it a little bit less than last year's level, and we know the need is there for more vocational education.

Title I funding goes to help local school districts that have a high proportion of very low-income kids. Last year, it was \$12.7 billion. This year, it is \$12.8 billion. When you take into account inflation, it is basically a little bit less than what we had last year in terms of purchasing power. We estimate that 75 percent of the school districts that get title I funding in America will actually get less next year than they got last year. Yet we know from the data there are more poor people out there, there are more low-income families and schools that teach these low-income kids, yet we are not funding the title I program in the way it has been funded in the past. So again we are caught up in a budget problem, a budget situation where in this budget this Senate voted for we have new tax breaks of about \$70 billion more in tax breaks. There is \$35 billion more in cuts and \$35 billion more in deficit spending under this budget. So \$70 billion in tax breaks, most of which go to the most affluent Americans, yet we have no money for title I or Pell grants or Perkins loans.

We have no more money for the Low-Income Home Energy Assistance Program, again for low-income people and the elderly. The funding for community health centers that are picking up the gap between those who have health insurance and those who do not is up \$105 million, but out of \$1.8 billion, that is basically level funding, maybe even a little less when you take inflation into account.

The budget we passed this year is a budget that measures our Nation just the opposite of what Franklin Roosevelt said in 1936.

President Roosevelt said the progress of America should be measured not in whether we can add more to the abundance of those who already have plenty but, rather, whether we can even meet the needs of those who have too little. This budget seems to be saying to us the measure of progress in America is how much more we can give to those who already have a lot and take from those who already have very little. That is the way we measure progress in America today under this budget. So that is why we have an appropriations bill that basically doesn't meet the needs for education in Pell grants, Perkins loans, or title I. It doesn't meet the needs we have for heating this winter, for community health centers, for community services block grants. I could go on and on.

So as I said, Senator SPECTER and I and our staffs did the best job we could, but our hands were tied by the budget. If there are amendments to waive the Budget Act and increase some of these, with no disrespect to my colleague and my chairman, I will find myself on the side of those who want to waive the Budget Act and increase funding for low-income heating and energy assistance, to waive the Budget Act for Pell grants, to waive the Budget Act to put more money in for title I funding. I

will be on that side because, I am sorry, I do not agree with this budget. I do not agree with the budget that gives \$70 billion to the wealthy and gives less to our poorest people. We can't afford title I funding for schools. We can't afford to put money into low-income heating and energy assistance for the poor and elderly. We don't have the money for it. We do have the money for it.

It is just right now that money is going out in more and more tax breaks for the wealthy. We have two tax cuts that are going into effect next year. They were passed in the 2001 tax bill. They start next year. They are not in effect now, but they start next year, called PEP and Pease, P-E-P and P-E-A-S-E, named after Don Pease of Ohio, former Congressman. And those two, according to the Congressional Budget Office, those two tax cuts alone will cost the Treasury \$35 billion in the next 5 years, and in 10 years, \$146 billion—lost revenue.

Well, who gets the money? Do low-income, hard-working, struggling families get PEP and Pease because they are going to get the tax break so they can pay the mortgage on the house, pay tuition for their kids to go to school? Over 50 percent—again, CBO, don't take my word for it—of the benefits of this tax cut that starts this next year, this PEP and Pease, over 50 percent goes to people making over \$1 million a year; 97 percent of all of these tax cuts in PEP and Pease go to people making more than \$100,000 a year. But over 50 percent—I think it is 54 percent—goes to people making over \$1 million a year.

Now, we are going to do that, but we can't increase the Pell grants. We can't increase the Perkins loans for vocational education. We can't increase title I for the poorest school districts. So that is why I say if there are amendments offered to waive the Budget Act, I will find myself on that side, with no disrespect to my chairman. We did the best we could under the budget, but I repeat, I don't agree with this budget. I don't agree with this budget at all. Therefore, if we have to waive the Budget Act to fund these programs, that is the side I am going to be on.

Having said that, there are many things Senator SPECTER took the lead on that I want to thank him for: restoring funding for the elimination of child labor, system change grants at CMS that help States move people from institutions back to their communities, preventive health block grants, even community services block grants—even though we are level funding in this bill, the President's budget had zero, zeroed it out. He zeroed the preventive health block grants, system change grants to move people from institutions to living in their communities, to abide by the Supreme Court's ruling on that. The President zeroed it out. At least Senator SPECTER put that back in.

So given the bad hand we were dealt, Senator SPECTER did a great job. I

thank him for his fairness, his cooperation, for his work on this bill.

I concur in his request earlier that people come over with amendments. I understand there will be a cloture motion filed tomorrow. That is something I can support to finish this bill this week and hopefully get it to conference. I just wish that we did not have the budget under which we are operating.

I again ask Senators who have amendments to come over and offer those amendments. We are open for business. We would like to finish this bill by Thursday night. I am sure most Senators would. There is no way to do that unless people come over and offer amendments.

So with that, Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. AL-EXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, Senator HARKIN just called my attention to the fact that a quorum call has been underway for a protracted period of time. Senator HARKIN and I are very much opposed to quorum calls during our watch.

I ask Senator HARKIN if it is too early to call for a third reading or final passage.

Mr. HARKIN. Mr. President, if the distinguished chairman will yield to allow me to respond to that, I say to my friend from Pennsylvania that I think it may be a bit early. I think there are Senators still coming back from their travels in their home States. We want to give them time to get back here.

Mr. SPECTER. Would 4:15 be an appropriate time?

Mr. HARKIN. Someone told me there was a vote on a couple of judges at 5:30. I think after that we have to take a look and see how many amendments there are, if I am not mistaken.

I thought the chairman was going to offer a cloture motion tomorrow. If we have third reading, the chairman can't file a cloture motion.

Mr. SPECTER. If we have third reading, we will not need a cloture motion.

I am persuaded by the eloquence of the Senator's argument.

Mr. HARKIN. There may be a point in time when I would agree with the chairman on this. It is Monday, and I know people are working diligently in their States, and they are headed back. There may be a couple of amendments that Members want to offer. I think perhaps 4:15 might be a little early for third reading.

But if the chairman will yield further, I believe the chairman is right. It is Monday. We are in business. Senator FRIST, the majority leader, said that

we are going to be doing business today. If Members have amendments, they should come over and offer them. I agree with the chairman. It is ridiculous to sit here in quorum calls when we have an important bill like this and Members have amendments.

Mr. SPECTER. Mr. President, I thank the Senator from Iowa for his lenient response. I thought it worth noting that a quorum call had been on for a while. Even the generosity of Senator HARKIN has its limits on how much of a quorum call he will sustain.

AMENDMENT NO. 2197

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 Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2197.

Mr. SPECTER. 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 reduce administrative costs in the Centers for Medicaid and Medicare Services)

On page 154, line 10, strike "\$3,203,418,000" and insert "\$3,188,418,000" in lieu thereof.

Mr. SPECTER. Mr. President, this is an amendment which reduces the Federal administrative costs for the Centers for Medicare and Medicaid Services by \$15 million. It is a very small reduction which will still leave in that account some \$640 million, an increase of \$57,570,000 over last year.

The reason for this amendment, which is more in the nature of a technical amendment, is it brings this bill in conformity with the budget resolution. We anticipate savings of \$15 million from a certain item in the budget. We have found that the savings noted by Finance for fiscal year 2006 amounts to only \$90 million. We are \$15 million short. With the astute reading of the staff, this was noted, and we would be subject to a point of order if we were out of kilter. So we are offering this amendment.

I believe this would be the basis for at least one of the 5:30 votes this afternoon. The majority leader talked about other judicial nominees being on the calendar. That is up to him as to whether he will put those on the agenda for votes.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, that is the only amendment which this manager has to offer at this time. It is 3:22. We have 2 hours 8 minutes before the 5:30 vote.

There are frequent occurrences on the floor of this Senate where 8 minutes is valuable, and sometimes 2 minutes. Somebody asked unanimous con-

sent on Thursday night for an additional minute, but it was objected to. Objection was withdrawn with 5 minutes to argue about whether we would have a minute. We have a lot of time. We could get some important work done if Senators who are now returning from their home States will come to the floor and offer amendments.

In the absence of any Senator seeking recognition, 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. SPECTER. 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.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that at 5:30 today, the Senate proceed to executive session and immediately proceed to consecutive votes on the confirmation of Calendar No. 385, Brian Sandoval to be United States District Judge for Nevada, to be followed immediately by a vote on Calendar No. 387, Harry Mattice, Jr., to be United States District Judge for the Eastern District of Tennessee; provided further that there be 2 minutes equally divided for debate prior to each vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

Again, in the absence of any Senator seeking recognition, 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. THOMAS. 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. THOMAS. Mr. President, I ask unanimous consent to speak as in morning business.

As I told the chairman, if any Members come and want to proceed with amendments, I will be glad to yield the floor.

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

THE DEFICIT

Mr. THOMAS. Mr. President, there is a subject that is extremely important. It is important to all. Frankly, having been at home this weekend, as most Members have, I heard more about it probably than any other issue. That is spending, of course; the amount of spending we are taking on, and the Federal Government challenges to do something about the increase in the deficit we are bringing upon ourselves. The challenges make it very difficult.

As Fred Thompson said once: It is like going to heaven; everyone wants to go, but nobody wants to make the

changes necessary to get there. That is the way it is with the budget. It is an obligation to do more to control spending and to control the size of the Federal Government. We have that obligation.

We have had some difficult times in the last couple of years which have brought about some necessary spending. We had September 11, the war on terrorism, the gulf now, and other emergencies, all of which require spending. I understand that.

However, we have to treat this as a family or business would when an extraordinary thing happens: We take care of it, but, nevertheless, the costs for the family and business continue. Then we must find a way at some point to offset the costs. That is where we are now.

Things have not all been bad over the past year. We have decreased the deficit by \$100 billion. We never hear much discussion in the media about that. The fact is, we have made some progress. We have done some other good things. We passed an energy bill. We passed a highway bill. Through the tax reductions over the years, we have increased the activity in the economy, increased jobs and pay. There are good things.

The fact is, we still have special costs and funding we have to take care of. As I mentioned, as in business, we have costs here, as well. We are going to have a reconciliation bill, hopefully, next week. We will look at the budget we are in now to ensure—and this is our last appropriations bill today in the Senate—we live within the budget in those appropriations. I support the idea that we will seek to reduce it an additional amount, whether it is the \$35 billion in the bill the Senate has talked about or whether it is the \$50 billion talked about in the House. That is what we necessarily need to be doing and should be doing.

Now, those are short-term issues, short-term changes for this year or the next 3 or 4 years. We should give more attention to the long-term situation. In most things we do here, particularly in spending, particularly regarding the deficit, we ought to think of the long term. We ought to have 20/20 vision and ask, Where do we want to be in 15 or 20 years? What do we want to hand off to the next generation as a vision of where we want to be and where we would like to be, where we think we should be with our families, with our communities, with our Nation, and make the decisions daily, as we have to make them, predicated on accomplishing those visions we have decided we want.

The Washington Times said since the 1950s, around 18 to 20 percent of the gross national product has been the deficit. Deficits are not unusual. It is debt for most everything—businesses and families and so on. If we continue to go this route over the next 50 years, we will be talking more about 30 or 40 percent deficit as a percentage of gross

national product. Deficits and spending go up because gross national product goes up, so as a percentage they go up as well.

However, I don't think we want to find ourselves moving toward larger and larger government with more and more activities without paying for them and have this deficit continue. In order to do that, we will have to look at some reforms. We will have to look at changes that need to occur, looking broader than just the reconciliation bill, which is very important. We need to look beyond that. We need to look at where we are going in the future and make some real changes.

One change will be in the size and scope of the Federal Government and the activities we are involved with in the Federal Government. We have created a culture where if there is anything needed anywhere, from the community on to the Federal Government, we get the Federal Government to pay for it, and we will start a new program. That has become a culture and a custom. Once that program is built in, it becomes political. As programs are started, they get a constituency and they continue. Those are areas we need to look at.

We will have to look at Social Security, for example. That is where most of the money is spent. When we spend \$2.5 trillion in a year, only about \$800 million is discretionary spending. The rest is Social Security, Medicare, and Medicaid. We need to look at this. Everyone is committed to a well-funded, secure Social Security Program over the years. There are differences of views as to how to get there. We need to look out to the future so the young people here can look forward to Social Security in another 50 or 60 years.

Clearly, we want health care available, but we have to do it in different ways. We need changes. I come from a rural State. The way health care is delivered in rural Wyoming is different from in Washington, DC. We need to get in a position where people have access to care. Maybe we ought to be doing some things where we do not need health care as much. We need long-term changes to get that taken care of. We need to restrain growth in the Federal Government.

I have always advocated policies for reducing the size of government. It is apparent that the government is too big and too broad in its scope. Our phones practically ring off the hook with people wanting more money for this, more money for that. I understand that. However, we have to decide what is appropriate for the Federal Government to pay. Many of the programs should be invested in but at the local or State level.

It seems over time we have created programs for most everyone. There are approximately 1,200 funded Federal programs. We need to look at these for the long term. We have to look at each program and see, in fact, if it is still as needed as when it was put into place,

to see if it is as efficient, evaluate it on its merit to decide if the taxpayers are getting their money's worth, then take a broad look, a long-term future look at eliminating programs, reducing the size of government, maintaining programs that are essential, and making them more efficient long term.

I have a bill called Government Reorganization and Program Performance Improvement Act that creates mechanisms to do that. We have an opportunity most any time to create a new program and to fund it. We have a process for that. We do not have a process for evaluating a program that started 10 years ago. Is that reason still there? Have we accomplished the goal? Should it be changed?

We talk about that, I suppose, from time to time, but we do not have a process for doing that. That is partly what we would do.

The bill would create a sunset commission and an individual results commission. The sunset commission would hold the Federal Government accountable for performance with Presidential proposals. The commission could propose to the President whether to retain the program—after it has been there for 10 years; taking a look at it—or to restructure the program, or to end the program.

This would be acted on by assessments, a seven-member, bipartisan commission, appointed by the President, so we would have a process—a process, which we do not have now—to evaluate programs to see if they are, as I said, accomplishing the things they were set up to accomplish or to see if they should be done differently.

The other half of it is an opportunity to evaluate performance, again, having a commission set up to take a look at programs to see if they are operating as efficiently as they might be operating. I think it is fair to say sometimes in the bureaucracy we get things built into programs where they are resistant to change. It is a little different generally than the private sector where the private sector has to change from time to time because of profits or because of a lack of profits, or whatever; where Government programs tend to go on forever pretty much as they are. And I understand that.

So it seems to me there needs to be a way to do some of those kinds of evaluations and make sure that, No. 1, the size of Government can be controlled, and No. 2, we would maintain it as efficiently as can be done, trying to do away with wastefulness and unnecessary and duplicative activities that take place—whether it is within the Federal Government or within State governments or local governments.

We are looking at a way to ensure good government. Everybody wants government. Everybody wants services. But we also want good government; we want efficient government; we want effective government. And we want it to be done as economically and in the

least costly way it can be done and still get that accomplished.

That is not an easy project. I understand that. But it seems to me—as we look at excessive spending; as we look at trying to do something about the budget that is pretty short term, looking at these next couple of years—we ought to be looking at where we are going to be in making some decisions that will help us keep within the budget we would like to have over a longer period of time. Doing that, we would have to make more difficult decisions, perhaps, but they would be more long-term decisions. Now is a good time to do that. What better time would there be to take a look at that than now, when we are as concerned as we are about spending—which we ought to be?

I think this is a good government initiative which we ought to look at. It certainly urges us to bring these bills up and to take a look at them so that, in addition to next year's reductions in spending, we take a look at the overall problem we face by increasing spending because we have found, I think, that is an easy thing to do. I think under these current circumstances, it is a thing that happens pretty much constantly, unless we are doing something about that.

I hope, No. 1, we recognize the importance of controlling spending, we recognize the importance of controlling the size and the role of the Federal Government. I think there should be—there should be—some definitions. We ought to have in our own minds some criteria as to what is the role of the Federal Government, what is the role of the other governments, what is the role of the private sector, so we do not continue to be in this sort of circumstance where everything that needs to be done becomes a role of the Federal Government. And then we wonder why taxes go up; we wonder why spending goes up. It is pretty easy to explain that if you take a look at the size of the Government.

I guess what I am saying is, I hope we can take on the responsibility, as we go about our daily chores, to have some vision for the future, to evaluate with respect to where we are, but also trying to get a notion of where we want to be—how we see it for our families; how we see it for jobs; how we see it for education; how we see it for freedom of choice. That is part of the criteria for this country.

We get in a political situation, which we are kind of in now. All we do is criticize this and that. The real reason for elections is to talk about the issues and to decide where we need to be, to talk about the kinds of issues and decisions that need to be made to get us where we want to be. I think we have gotten so involved with the media picking up on every little controversial issue, and talking about that, that people have forgotten what elections are about. Elections are about direction. Decisions here are about direction. Decisions here are about where we are

going to be, and where we need to be, and where we want to be over time—for our families, for our communities, for our Nation.

We have a great opportunity to do that. I urge we give some consideration to it in every chance we have. And particularly now, as concerned as we are about spending—and properly so—we should be sure we take a look at where we want to be, how we can get there, and what changes have to be made that are more than just for next year, so we can move forward in that direction.

Mr. President, I thank you for the opportunity to speak. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). 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.

The PRESIDING OFFICER. The Senator from North Dakota.

#### RECONSTRUCTION IN THE GULF STATES

Mr. DORGAN. Mr. President, my colleague, Senator LANDRIEU from Louisiana, will be on the floor shortly. We want to talk about something that has occurred in the last week. A week ago today, I chaired a hearing of the Policy Committee. The hearing was on the subject of the reconstruction in the Gulf States in the wake of Hurricanes Katrina and Rita. We have held many previous hearings on reconstruction in Iraq. As you know, this Congress has literally spent tens of billions of dollars on reconstruction projects in Iraq, and the waste, fraud, and abuse there is mind-boggling. There is massive money going out the door to contractors, in many cases with large no-bid contracts, and the taxpayers are getting bilked. I will not go into the lengthy stories about it now.

We decided to hold a hearing with respect to contracting in the gulf because this Congress has already approved \$60 billion for reconstruction, and we have heard tales and stories that are similar to those we hear with respect to reconstruction in Iraq.

At last Monday's hearing, we heard from a local New Orleans company. The owner of the company and his job foreman originally were hired to provide 75 qualified electricians to work on a project they had begun at the Belle Chase Naval Air Station in Louisiana. The project they were hired for was with Kellogg, Brown & Root, a subsidiary of Halliburton. This company was hired to provide 75 qualified electricians.

Very soon after they started, these qualified Louisiana electricians, many of whom were victimized by the hurricanes and who very much appreciated these jobs, were replaced by others. They were replaced by workers who were not of the same training in electrical skills. In many cases, Bob Knight, the general manager of the

New Orleans company that suffered this fate, described the replacement workers as follows:

Almost all of their workers were from out of State, and most didn't speak English. Few seemed to me to be qualified electricians. According to the Halliburton subcontractor, they were being paid [a fraction of the] prevailing hourly wage, with no benefits. At that time they were living in small tents on the base.

Here is a photograph of the circumstances of how they were living. This is, of course, a little rough shed with 2 by 4s to frame up some beds. I am guessing most of these are undocumented workers brought in to take the jobs that had belonged to the folks in Louisiana who desperately need these jobs. But because the President said there is no requirement to pay what Davis-Bacon wages, no requirement to pay the prevailing wage in this region, the result is unscrupulous contractors who bring in workers who will work for dirt cheap wages with no benefits and many hours and put them up in circumstances such as this.

And, oh, by the way, some of them were told they could go to work on a crew such as this and get a fraction of what they would have to pay others who are skilled, and they can get free meals at the Red Cross. Unbelievable, isn't it? Here is what is happening to jobs that are supposed to belong to the folks in Louisiana and presumably also Mississippi. People who got hit hard by the hurricane, who lost everything, in many cases, expected perhaps to get an opportunity to get back on their feet with a good job that pays all right as skilled electricians. They put together 75 of them and are told by the contractor: This job is going to last; it is going to be an opportunity for you. And just like that, somebody else is brought in because the President said they do not have to pay prevailing wages.

Guess what. Here is the circumstance, here are the people with the jobs. Most do not speak English. Most were brought, many of them undocumented.

Last Thursday or Friday, following the hearing that I held, there was a raid at this military installation by what is normally called the INS. It is now I guess the ICE, as it has been subsumed into this behemoth organization called Homeland Security.

At any rate, the immigration folks raided, and we are told by people on the ground that they found somewhere around 150 undocumented workers. The immigration folks now say they found 10 that they know of, but they play a little game with us because the more questions we ask, the less information we get from them.

It is pretty clear to me, based on eyewitness accounts on the ground, that they went in after the hearing we did and found undocumented workers on that military installation who had taken the jobs, we believe, from the folks in Louisiana who had been vic-

timized by these hurricanes, the jobs they were working at.

Here is the Washington Post. This was last week after the hearing:

Among the electricians who lost their jobs was Sam Smith, whose house in the Ninth Ward was destroyed after Katrina slammed into the Louisiana coast. Smith, 55, returned to the city because of the promise of \$22-an-hour wages, and guaranteed work for at least a year at the naval base.

By the way, he was a skilled electrician with all the certifications.

He was quickly disappointed, however, and lost his job within three weeks. "You would think that the federal government should be making sure that people who are trying to restart their lives and are trying to put their city back together again are out there working," Smith said. "But that's not the case."

The New York Times:

The acrid smell inside trailer No. 2 is tough to take for any length of time. The linoleum floor is filthy and bare, aside from a few soiled blankets hammed in the corners. Dishes caked with leftover food are piled high in the sink, attracting flies. Two portable fans are the only things stirring the air. But six men are living here. They sleep on that floor. They swat away those flies and dodge the roaches at night. They traveled all the way from Guatemala.

They are promised good pay, three meals a day and place to stay, and some contractors make good on this. But the Mississippi Immigrants Rights Alliance, an advocacy group, says many do not.

So it is, without the prospect of paying prevailing wages, the jobs are going to these kinds of folks.

They get \$8 an hour and labor 11 hours a day, six days a week. Subcontractors pulled them together for Belfor USA, an American subsidiary of a multibillion-dollar international company specializing in restoration after disasters. Before New Orleans, they had separately held construction, farm or factory jobs from Texas to North Carolina, they said.

The point is, there are other stories about workers, workers from elsewhere willing to take substandard wages to help the reconstruction of Louisiana and Mississippi.

We passed \$60 billion out of this Chamber in reconstruction money and, guess what. What we now understand is reconstruction is going to others, not the folks from Louisiana, not the people who have a skilled certification as an electrician who lost their homes and who need the job. No, this is about companies that decide to bring in these folks and put them in these conditions—squalid conditions—and pay them a fraction of what should be paid for those jobs.

By the way, the foreman on the job who testified Monday—and my colleague from Louisiana was at that hearing—the foreman said these folks were not qualified. They were just not qualified. By the way, they were putting up 900 tents in metal frames in which our troops will live. And we have electricians not qualified wiring those tents for electricity? What on earth is going on?

It is the same old thing. They are paying a fraction of what they should pay and getting rid of the Louisiana

workers so they can bring in these workers from Guatemala and elsewhere. You saw the stories: Undocumented workers, INS or ICE, they call it, the immigration folks, make a raid on the base.

My colleague from Louisiana will expand on that further, I am sure. They make a raid on the base, and we are told by people who were there that they found many—we heard 150 people. Now they will say there are only 10. At this point, they do not know, they cannot know, they will not tell us. It is the same old tap dance by a big Federal bureaucracy that does not want to get caught.

They ought to do their job, come clean, and tell us what they found on that base. I think I know what they found. I think what they found were contractors bringing in undocumented workers, paying them pennies on the dollar, taking jobs away from the folks in Louisiana. That is what I think they found.

I wonder if there is any Member of the Senate, just one, who wants to stand up and say: Yes, that is what we meant, we meant to shove \$60 billion out the door of this Chamber and hope that some contractor would bring in some undocumented workers—and fire some Louisiana folks—to do the work in Louisiana. If there is one Senator willing to stand up and say that, they are not thinking very much. There is not one person in this Chamber who will agree that is what they meant, not in their worst moment.

I take no pleasure in pointing this out. In my judgment, this is a corruption of the process. We know what needs to be done. We know how to do it. There is a right way and a wrong way to do things, and what is happening is we are seeing the wrong way implemented in the reconstruction down in the gulf coast.

My colleague from the State of Louisiana participated in those hearings. I know she has been in touch with the contractors and knows what is happening with respect to that Naval air station as well, but I thank her for the work she has done. I can only imagine if it were my State or some other State of a Senator in this Chamber facing this, we would demand that those for whom those jobs were intended would have those jobs, not that they be fired so we could bring in undocumented workers and pay them pennies on the dollar. That is unbelievable incompetence, and we need to see it stopped right now.

So let me thank my colleague from Louisiana.

Ms. LANDRIEU. Will the Senator yield?

Mr. DORGAN. Of course. I would be happy to yield.

Ms. LANDRIEU. I ask the Senator if he has received the latest numbers from the Department of Labor about the number of Americans who have actually lost their jobs because of Katrina and Rita. We know it was up-

wards of 450,000 people who have lost their jobs because of the hurricane. Does the Senator know that his remarks are even more compelling based on the numbers of people who must be looking for work, have some skills to offer, and yet under the system the Senator has described they are finding it difficult to work in their own city or parish with their own Federal Government contracts? Did the Senator know that?

Mr. DORGAN. I was not aware of the number. I know this is devastating, the most significant natural disaster with the greatest consequence in terms of human misery, loss of jobs, loss of homes. It is unbelievable.

I realize that a lot of undocumented workers are just decent people who are trying to make a living. I don't mean to disparage them. My intention is to say, however, there are rules, and there is a right way and a wrong way to do things. We did not spend \$60 billion out of this Chamber to give jobs to undocumented workers. We spent that amount of money to help the folks from Louisiana get back on their feet with good jobs for reconstruction, and the same for the folks from Mississippi.

I intend to work with the Senator from Louisiana and others to put a stop to what is going on, to redirect that money. We want reconstruction to move and move quickly, but we want those jobs to go to the victims, those folks who have suffered through all of this as well. We want those workers to be paid good wages. Davis-Bacon ought to be restored. The President ought to stand up today and say: I made a mistake by repealing Davis-Bacon. This Government has a responsibility to pay prevailing wages so we have good wages that pay well and decent jobs for those folks.

I again thank the Senator from Louisiana. I know she wants to make some comments about this as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from North Dakota for his great advocacy on behalf of American workers, the fair trade issues, and all of the things we have been debating in this Chamber now for the last couple of years on this subject.

People might ask, Why is the Senator from North Dakota speaking so enthusiastically or fervently on behalf of the citizens of Louisiana? He does not represent the State.

As a Senator, we all represent all of the people of the Nation, and the Senator from North Dakota is this Chamber's leading expert on contracts and contract abuse, not only at home but abroad in Iraq. He has been to this floor more times than I can count and has my great respect and the respect of many in this body for his work in trying to ferret out the great abuse in contracts, whether overseas or at home, so that American tax dollars can be spent well and wisely. He is never

ceasing in his advocacy, and I thank him for continuing by calling a hearing not on contractor abuse in Iraq, on which he has conducted many, but contractor abuse and the abuse of Louisiana workers relative to the Katrina/Rita fiasco. So I wish to thank him and add just a few words to what he said and to the information he has laid out and the testimony that has been given because I did attend, along with Senator HARRY REID, Senator CARL LEVIN, and a few other Senators, a hearing earlier last week on this subject that shed some unbelievable light on this situation and hopefully something we can correct.

I begin by saying that the people of Louisiana, Mississippi, Alabama, and Texas, as I have said so many times on the floor, have really been through an unbelievable devastation of a natural disaster that has no parallel, has no peer. It was not just the two hurricanes that hit within 10 days of each other—the east side of the State first, the west side of the State second, parts of Texas in Rita's path as well—but the subsequent breaking of not 1 levee, not 2, but 17 levee breaks in the metropolitan area, an urban center, a highly dense center, a large American city, a vibrant and vital region of the Nation, as I have said many times, the Nation's only energy coast.

When those levees broke after the hurricane winds died down, it left a region 10 to 12 feet underwater; tens of thousands of homes, large and small, rich and poor, businesses underwater, businesses that have been making profits for 70, 100 years. We are an old city in an old place. We are proud of the longstanding businesses we have.

When the hurricanes left, the levees broke, and finally, when the flood waters went down, we looked up, and we have 400,000 people who have lost their jobs. These are people who are hard-working Americans, taxpaying citizens. Many of them have never asked for any direct help from the Federal Government other than what everyone gets from their Government: good police, good fire protection, hopefully their streets paved, the potholes are kept to a minimum, schools for their children to go to, basic Government services that are required. Most of these people have not asked for any particular Government help, and yet they find themselves out of work, in a position to start building their city only to find that the Federal system of awarding contracts, because of certain rules, certain actions this administration has taken, and a lack of oversight, has allowed companies to come in from out of State and hire workers who are undocumented while literally pushing aside Louisiana citizens who have the skills to rebuild and the desperate need, the obvious need, for the job itself.

In the case Senator BYRON DORGAN has brought to our attention, as the hearing went on last week, about 75 electricians from the area that was affected—many of those electricians had

lost their homes. Their homes had been flooded. Some of them had run businesses on the side that they had lost. Their families had been placed into some safe place somewhere in the region. These men, most of the men—some of them could have been female electricians—came back at the request of a former employer who said, Would you all come back and help us build the barracks, the Navy base, the Belle Chasse base, in their own backyards?

These are residents who could look across the highway, who have worked at Belle Chasse before, who put up the electrical work at Belle Chasse, who were hired by a contractor and brought to work. After a few days, another contractor comes into the base, as the story is told, and basically hands these Louisiana workers a pink slip and says, If you do not mind, could you all please leave the base, and then ushers in 10, 20, 30, 40, 100—who knows what the investigation will show—workers not from Louisiana—and some of the workers are not even eligible to work in the United States of America—to work on an American military base.

Last week, I had the distinct honor of sitting in my Senate office and having two or three electricians, men who are obviously used to a hard day's work—their hands looked pretty tough—with shoulders stooping and almost on the verge of tears looking at me as their Senator saying: Senator, explain this to me. My parish has just been ruined by a hurricane. I have lost my house. I have worked my whole life as an electrician, and on a military base in the United States of America I am asked to leave so that an undocumented worker can take my job? I do not have an answer for them, but we need to find one because nobody in America will believe this is happening. It should not be happening.

I will tell you why it happens—because when nobody is watching the store and there is money being thrown out of this Chamber, \$62 billion, people grab for it. The people of Louisiana have been accused of looting. I think maybe the camera needs to focus somewhere else. All we have done as a delegation is asked for help for our ports, our hospitals. This is a city that has lost 75 percent of its revenue. The parish of Plaquemine and the parish of St. Bernard are virtually nonexistent. Every structure—and 100,000 people—has basically been destroyed, and it is uninhabitable. We still have our refineries shut down, our pipelines exposed, and all we get is excuse after excuse.

Our own workers show up and ask for a decent wage. Their wage was \$22 an hour. If any Senator on this floor thinks that paying a man or a woman \$22 an hour, with some minimum benefits, to work 12 hours a day because the contract said if they want to work, they have to show up and work 12 hours a day, 7 days a week until further notice—so do not tell me these people did not want to work. They had to work without a day off, week after

week, for \$22 an hour. We are told that it is too much, we cannot afford to hire them, they can go on back and twiddle their thumbs while we have the undocumented workers rebuild this military base. It should not be happening now. It should not be happening in the future.

Today, I sent a letter to the Secretary of Homeland Security and the head of INS and asked them to please enforce the laws that are on the books, please enforce the laws so that the 478,000 people who are unemployed throughout the gulf coast, from Mississippi, Alabama, Louisiana, and Texas, can have the first chance at a good job.

I ask unanimous consent that the letter be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, October 18, 2005.

Hon. MICHAEL CHERTOFF,  
Secretary, Department of Homeland Security,  
Washington, DC.

DEAR MR. SECRETARY: I have personally received compelling evidence that U.S. immigration laws are being flagrantly disregarded in the contracting and subcontracting for Hurricane Katrina relief. The use of undocumented, illegal workers in the construction industry is a lamentable reality. However, if press accounts are true, the issue is quickly becoming chronic along the Gulf Coast.

Under ordinary circumstances, the use of such workers would require investigation, but perhaps no more so than other violations of immigration law. Regrettably, these are not ordinary circumstances. The use of undocumented workers in federal contracts for hurricane relief and reconstruction comes at the direct expense of hurricane victims. While my state experiences unemployment rates not seen since the Great Depression, it is unconscionable that illegal workers would be brought into Louisiana aggravating our employment crisis and depressing earnings for our workers.

While there is a specific instance at the Belle Chasse Naval Air Station that I believe warrants particular scrutiny, a variety of press accounts lead me to believe the problem is widespread. I am equally confident that immediate and rigorous prosecution of these illegal activities would quickly stem this tide.

I respectfully request that you direct Assistant Secretary Clark of the Bureau of Immigration and Customs Enforcement to dispatch a team of additional immigration enforcement and investigations officers to the Gulf Coast region. Furthermore, I request that the Department institute a zero tolerance policy for the use of illegal workers in government contracts for reconstruction. Finally, I ask that this be done expeditiously, as time is of the essence.

Mr. Secretary, I appreciate your attention to this matter. I look forward to your response and your plan to uphold U.S. immigration law at this vital juncture.

With warmest regards, I am

Sincerely,

MARY L. LANDRIEU,  
United States Senator.

Ms. LANDRIEU. I know people are going to debate about Davis-Bacon, but I just want to tell the American people this point: When the President issued the order and basically said, right after Katrina, waive all the labor laws that

allow people to be paid a fair wage, he said he was doing that to save money. How does one save money on a no-bid contract? If a contract is not being put out for bid, how does one save any money? All that happens is wages of the people who need them the most at a time when they have lost everything are driven down. They are not asking for charity. They are not asking for a handout. They stood up to get a job to work 12 hours a day, 7 days a week, and still were basically under the administrative rules of waiving Davis-Bacon, lack of oversight and lack of focus, and have basically been asked to leave the military base.

So I hope that in the few weeks ahead, we can get these electricians back on the job, back to their homes, back to their neighborhoods to rebuild, and build some support in this Chamber and around America for paying people a decent wage. I do not think \$22 is too much. I do not expect people to rebuild Louisiana at a minimum wage or \$8 or \$9 an hour without benefits.

People have to make a living. That amounts to about \$45,000 a year. Is that too much to pay someone working 12 hours a day, 7 days a week, doing hard and sometimes dangerous work? I don't think so. But evidently somebody in Washington thinks that is too much because, instead of holding wages steady—not asking for union wages, but asking for an average wage, between union and nonunion, which seems fair to me—we are undercutting our workers. The Government should not mandate a union wage to be paid, but neither should we undercut our workers. So the prevailing wage is what we have come up with, to say don't pay union, don't pay nonunion, pay something in the middle, the average wage: \$18, \$20, \$22 an hour for skilled labor. That is not too much to ask. But evidently it is.

Even if people can get these jobs back, under the policies of this administration, they will be told: You can work, so be happy and smile that we are going to pay you \$9 an hour, on which you cannot even feed your family, invest in your pension, or send your children to school. You should smile and be happy you have a job.

People in Louisiana want more respect than that. They deserve more respect than that. The people along the gulf coast are, as I have said many times, honest, hardworking, and self-reliant. We do not come here asking for charity, but we do come here asking for help out of our National Treasury to which we have contributed so much over 300 years of hard work and toil to build the Nation's only energy coast. We are proud to do it, proud to take the risks associated with that hard work—building a port system, the greatest in the North American Continent, and building commerce that allows every State and every parish and every county in America to flourish. Without this port system, without this energy coast, our Nation would not be what it is today.

Despite all the ridicule we received, despite all of the snide remarks we have heard about public corruption and that we can't do anything for ourselves and we are disorganized, we are going to still hold our heads up, proud, tell our story, and demand to be treated with respect and dignity as every American would want to be treated—Black and White, Asian and Hispanic, young and old, rich and poor.

In conclusion, I thank Senator DORGAN for his focus on this. I will continue to come to the floor and to be at hearings with him, to help him, to hopefully build the kind of system and oversight that will allow us to give out contracts more efficiently, to make sure the work is going to gulf coast contractors, reputable contractors. There are many good contractors who treat their workers beautifully. There are many businesses, despite the fact they have no money coming in the door, that have kept their workers on the payroll, trying to hold heart and soul together and hold our community together while the Federal Government twiddles its thumbs and comes up with excuses about why it cannot help.

Let me be quick to compliment the many good contractors and many good businesses, small and large. But when we see this kind of irresponsible contracting, it makes a tough situation even so much worse. So I hope this letter will be responded to, that actions can be taken by other committees that have oversight so we can make sure we are spending the American taxpayer dollar well, that we are giving the preference, as required in the current law, to those affected by the storms and the unfortunate disaster itself, and then paying people a decent wage when we ask them to do work for their community and for our country.

I yield the floor.

Mr. GREGG. Mr. President, as chairman of the Budget Committee, I regularly comment on appropriations bills that are brought to this Senate for consideration and present the financial comparisons and budgetary data.

The pending Labor, HHS, Education Appropriations bill provides \$141.7 billion in discretionary budget authority and \$141.4 billion in discretionary outlays for the Departments of Labor, Health and Human Services, and Education, and related agencies for fiscal year 2006.

Also included in the bill is \$405.3 billion in mandatory budget authority and \$405.2 billion in mandatory outlays for FY 2006. With outlays from prior-years, amounts declared as an emergency—\$300 million for LIHEAP and \$19 million for Refugee Assistance—and other completed actions, the Senate bill totals \$547.3 billion in budget authority and \$546.6 billion in outlays for FY 2006.

These amounts would technically represent a decrease of 0.8 percent in discretionary budget authority and a decrease of 0.2 percent in discretionary outlays from the 2005 enacted levels.

However, when taking into account the SSI pay date shift into FY 2007 and emergency appropriations, the bill provides \$2.5 billion or a 1.7 percent increase in discretionary funding over the FY 2005 enacted level.

As originally reported, the level of budget authority was precisely at the subcommittee's 302(b) allocation while the outlays amount was \$1.1 billion below the subcommittee's 302(b) allocation. However, because the bill assumes erectile dysfunction drug savings—\$105 million—that were recently enacted into law by HR 3971 for Katrina related unemployment insurance costs—and the QI and TMA extensions—this bill is now \$15 million over the subcommittee's 302(b) allocation and is subject to a 302(f) point of order.

The committee-reported bill also delays \$3.36 billion in SSI payments to elderly and disabled individuals—an amount equivalent to one month's worth of FY 2006 SSI obligations—from fiscal year 2006 into fiscal year 2007. The original purpose of this shift was to allow for \$3.4 billion in additional non-defense discretionary spending in FY 2006 that otherwise would put the bill over its 302(b) allocation, thereby exceeding the discretionary spending limit agreed to with the House in this year's budget resolution.

Not only could this action result in a hardship for the elderly and disabled on fixed incomes by delaying their ability to make their monthly rent payments, this accounting gimmick constitutes an advance appropriation that is unauthorized as well as exceeds the total level of allowed advance appropriations for fiscal year 2007 as set out under section 401(b) of the fiscal year 2006 budget resolution. As a result, a point of order lies against this bill for making an unauthorized advanced appropriation; if raised, the point of order may be waived only by an affirmative vote of 60 Members of the Senate.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 3010, 2006 LABOR, HHS AND EDUCATION APPROPRIATIONS BILL—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal Year 2006, \$ millions]

	General Purpose	Mandatory	Total
Senate-reported bill:			
Budget authority .....	141,668	405,311	546,979
Outlays .....	141,365	405,171	546,536
Senate 302(b) allocation:			
Budget authority .....	141,653	405,311	546,964
Outlays .....	142,472	405,171	547,643
2005 Enacted:			
Budget authority .....	142,843	354,444	497,287
Outlays .....	141,596	354,189	495,785
President's request:			
Budget authority .....	141,450	402,591	544,041
Outlays .....	143,015	404,083	547,098
House-passed bill:			
Budget authority .....	142,513	402,591	545,104
Outlays .....	143,708	404,083	547,791
Senate-Reported Bill Compared to:			
Senate 302(b) allocation:			
Budget authority ....	15	0	15

H.R. 3010, 2006 LABOR, HHS AND EDUCATION APPROPRIATIONS BILL—SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

[Fiscal Year 2006, \$ millions]

	General Purpose	Mandatory	Total
2005 Enacted:			
Outlays .....	-1,107	0	-1,107
Budget authority .....	-1,175	50,867	49,692
Outlays .....	-231	50,982	50,751
President's request:			
Budget authority .....	218	2,720	2,938
Outlays .....	-1,650	1,088	-562
House-passed bill:			
Budget authority .....	-845	2,720	1,875
Outlays .....	-2,343	1,088	-1,255

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, today we are considering the appropriations bill reported by the Senate Appropriations Committee to fund the Department of Labor, Department of Health and Human Services, the Department of Education, and related agencies for the next fiscal year, 2006. I am especially grateful to the chairman of the subcommittee, the distinguished Senator from Pennsylvania, Mr. SPECTER, who has guided this legislation through a process of hearings to examine the administration's request, the bill passed by the other body funding these Departments, and requests of Members of the Senate for programs to be funded in this legislation. He and the ranking member of the committee, Senator HARKIN, have worked very hard and diligently to bring the Senate a bill that is both responsible but sensitive to the needs of the people who are served by the programs funded in this bill.

An example of the important appropriations provisions is those relating to low-income heating assistance. Over \$2 billion of funding is provided in this bill to help those who are going to have difficulties meeting the payments for their heating bills during this winter.

There is an account in the Department of Education to provide assistance to low-income people who are seeking to improve themselves through higher education. Over \$14 billion is included in this legislation for education for the disadvantaged account.

There is also money in here for medical research at the Department of Health and Human Services and also for the activities at the National Institutes of Health.

Included in the bill is \$29.41 billion for NIH. This is above the level requested by the President, but in my judgment and in the judgment of the other members of this committee, it is needed. It is an important investment to help find new ways of dealing with diseases, to prevent illnesses, to do those things that will make America a healthier and, from an economic standpoint, more effective country.

There are many other provisions in this bill we could mention, but the Senators have already heard the bill described by the distinguished chairman of the subcommittee. There will

be opportunity for discussion of individual amendments, if there are any, and I am sure there will be some for the Senate's consideration. But this is the final appropriations bill that will be considered in the regular appropriations process by the Senate this year. It is important that we notice the House has passed all of its appropriations bills and they did so early in the year. A lot of credit ought to be given to the distinguished gentleman from California, Mr. LEWIS, who is chairman of the House Appropriations Committee, in getting that work done and getting it done early in the year so the bills could come over to the Senate and give us an opportunity to review them and carefully consider the legislation.

I also want to point out that our committee works on a bipartisan basis. That is possible because of the cooperation of the distinguished ranking member of the committee, the Senator from West Virginia, Mr. BYRD. He is a former chairman of this committee, with a tremendous amount of knowledge of the legislation, and he has contributed in helping ensure the cooperation of all members of the committee, Democrats working with the Republicans, to report these bills to the Senate. It is a bipartisan effort and I think that is important for us as we complete our consideration of these bills this year.

We have had three bills passed with conference reports approved and they have been signed by the President. There are seven bills that have been passed by the Senate that are in conference with the House. The importance of this effort is to ensure that we can pass these bills on an individual basis and not have to resort to adding them all together, putting them all in one legislative vehicle as an omnibus appropriations bill, as we have seen happen in the past.

One other point that needs to be made is that, were it not for the cooperation of the leadership, we would not have been able to have the bills considered on an individual basis. That has been very important to the success of this enterprise and this effort. So the distinguished majority leader, in cooperation with the minority leader, has ensured that the Appropriations Committee has had time in the Senate to consider these bills on an individual basis, and that has been very important. It is our hope we will be able to complete action on all the bills and get them to the President so there will not be any delay in the planned adjournment of the Senate at Thanksgiving, as has been announced by the distinguished leader. We are hopeful we will be able to have time to reach agreement in conference with our House colleagues and get all of these remaining bills to the President for his signature before we adjourn at Thanksgiving.

Thank you all for the efforts you have made to cooperate with our committee to consider these bills in an orderly process. I think it is going to re-

sult in a better product, a more thoughtful approach to the appropriations process, and the people of this country will benefit from this record of achievement by the members of the committees and all of the Members of both bodies.

There are 72 Senators who are not members of the Appropriations Committee. Any one of them has the power to offer any amendment on any bill at any time during the consideration of these individual bills. If we had to group them all as an omnibus bill, it would take away from the opportunity each Senator has to participate in this process. So I thank all 72 Senators who have taken an active role in helping assure the success of this operation this year.

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. FRIST. 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.

NOMINATION OF HARRY SANDLIN MATTICE, JR.

Mr. FRIST. Mr. President, in a few moments we will begin two rollcall votes. The second of those votes will be on the nomination of Harry S. "Sandy" Mattice, Jr.

I hesitated a little bit because it is Harry S. Mattice, but nobody calls him that. It is Sandy to those of us who are his good friends and admirers.

The nomination is to serve on the United States District Court for the Eastern District of Tennessee.

I have known Sandy for many years and am proud to give him my absolute highest recommendation to serve on the Federal bench.

He is a native of Chattanooga, TN. He has nearly 17 years of experience as a practicing attorney, focusing primarily on business investigations, including securities and tax and white-collar crimes.

He currently serves as U.S. Attorney for the Eastern District of Tennessee, and in that role he manages Federal prosecutions for Tennessee's largest judicial district which encompasses 41 counties and 2.5 million Tennesseans.

Sandy will be an outstanding Federal judge. He is smart, he has a rock-solid work ethic, he respects his colleagues, and in turn has earned their respect and widespread admiration.

Throughout his entire career, Sandy has proved his merit as a skilled attorney and a talented prosecutor.

The American Bar Association gave him its highest possible rating, "unanimously well-qualified," to serve as a Federal judge.

In addition to his many professional qualifications, Sandy is an honest person of the highest integrity. He is devoted to his family and is active in his local community.

I have absolutely no doubt that Sandy will serve with honor on the Federal bench.

As we prepare to vote, I urge my colleagues to support the nomination of this truly outstanding and distinguished Tennessean.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I join the majority leader. The President has made a wise decision.

I respectfully say, in choosing Sandy Mattice, by scholarship, by experience, by integrity, by background he should be an excellent judge.

I should say, also, that he follows an excellent judge, Al Edgar. We are contemporaries. We grew up at the same time, same age, in towns close to one another.

Sandy Mattice has big shoes to fill, but he will fill them well; he is well-qualified. I salute the President for his outstanding appointment and I join the majority leader in expressing my pride in the nomination and look forward to his confirmation.

#### EXECUTIVE SESSION

NOMINATION OF BRIAN EDWARD SANDOVAL TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, the Senate will proceed to executive session to consider Executive Calendar No. 385, which the clerk will report.

The legislative clerk read the nomination of Brian Edward Sandoval, of Nevada, to be United States District Judge for the District of Nevada.

The PRESIDING OFFICER. There will now be a period of 2 minutes of debate equally divided prior to the vote.

Mr. REID. Mr. President, we are voting on a lifetime appointment of Brian Sandoval to be a U.S. District Judge for the District of Nevada.

Brian Sandoval is presently the attorney general of the State of Nevada. This is an elected position. I have known Brian Sandoval for many years. He served previously in the Nevada State Legislature as an assemblyman. He served as Chairman of the Nevada Gaming Commission. Brian Sandoval was recommended by this Senator to be a Federal judge. At the time I made that recommendation, I knew he was a Republican. When the Democrats had control of the Senate and we had a Democratic President, I asked Brian Sandoval at that time if he would be agreeable to my sending his name to the President. He said he was not ready at that time.

My friend, the junior Senator from the State of Nevada, when he learned there was going to be a Republican President, said that he would allow me to recommend every fourth district court judge. This is something he did not have to do. He did it to be nice, and I appreciate that. That is how I came

to have the opportunity to send the name of Brian Sandoval to the President.

There is a lot of controversy over judges, but I think Brian Sandoval is the kind of person who should become a judge. He has not generated controversy. That is because he is a person who, in all of his activities, has been very bipartisan and fair. As a judge, he will be nonpartisan. He comes from a good family. Frankly, the reason he decided to leave elected office to be a judge is because he felt spending the time it takes to campaign and raise money took away from his family, his wife Kathleen and his children James, Madeline and Marisa. I am paraphrasing what he told me. But he said: I didn't want to be in Alcoa when my children are involved in extracurricular activities. I should be there.

These are choices we all have to make. I am confident Brian Sandoval made the best choice for him, his family, the State of Nevada, and the country. He will be a fine judge. I am honored to have the opportunity to recommend him. The Senate will vote for him overwhelmingly, and he will not disappoint us in the Senate.

I yield the floor.

Mr. FRIST. The majority yields back their 2 minutes, and I believe the Democratic side will yield back their remaining time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Brian Edward Sandoval, of Nevada, to be United States District Judge for the District of Nevada?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Oregon (Mr. SMITH).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from California (Mrs. FEINSTEIN), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Florida (Mr. NELSON), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

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

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 265 Ex.]

YEAS—89

Akaka	Allard	Baucus
Alexander	Allen	Bayh

Bennett	Dorgan	Martinez
Bingaman	Durbin	McConnell
Bond	Ensign	Mikulski
Boxer	Enzi	Murkowski
Brownback	Feingold	Murray
Bunning	Frist	Nelson (NE)
Burns	Graham	Pryor
Burr	Grassley	Reed
Byrd	Gregg	Reid
Cantwell	Hagel	Roberts
Carper	Harkin	Rockefeller
Chafee	Hatch	Salazar
Chambliss	Hutchison	Santorum
Clinton	Inhofe	Sarbanes
Coburn	Isakson	Schumer
Cochran	Jeffords	Shelby
Coleman	Johnson	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Stabenow
Cornyn	Kyl	Stevens
Craig	Landrieu	Sununu
Crapo	Lautenberg	Talent
Dayton	Leahy	Thomas
DeMint	Levin	Thune
DeWine	Lieberman	Vitter
Dodd	Lincoln	Voinovich
Dole	Lott	Warner
Domenici	Lugar	

NOT VOTING—11

Biden	Kennedy	Sessions
Corzine	McCain	Smith
Feinstein	Nelson (FL)	Wyden
Inouye	Obama	

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

**NOMINATION OF HARRY SANDLIN MATTICE, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE**

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Harry Sandlin Mattice, Jr., of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Mr. LEAHY. Mr. President, I yield back our time.

Mr. SPECTER. Mr. President, I yield back our time.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, a very short statement about the Labor, Health and Human Services, and Education bill. A cloture motion is being filed this evening, which will call for all germane amendments to be filed by Wednesday at noon.

I see some doubt as to whether we are filing a cloture motion. Soon, the cloture motion will be filed. But we have a very complex bill in hand. We are asking Members to file their amendments and bring them down for arguments so we can proceed to finish this bill in a timely manner—no later than by the end of this week, and hopefully sooner.

I yield the floor.

The PRESIDING OFFICER. The request is for the yeas and nays.

Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Harry Sandlin Mattice, Jr., of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Alabama (Mr. SESSIONS), and the Senator from Oregon (Mr. SMITH).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Florida (Mr. NELSON), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

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

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

[Rollcall Vote No. 266 Ex.]

YEAS—91

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

NOT VOTING—9

Biden	Kennedy	Sessions
Corzine	McCain	Smith
Inouye	Nelson (FL)	Wyden

The nomination was confirmed.

The PRESIDING OFFICER. Without objection, the President is notified of the Senate's action.

**LEGISLATIVE SESSION**

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. FRIST. I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

#### NOMINATION OF BERTHA K. MADRAS

Mr. GRASSLEY. Mr. President, I have notified Senate leadership of my intent to object to any unanimous consent request relating to the nomination of Bertha K. Madras to the position of Deputy Director for Demand Reduction. This action has nothing to do with Ms. Madras or her qualifications for the position to which she has been nominated. I have taken this action because there are a number of outstanding issues regarding the activities and operation of the Office of National Drug Control Policy that should be resolved before considering this nomination. I am hopeful that, with the cooperation of the Office of National Drug Control Policy, these issues can be resolved shortly.

#### ELECTION ASSISTANCE FOR STATES IMPACTED BY HURRICANE KATRINA

Mr. DODD. Mr. President, over the past several weeks, Congress has taken great efforts to address the disruption that Hurricane Katrina, followed by Hurricane Rita, have inflicted on the good people of our gulf coast region. While Congress is acutely aware of the need for funding for food, clothing, shelter and medical care for the evacuees and residents of this region, we are only now becoming aware of some of the longer term needs of these devastated communities.

All of the States impacted by these hurricanes, including not just those directly hit by the storms but also the numerous States which have come to the aid of evacuees will be holding Federal elections in just a few short months. The displacement of nearly 1.5 million people raises a somewhat unique continuity of government issue for our democracy: how to ensure that the citizens of these States are able to participate in the upcoming Federal elections next year, as well as in numerous State and local elections between now and then. It is simply not acceptable that a loss of one's home may mean a loss of one's access to the ballot box. And yet, many of these States are facing unknown hurdles in

ensuring that their displaced residents can vote in the next Federal election.

The Rules Committee, under the very capable leadership of the Chairman, Senator LOTT, has already begun meeting with the election officials of these affected States to determine what they will need to ensure that all eligible citizens will be able to participate in the 2006 Federal elections, regardless of the condition of their community or the location of their evacuated citizens. Under the auspices of the U.S. Election Assistance Commission, efforts are underway to identify Federal resources and assistance that is already available to the States to replace voting systems, polling places, and to assist in facilitating absentee voting.

However, at this point, many of these impacted States simply do not know the extent of the damage to election records or how to reach out to displaced citizens to ensure that they have access to absentee ballots or alternative polling facilities. While we are hopeful that the majority of the needs will be met through existing resources, I remain concerned that these States, and those who have stepped up to the plate to receive evacuees, will face additional expenses in ensuring the right to vote for the citizens of the gulf coast region.

The Election Assistance Commission, EAC, is charged with serving as a national clearinghouse and resource of information and procedures with respect to the administration of Federal elections and with distributing over \$3 billion in Federal funds to the States to implement the requirements of the Help America Vote Act of 2002, HAVA, of which I was honored to be the primary Senate author. I applaud the efforts of the EAC to spearhead the efforts to identify and respond to the needs of these States in administering our Federal elections next year. However, I remain concerned that without additional resources, these States will face significant hurdles to ensuring that all eligible citizens have an equal opportunity to vote and have their vote counted.

While Congress has appropriated over \$3 billion to date to implement the requirements of the Help America Vote Act, Congress has underfunded the authorization by over \$800 million. At least one of the impacted States has already notified staff that they are short in funding to implement the HAVA requirements and face additional unmet need due to the impact of Hurricane Katrina.

While I am hopeful that sufficient other Federal resources will be identified and made available to these States for conducting the Federal elections next year, it will not be acceptable if citizens of the Gulf Coast States are disenfranchised because their States and localities simply do not have the resources to replace destroyed voting systems, provide alternative polling places, print absentee ballots or reconstruct lost voting registration records.

As the ranking member of the Senate Rules Committee which has oversight jurisdiction over Federal elections, I intend to ensure that these States, and these citizens, are able to fully participate in the Federal election next year. Our distinguished Chairman, Senator LOTT, whose State was in the path of both hurricanes, is keenly aware of this situation and I commend him for his leadership and attention to this issue. I know he shares my concern that as we learn the full extent of this problem, the Committee will act to ensure these communities and citizens can exercise their fundamental right to vote.

Mr. LOTT. First of all, I want to thank my good friend the senior Senator from Connecticut and ranking member of the Rules Committee, which I chair, for participating in this important discussion about the election-related challenges that the Gulf Coast States face in the aftermath of Hurricane Katrina. While the full extent of the damage to the election infrastructure cannot yet be precisely quantified, we know it was wide-ranging. For example, in my home county, Jackson County, MS, it appears that hundreds of voting booths and large amounts of voting equipment were destroyed as was the building that houses the county election commission. In neighboring Harrison County, we understand that all the polling places located near the coast were leveled. And in Hancock County, MS, all of the voting machines were destroyed and nearly every polling place was either completely flattened or otherwise rendered uninhabitable.

We have heard similar reports from the state of Louisiana. According to state election officials, early estimates are that the State lost over 500 polling places and over 2,000 voting machines, with some parishes reporting that all of their voting equipment was destroyed. Thus, it is clear that a major commitment of resources will be needed to rebuild polling places and replace voting machines that were damaged or destroyed by Hurricane Katrina.

But restoring damaged election infrastructure in the areas impacted by Hurricane Katrina is not the only election-related challenge to be surmounted. Hundreds of thousands of citizens in Louisiana and Mississippi had to be relocated as a result of Hurricane Katrina, in many instances to other States. Large numbers of these evacuees will not be able to return to their home communities in the immediate future. For these citizens, casting absentee ballots will be the primary, if not only, method by which they will be able to be fully able to participate in upcoming elections that will affect the rebuilding efforts in their communities. Consequently, the demand for absentee ballots in the impacted areas will increase by many orders of magnitude during the coming months. We are already learning that additional workers may need to be hired to handle

the increased number of absentee ballot requests that are anticipated. So, as we can plainly see, election officials in jurisdictions impacted by Hurricane Katrina will face numerous logistical challenges as they prepare to conduct upcoming elections.

We understand that FEMA, under its Public Assistance Program, is obligated to cover the expenses for replacing damaged voting equipment and restoring destroyed polling places in jurisdictions that have been designated Federal disaster areas. And for jurisdictions with upcoming elections but whose permanent polling places are currently uninhabitable, FEMA has a responsibility to pay the costs for setting up temporary polling places such as tents or trailers. The funding provided by FEMA, if it is disbursed in a timely manner, should go a long way towards restoring the election infrastructure in areas ravaged by Hurricane Katrina. It remains to be seen, however, whether such monies will be sufficient to bolster all aspects of the voting systems that were affected by the recent catastrophe.

As Chairman of the committee with jurisdiction over the administration of Federal elections in our country, I along with the ranking member, Senator DODD, will continue to vigilantly monitor the situation in the states impacted by Hurricane Katrina to ensure they are receiving the resources they need to fully restore their election infrastructure to pre-Katrina levels. As more information becomes available, we will assess whether additional funds may need to be appropriated to assist the impacted jurisdictions in reconstituting their election systems. We will also make sure FEMA follows through on its commitments and responsibilities.

In conclusion, the right to vote in the impacted regions of the Gulf Coast must not become a further casualty of Hurricane Katrina. We must work to ensure that it does not. Essential election infrastructure will need to be restored. And those who had to be evacuated as a result of Hurricane Katrina and who continue to be displaced from their homes must be afforded the full opportunity to participate in the democratic process in their home communities.

I again want to thank my friend Senator DODD for his leadership on the issue of election reform and look forward to continuing to work with him on this important matter.

Mr. DODD. I thank our Chairman, and my good friend, and commend him for his leadership on this issue. I look forward to working with him to ensure that, no matter the devastation of this natural disaster, all eligible citizens will be able to continue to participate in this democracy through the ballot box.

#### BREAST CANCER AWARENESS

Mr. CHAFEE. Mr. President, this month we observe National Breast Can-

cer Awareness Month, and reflect on a disease that has touched countless American lives. There are more than 3 million women living with breast cancer in the United States and tens of thousands of women die from breast cancer each year. Breast cancer is now the second leading cause of cancer deaths in American women. While important advances have been made, the causes of this disease and the means to prevent it are still unknown.

Scientific evidence about what aspects of the environment play a role in the initiation and development of breast cancer also remains scarce. Although it is generally believed that there is a correlation between environmental factors and the prevalence of breast cancer, the extent of the environment's role is not well understood. Given the clear need to explore the potential relationship between the environment and breast cancer, I have introduced S. 757, the Breast Cancer and Environmental Research Act. This bill would authorize \$30 million per year for 5 years for the National Institute of Environmental Health Sciences, NIEHS, to award grants to study the relationship between environmental factors and breast cancer. Under a competitive, peer-reviewed grant making process, the Director of NIEHS would award grants for the development and operation of up to eight centers for the purpose of conducting multidisciplinary research. The bill would seek to foster community collaboration between the research centers, patients, and the patient advocacy organizations.

The targeted research proposed in S. 757 holds the promise for a better understanding of the causes of breast cancer, breakthroughs in prevention and treatment, and ultimately a cure. For this reason, I urge my colleagues to join me in cosponsoring S. 757 so that we may work together toward Senate passage this year.

#### HONORING OUR ARMED FORCES

STEVEN A. VALDEZ

Mrs. LINCOLN. Mr. President, I honor the life of a young Arkansan who, in the name of freedom, paid the ultimate sacrifice on behalf of the Nation he loved. Steven A. Valdez was a brave soldier who died a hero in a foreign land, but he was also a caring young man who deeply loved his family and friends and they were never far from his mind.

Those who knew Lance Corporal Valdez from his childhood in McRea, a small north-central Arkansas town, remember him as competitive, energetic and fun loving. He graduated from Beebe High School in 2004 and, soon after, followed the footsteps of his older brother Glenn Skaggs, and his grandfather Billy Skaggs, into the United States Marine Corps.

In November of 2004, LCpl Valdez reported to the Marine Corps Base at Kaneohe Bay, Hawaii. Serving with the

2nd Battalion, 3rd Marine Regiment, he was deployed to Afghanistan in June as a machine gun operator with Weapons Platoon Company E. Within the year, his family received a letter from the Marines, which cited Valdez's promotion to Lance Corporal and praised him for going above and beyond what was asked or expected of him. While serving in Afghanistan, LCpl Valdez was stationed at Camp Blessing. The camp is located in eastern Afghanistan, in the foothills of the Hindu Kush mountains near the Pakistani border, and serves as a forward operating base for intelligence and military operations aimed to train Afghan security forces and track down al-Qaeda terrorists. He served with a platoon of Marines guarding the camp.

While serving in Afghanistan, LCpl Valdez and his grandfather, Billy, had an agreement; Billy would send care packages with his grandson's favorite snacks and items from home, but he would also include phone cards with the expectation that the young marine would call his grandfather once a week. For LCpl Valdez, it was a much needed respite from the stresses of war that allowed him to feel a little closer to home; for Billy, it was reassuring to hear his grandson's voice and to know that he was safe and healthy.

On September 26, insurgents attacked Camp Blessing with mortar, rocket-propelled grenades and small arms fire. LCpl Valdez was struck by shrapnel from a mortar while running to his machine gun post. The brave 20-year-old died shortly after.

In remembering their loved one, LCpl Valdez's proud grandfather speaks of him as a "true hero." When his brother, Sergeant Glenn Skaggs, returns to Iraq, he will be concerned about his own well-being, but only in the sense that he doesn't want to put his family through another grieving process. Despite these concerns, in a manner typical of this courageous and selfless family, he proudly states "My brother was over there for something he believed in, and I want to help finish it."

Although Steven Valdez may no longer be with us, his legacy and his spirit will forever live on in our hearts. On behalf of a grateful Nation, my thoughts and prayers go out his family, friends, and all who knew and loved him.

#### ADDITIONAL STATEMENTS

##### 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 August 8, 2005, in Montrose, CO, two men were charged in the murder of Kevin Hale in what police are saying may be classified as a hate crime. Todd Fisk and Adam Hernandez got into a physical altercation with Hale. During the altercation, Fiske grabbed Hale by the neck and strangled him to death. According to police, Hale had received a number of physical threats from Fiske due to his sexual orientation.

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.●

#### UNITED STATES-ISRAEL ENERGY COOPERATION ACT

● Mr. SMITH. Mr. President, I rise today in support of S. 1862, the United States-Israel Energy Cooperation Act of 2005, which I introduced on October 7, 2005. This bill is designed to promote binational collaboration in research, development, and commercialization of alternative and renewable energy technologies.

Israel is a strong ally of the United States and our two nations have a long history of mutual interest and successful collaboration in scientific research and technology development. Examples include the numerous successes of the programs under the U.S.-Israel Binational Science Foundation, BSF, and the U.S.-Israel Binational Industrial Research and Development Foundation, BIRD.

We also share an enduring interest in the development and commercialization of alternative energy technologies that offer the promise of enhancing the energy security of both of our countries as well as that of other nations. Israel and the United States have strong capabilities in renewable and alternative technologies based on extensive research and development efforts. In 1996, the United States and Israel entered into an agreement fostering energy cooperation as a means of sharing the benefits of our capabilities.

Today, we are facing increasing concerns about adequate supplies and increasing prices for both petroleum products and natural gas. In this context, it is especially important that we redouble our efforts to cooperate in the development of alternative energy systems. This bill establishes a grant program within the Department of Energy to support collaborative research, development, and commercialization projects in alternative renewable energy.

The program will provide grants for joint venture projects between U.S. and Israeli institutions meeting the program qualifications established by the Secretary of Energy. The bill author-

izes funding of \$20 million for each of the fiscal years 2006 through 2012. Technologies include: solar, biomass, energy efficiency, wind, and other types as determined by the Secretary. Proposals may be submitted either to the Secretary or to either of the binational research foundations, BSF and BIRD. This provision enables utilization of the established practices of those existing foundations for implementation of at least half of the funds granted for collaborative projects. To assure sound management of this grants program, this bill calls on the Secretary of Energy to establish an Advisory Board, including representatives of both the United States and Israel.

I thank the American Jewish Congress, the American Israeli Public Affairs Committee, and others for all their efforts and input on this bill.

In light of increasing concerns about the security of affordable energy supplies, I urge consideration of this bill as a means of capitalizing on considerable capabilities of the United States and Israel to move toward broader use of these clean and indigenous energy resources. I urge my colleagues to join me in cosponsoring this important bill.●

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3893. An act to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of government; to the Committee on Rules and Administration.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2520. An act to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

#### 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-4327. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330-301, -321, -322, -341, and -342 Airplanes; and Model A340-200 and A340-300 Series Airplanes" ((RIN2120-AA64)(2005-0474))

received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4328. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Various Transport Category Airplanes Manufactured by McDonnell Douglas" ((RIN2120-AA64)(2005-0473)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4329. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330-243, -341, -342, and -343 Airplanes" ((RIN2120-AA64)(2005-0471)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4330. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330-300 Series Airplanes" ((RIN2120-AA64)(2005-0472)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4331. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model ATP Airplanes" ((RIN2120-AA64)(2005-0470)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4332. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(2005-0484)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4333. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(2005-0486)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4334. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model ATP Airplanes and Model HS 748 Airplanes" ((RIN2120-AA64)(2005-0487)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4335. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 Series Airplanes" ((RIN2120-AA64)(2005-0489)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4336. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200, -300, and -300F Series Airplanes Powered by General Electric or Pratt and Whitney Engines" ((RIN2120-AA64)(2005-0490)) received on October 11, 2005; to the

Committee on Commerce, Science, and Transportation.

EC-4337. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330-202, -223, -243, and -343 Airplanes; and Model A340-313 Airplanes" ((RIN2120-AA64)(2005-0491)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4338. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330-322, -341, and -342 Airplanes; and Airbus Model A340-200 and -300 Series Airplanes" ((RIN2120-AA64)(2005-0492)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4339. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-100, -200, -200C, -300, -400, -500 Series Airplanes" ((RIN2120-AA64)(2005-0483)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4340. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Teledyne Continental Motors GTSIO-520 Series Reciprocating Engines" ((RIN2120-AA64)(2005-0482)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4341. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330-200 and -300 Series Airplanes; and Model A340-200 and -300 Series Airplanes" ((RIN2120-AA64)(2005-0481)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4342. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and A300 B4 Series Airplanes; Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes; and Model A310-200 and -300 Series Airplanes" ((RIN2120-AA64)(2005-0480)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4343. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200 and 767-300 Series Airplanes" ((RIN2120-AA64)(2005-0479)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4344. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64)(2005-0478)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4345. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-

mitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model ATP Airplanes; CORRECTION" ((RIN2120-AA64)(2005-0475)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4346. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospaciale Model ATR42-500 Airplanes" ((RIN2120-AA64)(2005-0476)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4347. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers Model SD3 Airplanes" ((RIN2120-AA64)(2005-0461)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4348. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A340-200 and -300 Series Airplanes" ((RIN2120-AA64)(2005-0477)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4349. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: The New Piper Aircraft, Inc. Models PA-28-160, PA-28-161, PA-28-180, and PA-28-181 Airplanes" ((RIN2120-AA64)(2005-0460)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4350. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lycoming Engines AEIO-360, IO-360, O-360, LIO-360, LO-360, AEIO-540, IO-540, O-540 and TIO-540 Series Reciprocating Engines" ((RIN2120-AA64)(2005-0459)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4351. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca Arrius 2 F Turboshift Engines" ((RIN2120-AA64)(2005-0458)) received on October 11, 2005 to the Committee on Commerce, Science, and Transportation.

EC-4352. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: PZL-Swidnik S.A. Models PW-5 'Smyk' and PW-6U Gliders" ((RIN2120-AA64)(2005-0457)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4353. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-300, -400, -500, -600-700, -700C, -800 and -900 Series Airplanes" ((RIN2120-AA64)(2005-0462)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4354. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE

Systems Limited Model 4101 Airplanes" ((RIN2120-AA64)(2005-0466)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4355. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A320-111 Airplanes and Model A320-200 Series Airplanes" ((RIN2120-AA64)(2005-0465)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4356. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace Model HS 748 Airplanes" ((RIN2120-AA64)(2005-0464)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4357. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330-301, -321, -322, -341, and -342 Airplanes; and Model A340-200 and A340-300 Series Airplanes" ((RIN2120-AA64)(2005-0463)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4358. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A318-100, A319-100, A320-200, A321-100, and A321-200 Series Airplanes; and Model A320-111 Airplanes" ((RIN2120-AA64)(2005-0467)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4359. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Hana, HI" ((RIN2120-AA66)(2005-0222)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4360. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Golovin, AK; CORRECTION" ((RIN2120-AA66)(2005-0230)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4361. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; and Revision of Class E Airspace; Big Delta, Allen Army Airfield, Fort Greely, AK" ((RIN2120-AA66)(2005-0229)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4362. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Wellington Municipal Airport, KS" ((RIN2120-AA66)(2005-0224)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4363. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Sheldon Municipal Airport, IA" ((RIN2120-AA66)(2005-0223)) received on October 11,

2005; to the Committee on Commerce, Science, and Transportation.

EC-4364. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Norfolk, NE; Confirmation of Effective Date" ((RIN2120-AA66) (2005-0227)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4365. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Restricted Area R-3004; Fort Gordon, GA" ((RIN2120-AA66) (2005-0225)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4366. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of Class E Airspace; Lincoln, NE" ((RIN2120-AA66) (2005-0226)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4367. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of the Class D and Class E Airspace; Salina Municipal Airport, KS; Confirmation of Effective Date" ((RIN2120-AA66) (2005-0228)) received on October 11, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4368. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Appalachian and Southeast Marketing Areas—Partial Final Rule" (Docket No. AO-388-A15 and AO-366-A44; DA-03-11) received on October 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4369. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Quality Systems Verification Programs" ((RIN0581-AC12) (Docket No. LS-02-10)) received on October 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4370. A communication from the Commandant, United States Coast Guard, transmitting a draft of proposed legislation "To implement Annex VI to the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the Protocol of 1978 relating thereto"; to the Committee on Commerce, Science, and Transportation.

EC-4371. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Revisions to the State Program Amendment Process" (RIN1029-AC06) received on October 18, 2005; to the Committee on Energy and Natural Resources.

EC-4372. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, Office of Federal Procurement Policy, received on October 18, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4373. A communication from the Acting Director, Division of Policy, Planning and Program Development, Office of Federal Contract Compliance Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Obligation To So-

licit Race and Gender Data for Agency Enforcement Purposes" (RIN1215-AB45) received on October 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-4374. A communication from the Acting Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of Arkansas as a result of the emergency conditions resulting from the influx of evacuees from areas struck by Hurricane Katrina on August 29, 2005, and continuing, has exceeded \$5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC-4375. A communication from the General Counsel, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections 12 CFR Parts 703, 790, 791" received on October 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4376. A communication from the Acting General Counsel, Office of General Counsel, Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled "Organization and Functions, Final Rule" (RIN2550-AA33) received on October 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1409. A bill to amend the Safe Drinking Water Act Amendments of 1996 to modify the grant program to improve sanitation in rural and Native villages in the State of Alaska (Rept. No. 109-159).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1873. A bill to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes.

#### 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 Mr. BURNS:

S. 1909. A bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development of telehealth networks, and for other purposes; to the Committee on Finance.

By Mr. SUNUNU:

S. 1910. A bill to amend title XVIII of the Social Security Act to provide incentives to physicians for writing electronic prescriptions; to the Committee on Finance.

By Mr. BENNETT (for himself and Mrs. CLINTON):

S. 1911. A bill to provide for the protection of the flag of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. LIEBERMAN:

S. 1912. A bill to establish a global network for avian influenza surveillance among wild birds nationally and internationally to combat the growing threat of bird flu, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 119

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 132

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 392

At the request of Mr. LEVIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 484

At the request of Mr. WARNER, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 503

At the request of Mr. BOND, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 503, a bill to expand Parents as Teachers programs and other quality programs of early childhood home visitation, and for other purposes.

S. 627

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 632

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 632, a bill to authorize the extension of unconditional and permanent non-discriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

S. 757

At the request of Mr. CHAFEE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors

that may be related to the etiology of breast cancer.

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 757, *supra*.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1057

At the request of Mr. MCCAIN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1057, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 1155

At the request of Mr. BROWNBACK, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1155, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 1173

At the request of Mr. DEMINT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1173, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 1353

At the request of Mr. REID, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1462

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

S. 1759

At the request of Mr. CRAIG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1759, a bill to require the Secretary of the Army to remove the remains of Russell Wayne Wagner from Arlington National Cemetery.

S. 1779

At the request of Mr. AKAKA, the name of the Senator from Oregon (Mr. WYDEN) 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 non-ambulatory livestock, and for other purposes.

S. 1800

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mr. BURR) was added as a cospon-

sor of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

S. 1841

At the request of Mr. NELSON of Florida, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1841, a bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor 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. 260

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. Res. 260, a resolution calling for free and fair parliamentary elections in the Republic of Azerbaijan.

S. RES. 277

At the request of Ms. MURKOWSKI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 277, a resolution supporting the goals of Red Ribbon Week.

AMENDMENT NO. 2182

At the request of Mr. LEVIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 2182 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 Mr. BURNS:

S. 1909. A bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development of telehealth networks, and for other purposes; to the Committee on Finance.

Mr. BURNS. Mr. President, I rise today to talk about the introduction of my bill, the Medicare Telehealth Enhancement Act of 2005.

Now, not all of us live in the big city—like New York City or Chicago—but that should not mean that all of us cannot receive the same quality health care. Since I have been in office, I have spent a lot of time making sure that folks who live out in the hinterland—like the small towns of Scobey or Jordan or Wolf Point across Montana—still get quality health care, like everyone else. I do not want distance to be a barrier to care.

One of the ways we have bridged these divides is through telehealth—actually using technology to draw people together and deliver care. Now, across the great State of Montana, we have doctors consulting with patients who may be 200 or 300 miles away. That means those folks who live in the middle of nowhere do not have to drive 400 miles roundtrip, just to get a medical opinion on symptoms they may have or minor changes which may need to be made to their diabetes equipment, or feedback from an x-ray at a local clinic, from a specialist. That is a big deal, especially when roads are icy and the temperature is below zero.

I have sponsored the Medicare Telehealth Enhancement Act of 2005, which is a bill to improve the provisions of telehealth services under the Medicare Program and provide grants for the development of telehealth networks.

Specifically, my bill will: facilitate the provision of telehealth services across State lines, Licensure, as it affects providers who consult diagnose across State lines, remains a significant barrier to accessing such services, and call for Medicare reimbursement for remote medical and health services for all remaining institutions eligible to participate in Medicare but not currently eligible to be reimbursed for telemedicine/telehealth services.

Include an expansion of Medicare-covered originating telehealth sites, prioritizing eligibility for nursing homes, dialysis centers, and community-based mental health centers.

Revise “originating site” language to ensure telehealth service providers are reimbursement-eligible when patients are located at sites with telehealth capabilities, regardless of originating site designation.

Expand Medicare reimbursement for telehealth services to all geographical areas, recognizing eligibility for telehealth sites among urban populations as well as rural and underserved populations.

Allow for “eligible practitioners” furnishing telehealth services to include physical and occupational therapists, speech-language pathologists, and other certified providers, as well as those the Secretary of Health and Human Services approves.

Amend Medicare coverage to all remaining medical services currently covered under the CPT procedure codes but not eligible to be reimbursed when provided via telemedicine/telehealth, and medical services that are provided using store-and-forward technology.

Authorize a grant program through the Office for the Advancement of Telehealth of HRSA for the development of telehealth networks and defines non-profit and for-profit alliances as grant-eligible provided the grant recipient is a nonprofit.

Reauthorize the Telehealth Network and Telehealth Resource Centers grant programs through 2012.

Shortages of health care workers across the spectrum are nothing new.

We have all witnessed this disturbing trend of shortages in nursing, radiology, mental health professions, and many other health professionals for quite some time. While the ultimate solution to this problem lies in a variety of actions, telehealth has proven a solution to this mounting crisis. I have long supported efforts in technology to improve the efficiency and quality of health care, and make it easier for folks in rural areas to get the health services they need. Telehealth is one answer to the access and affordability problems facing health care today, and I hope my bill will increase the ease with which folks obtain their critical health services.

Telehealth applications have a record of cutting costs, increasing choice and reducing medical errors in facilities and communities across the country. Telehealth also provides services to elderly who may not otherwise be able to get to a health care facility for care. This is growing increasingly important in rural America—especially in my State of Montana. Montana's demographics have been changing over the past few years, and our health care providers continue to see more and more patients over the age of 65. We now have more elderly people per capita than most States in the union, and by 2025, Montana is predicted to rank third in the Nation in the number of people over the age of 65.

We must charge forward to modernize and improve healthcare through the application of information technology. Healthcare expenditures in 2003 totaled \$1.7 trillion—a number that is growing faster than the overall economy. Increased adoption of health information technology has the potential to save this country billions of dollars and thousands of lives. I want to do what I can to bring more money to the State of Montana for telehealth services and expand the availability of these services to more patients in more areas than ever before. I will continue my efforts, both through bringing money to Montana to make this happen and by passing meaningful, common-sense legislation to get rid of the over-burdensome red-tape that often gets in the way of good care.

I think it is essential to bring quality health care to all comers of Montana and other rural States. It is high time we bring back the dynamic days of these frontier areas by creating and maintaining vibrant and thriving communities, which have so much to offer their residents, including one of the most important basic needs—health care.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2194. Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. KERRY, Ms. CANTWELL, Mr. HARKIN, Mr. BAUCUS, Mr. COLEMAN, Mr. DORGAN, Mr. OBAMA, Mr. SCHUMER, Mr. LEAHY, Ms. STABENOW, Mrs. CLINTON, Mr. DURBIN, Mrs. LINCOLN, Mr. DAYTON,

Mr. REID, Mr. BAYH, Mr. LEVIN, Mr. ROCKEFELLER, Mr. LAUTENBERG, Mr. SARBANES, Mr. JEFFORDS, Mr. SALAZAR, Ms. MIKULSKI, Mr. BINGAMAN, Mr. LUGAR, Mr. SMITH, and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 2195. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2196. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2197. Mr. SPECTER proposed an amendment to the bill H.R. 3010, supra.

SA 2198. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2199. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2200. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2201. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2202. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2203. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2204. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2205. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2206. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2207. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2208. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2209. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2210. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2194. Mr. REED (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. KERRY, Ms. CANTWELL, Mr. HARKIN, Mr. BAUCUS, Mr. COLEMAN, Mr. DORGAN, Mr. OBAMA, Mr. SCHUMER, Mr. LEAHY, Ms. STABENOW, Mrs. CLINTON, Mr. DURBIN, Mrs. LINCOLN, Mr. DAYTON, Mr. REID, Mr. BAYH, Mr. LEVIN, Mr. ROCKEFELLER, Mr. LAUTENBERG, Mr. SAR-

BANES, Mr. JEFFORDS, Mr. SALAZAR, Ms. MIKULSKI, Mr. BINGAMAN, Mr. LUGAR, Mr. SMITH, and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In title II, in the matter under the heading "LOW-INCOME HOME ENERGY ASSISTANCE", in the matter under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES", after the first sentence insert the following:

In addition to amounts appropriated under the preceding sentence, for making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.), \$2,920,000,000, 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.

SA 2195. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related 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) Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427), is amended by adding at the end the following:

"(g) The continuous residency requirement under subsection (a) may be reduced to 3 years for an applicant for naturalization if—

"(1) the applicant is the beneficiary of an approved petition for classification under section 204(a)(1)(E);

"(2) the applicant has been approved for adjustment of status under section 245(a); and

"(3) such reduction is necessary for the applicant to represent the United States at an international event.

"(h)(1) The Secretary of Homeland Security shall adjudicate an application for naturalization under this section not later than 30 days after the submission of such application if the applicant—

"(A) requests such expedited adjudication in order to represent the United States at an international event; and

"(B) demonstrates that such expedited adjudication is related to such representation.

"(2) An applicant is ineligible for expedited adjudication under paragraph (1) if the Secretary of Homeland Security determines that such expedited adjudication poses a risk to national security. Such a determination by the Secretary shall not be subject to review."

(b) There is authorized to be appropriated to the Secretary of Homeland Security for the Bureau of Citizenship and Immigration Services, \$100,000 for fiscal year 2006, to review applications for naturalization submitted by applicants who are eligible for the reduced residency requirement or expedited adjudication under subsections (g) and (h) of 316 of the Immigration and Nationality Act, as added by subsection (a).

(c) The amendment made by subsection (a) is repealed on October 1, 2006.

SA 2196. Mr. DURBIN submitted an amendment intended to be proposed by

him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

After section 221, insert the following:

SEC. 222. Not later than June 30, 2006, the Secretary of Health and Human Services shall prepare and submit to Congress a report outlining—

(1) a detailed plan for expeditiously changing the numerical identifier used to identify medicare beneficiaries under the medicare program so that a beneficiary's social security account number is no longer displayed on the identification card issued to the beneficiary under such program or on any explanation of medicare benefits mailed to the beneficiary; and

(2) the costs of implementing such plan.

**SA 2197.** Mr. SPECTER proposed an amendment to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 154, line 10, strike "\$3,203,418,000" and insert "\$3,188,418,000" in lieu thereof.

**SA 2198.** Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related 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 law rescinding the amounts made available under chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117), \$50,000,000 shall be available under such chapter, and shall remain available until expended, for payment to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001 and for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to such terrorist attacks, and \$75,000,000 shall be made available under such chapter to the Centers for Disease Control and Prevention upon enactment of this Act, and shall remain available until expended, for purposes related to the September 11, 2001 terrorist attacks. In expending such funds, the Director of the Centers for Disease Control and Prevention shall give first priority to the existing programs coordinated by the Mount Sinai Center for Occupational and Environmental Medicine, the Fire Department of New York City Bureau of Health Services and Counseling Services Unit, the New York City Police Foundation's Project COPE, Police Organization Providing Peer Assistance, and the New York City Department of Health and Mental Hygiene World Trade Center Health Registry that administer baseline and follow-up screening, clinical examinations, or long-term medical health monitoring, analysis, or treatment for emergency services personnel or rescue and recov-

ery personnel, and shall give secondary priority to similar programs coordinated by other entities working with the State of New York and New York City.

**SA 2199.** Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related 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 178, after line 25, add the following:

SEC. 222. Effective as if enacted on January 1, 1995, the phrase "costs incurred during the year of furnishing hospital services" in section 1923(g)(1)(A) of the Social Security Act (42 U.S.C. § 1396r-4(g)(1)(A)), shall be applied to the State of Virginia as including the costs of physician services provided at a hospital when those costs are incurred either by the hospital or by an organization related to the hospital, as determined for purposes of title XVIII of the Social Security Act, including such services provided through a university or a faculty practice plan. The preceding sentence shall be applied without fiscal year limitation.

**SA 2200.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

After section 221, insert the following:  
SEC. 222. (a) Section 1851(e)(3)(B) of the Social Security Act (42 U.S.C. 1395w-21(e)(3)(B)) is amended—

(1) in clause (iii), by striking "May 15, 2006" and inserting "December 31, 2006"; and  
(2) by adding at the end the following new sentence:

"An individual making an election during the period beginning on November 15, 2006, and ending on December 15, 2006, shall specify whether the election is to be effective with respect to 2006 or with respect to 2007 (or both)."

(b)(1) Section 1851(e) of the Social Security Act (42 U.S.C. 1395w-21(e)) is amended—

(A) in paragraph (2)(B)—

(i) in the heading, by striking "FOR FIRST 6 MONTHS";

(ii) in clause (i)—

(I) by striking "the first 6 months of 2006" and inserting "2006"; and

(II) by striking "the first 6 months during 2006" and inserting "2006";

(iii) in clause (ii), by inserting "(other than during 2006)" after "paragraph (3)"; and

(iv) in clause (iii), by striking "2006" and inserting "2007"; and

(B) in paragraph (4), by striking "2006" and inserting "2007" each place it appears.

(2) Section 1860D-1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395w-101(b)(1)(B)(iii)) is amended by striking "subparagraphs (B) and (C) of paragraph (2)" and inserting "paragraph (2)(C)".

(c) The amendments made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173).

**SA 2201.** Mr. NELSON of Florida submitted an amendment intended to be

proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related 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. \_\_\_\_\_. **ADVANCE DIRECTIVES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Every year 2,500,000 people die in the United States. Eighty percent of those people die in institutions such as hospitals, nursing homes, and other facilities. Chronic illnesses, such as cancer and heart disease, account for 2 out of every 3 deaths.

(2) In January 2004, a study published in the Journal of the American Medical Association concluded that many people dying in institutions have unmet medical, psychological, and spiritual needs. Moreover, family members of decedents who received care at home with hospice services were more likely to report a favorable dying experience.

(3) In 1997, the Supreme Court of the United States, in its decisions in Washington v. Glucksberg and Vacco v. Quill, reaffirmed the constitutional right of competent adults to refuse unwanted medical treatment. In those cases, the Court stressed the use of advance directives as a means of safeguarding that right should those adults become incapable of deciding for themselves.

(4) A study published in 2002 estimated that the overall prevalence of advance directives is between 15 and 20 percent of the general population, despite the passage of the Patient Self-Determination Act in 1990, which requires that health care providers tell patients about advance directives.

(5) Competent adults should complete advance care plans stipulating their health care decisions in the event that they become unable to speak for themselves. Through the execution of advance directives, including living wills and durable powers of attorney for health care according to the laws of the State in which they reside, individuals can protect their right to express their wishes and have them respected.

(b) **PURPOSES.**—The purposes of this section are to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decision-making so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

(c) **MEDICARE COVERAGE OF END-OF-LIFE PLANNING AND CONSULTATIONS AS PART OF INITIAL PREVENTIVE PHYSICAL EXAMINATION.**—

(1) **IN GENERAL.**—Section 1861(w) of the Social Security Act (42 U.S.C. 1395x(w)) is amended—

(A) in paragraph (1), by striking "paragraph (2)," and inserting "paragraph (2) and the end-of-life care services described in paragraph (3)."; and

(B) by adding at the end the following new paragraph:

"(3) The end-of-life care services described in this paragraph include a discussion between the provider and the individual of end-of-life care for the purpose of informing the individual receiving such an examination regarding—

"(A) situations where an advance directive might be beneficial;

“(B) medical options available to such individual with respect to end-of-life care;

“(C) coverage of hospice care under this title; and

“(D) such other issues relevant to end-of-life care as the provider determines are appropriate.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to initial preventive physical examinations provided on or after the date that is 60 days after the date of enactment of this Act.

(d) IMPROVEMENT OF POLICIES RELATED TO THE USE AND PORTABILITY OF ADVANCE DIRECTIVES.—

(1) MEDICARE.—Section 1866(f) of the Social Security Act (42 U.S.C. 1395cc(f)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting “and if presented by the individual (or on behalf of the individual), to include the content of such advance directive in a prominent part of such record” before the semicolon at the end;

(ii) in subparagraph (D), by striking “and” after the semicolon at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(iv) by inserting after subparagraph (E) the following new subparagraph:

“(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.”;

(B) in paragraph (3), by striking “a written” and inserting “an”; and

(C) by adding at the end the following new paragraph:

“(5)(A) In addition to the requirements of paragraph (1), a provider of services, Medicare Advantage organization, or prepaid or eligible organization (as the case may be) shall give effect to an advance directive executed outside the State in which such directive is presented, even one that does not appear to meet the formalities of execution, form, or language required by the State in which it is presented to the same extent as such provider or organization would give effect to an advance directive that meets such requirements, except that a provider or organization may decline to honor such a directive if the provider or organization can reasonably demonstrate that it is not an authentic expression of the individual’s wishes concerning his or her health care. Nothing in this paragraph shall be construed to authorize the administration of medical treatment otherwise prohibited by the laws of the State in which the directive is presented.

“(B) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient’s wishes, or more latitude in determining a patient’s wishes.”.

(2) MEDICAID.—Section 1902(w) of the Social Security Act (42 U.S.C. 1396a(w)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) by striking “in the individual’s medical record” and inserting “in a prominent part of the individual’s current medical record”; and

(II) by inserting “and if presented by the individual (or on behalf of the individual), to include the content of such advance directive in a prominent part of such record” before the semicolon at the end;

(ii) in subparagraph (D), by striking “and” after the semicolon at the end;

(iii) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(iv) by inserting after subparagraph (E) the following new subparagraph:

“(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.”;

(B) in paragraph (4), by striking “a written” and inserting “an”; and

(C) by adding at the end the following paragraph:

“(6)(A) In addition to the requirements of paragraph (1), a provider or organization (as the case may be) shall give effect to an advance directive executed outside the State in which such directive is presented, even one that does not appear to meet the formalities of execution, form, or language required by the State in which it is presented to the same extent as such provider or organization would give effect to an advance directive that meets such requirements, except that a provider or organization may decline to honor such a directive if the provider or organization can reasonably demonstrate that it is not an authentic expression of the individual’s wishes concerning his or her health care. Nothing in this paragraph shall be construed to authorize the administration of medical treatment otherwise prohibited by the laws of the State in which the directive is presented.

“(B) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient’s wishes, or more latitude in determining a patient’s wishes.”.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by paragraphs (1) and (2) shall apply to provider agreements and contracts entered into, renewed, or extended under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and to State plans under title XIX of such Act (42 U.S.C. 1396 et seq.), on or after such date as the Secretary of Health and Human Services specifies, but in no case may such date be later than 1 year after the date of enactment of this Act.

(B) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by paragraph (2), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(e) INCREASING AWARENESS OF THE IMPORTANCE OF END-OF-LIFE PLANNING.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

**“PART R—PROGRAMS TO INCREASE AWARENESS OF ADVANCE DIRECTIVE PLANNING ISSUES**

**“SEC. 399Z-1. ADVANCE DIRECTIVE EDUCATION CAMPAIGNS AND INFORMATION CLEARINGHOUSES.**

“(a) ADVANCE DIRECTIVE EDUCATION CAMPAIGN.—The Secretary shall, directly or

through grants awarded under subsection (c), conduct a national public education campaign—

“(1) to raise public awareness of the importance of planning for care near the end of life;

“(2) to improve the public’s understanding of the various situations in which individuals may find themselves if they become unable to express their health care wishes;

“(3) to explain the need for readily available legal documents that express an individual’s wishes, through advance directives (including living wills, comfort care orders, and durable powers of attorney for health care); and

“(4) to educate the public about the availability of hospice care and palliative care.

“(b) INFORMATION CLEARINGHOUSE.—The Secretary, directly or through grants awarded under subsection (c), shall provide for the establishment of a national, toll-free, information clearinghouse as well as clearinghouses that the public may access to find out about State-specific information regarding advance directive and end-of-life decisions.

“(c) GRANTS.—

“(1) IN GENERAL.—The Secretary shall use at least 60 percent of the funds appropriated under subsection (d) for the purpose of awarding grants to public or nonprofit private entities (including States or political subdivisions of a State), or a consortium of any of such entities, for the purpose of conducting education campaigns under subsection (a) and establishing information clearinghouses under subsection (b).

“(2) PERIOD.—Any grant awarded under paragraph (1) shall be for a period of 3 years.”.

(f) GAO STUDY AND REPORT ON ESTABLISHMENT OF NATIONAL ADVANCE DIRECTIVE REGISTRY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the feasibility of a national registry for advance directives, taking into consideration the constraints created by the privacy provisions enacted as a result of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under paragraph (1) together with recommendations for such legislation and administrative action as the Comptroller General of the United States determines to be appropriate.

(g) ADVANCE DIRECTIVES AT STATE DEPARTMENT OF MOTOR VEHICLES.—Each State shall establish a program of providing information on the advance directives clearinghouse established pursuant to section 399Z-1 of the Public Health Service Act, as added by subsection (e), to individuals who are residents of the State at such State’s department of motor vehicles. Such program shall be modeled after the program of providing information regarding organ donation established at the State’s department of motor vehicles, if such State has such an organ donation program.

(h) EFFECTIVE DATE.—Except as otherwise provided in this section, this section and the amendments made by this section shall take effect on the date of enactment of this Act.

**SA 2202.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related 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 178, after line 25, insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to pay the salaries or expenses of any officer or employee of the Department of Health and Human Services to provide payments under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to a physician, practitioner (as described in section 1842(b)(18)(C) of such Act (42 U.S.C. 1395u(b)(18)(C)), or other individual who charges their patients membership or similar fees, or who requires the purchase of services not covered under Medicare, as a condition for the provision of covered services under such title.

**SA 2203.** Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related 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) Notwithstanding any other provision of law, \$125,000,000 shall be available and shall remain available until expended to replace the funds appropriated but not expended under chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117), and of such amount, \$50,000,000 shall be made available for payment to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001 and for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to such terrorist attacks, and \$75,000,000 shall be made available to the Centers for Disease Control and Prevention upon enactment of this Act, and shall remain available until expended, for purposes related to the September 11, 2001 terrorist attacks. In expending such funds, the Director of the Centers for Disease Control and Prevention shall give first priority to the existing programs coordinated by the Mount Sinai Center for Occupational and Environmental Medicine, the Fire Department of New York City Bureau of Health Services and Counseling Services Unit, the New York City Police Foundation's Project COPE, Police Organization Providing Peer Assistance, and the New York City Department of Health and Mental Hygiene World Trade Center Health Registry that administer baseline and follow-up screening, clinical examinations, or long-term medical health monitoring, analysis, or treatment for emergency services personnel or rescue and recovery personnel, and shall give secondary priority to similar programs coordinated by other entities working with the State of New York and New York City.

(b) The amount provided under subsection (a) is designated as an emergency request, pursuant to section 402 of H. Con. Res. 95 (109th Congress).

**SA 2204.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related 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 112, strike lines 17 and 18, insert the following:

Workforce Investment Act of 1998; \$2,790,806,000 plus reimbursements, of which \$1,791,518,000 (plus an additional amount of \$3,000,000 for workforce investment activities for adults under chapter 5 of subtitle B of such Act) is available for obli- \* \* \*

**SA 2205.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related 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 title II, insert the following:

SEC. \_\_\_\_\_. Amounts appropriated in this title for the preventive health and health services block grant program under part A of title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) shall be increased to \$132,000,000.

**SA 2206.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related 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 title II, insert the following:

SEC. \_\_\_\_\_. Amounts appropriated in this title for the global disease detection program at the Centers for Disease Control and Prevention shall be increased so that such program receives \$45,000,000.

**SA 2207.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related 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 title II, insert the following:

SEC. \_\_\_\_\_. Amounts appropriated in this title for national immunization programs under section 317 of the Public Health Service Act (42 U.S.C. 247b) at the Centers for Disease Control and Prevention shall be increased so that such programs receives \$748,000,000.

**SA 2208.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related 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 222, between lines 5 and 6, insert the following:

SEC. 517. Notwithstanding clause (A) of the flush language immediately following section 1905(a)(28) of the Social Security Act, none of the funds made available in this Act may be used by the Secretary of Health and

Human Services to withhold, suspend, disallow, or otherwise deny Federal financial participation under section 1903(a) of such Act to a State for the provision of items and services described in section 1905(a) of such Act to children who are receiving inpatient psychiatric hospital services for individuals under age 21 under the State Medicaid plan that are provided consistent with the requirements of title XIX of the Social Security Act and such plan.

**SA 2209.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related 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 title II, insert the following:

SEC. \_\_\_\_\_. Amounts made available under this title for bioterrorism activities at the Centers for Disease Control and Prevention shall be increased by \$129,900,000, to be used to restore amounts available for grants for State and local capacity to the level provided for such grants for fiscal year 2005.

**SA 2210.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related 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 title II, insert the following:

SEC. \_\_\_\_\_. No amounts appropriated under this title for the Office of the Secretary of Health and Human Services shall be expended after January 1, 2006 unless the Secretary has prepared and publicly issued a national pandemic preparedness plan that—

- (1) designates a single official as being responsible for Federal planning and response related to a national pandemic;
- (2) describes global and domestic pandemic surveillance activities;
- (3) describes efforts to build domestic production capacity to ensure a sufficient stockpile of vaccines and antivirals;
- (4) addresses potential demands for or shortages of medical equipment and supplies such as antibiotics, ventilators, masks, gloves, and ongoing medical treatment needs for chronically ill individuals;
- (5) addresses surge capacity and support to State and local governments;
- (6) addresses the potential effectiveness of measures such as quarantine and the use of masks;
- (6) addresses the plan of the Secretary for educating the public in advance of a pandemic;
- (7) describes how the Secretary will coordinate with relevant government agencies to provide guidance to the medical and business communities regarding travel, transportation, the economy, business operations, and schools; and
- (8) includes specific levels of funding for each element of the plan.

#### PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that the following Finance Committee fellows and interns be allowed the privilege of the floor

during consideration of the Labor-HHS appropriations bill: Richard Litsey, Jorlie Cruz, and James Reavis.

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

#### ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN IN DEVELOPING COUNTRIES

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1409, which was received from the House.

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

The assistant legislative clerk read as follows:

A bill (H.R. 1409) to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

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

Mr. LUGAR. Mr. President, I rise to comment on H.R. 1409, a companion bill to S. 350, the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005, which I introduced earlier this year. Prior to its passage, I want to address a concern that the administration has raised about the bill.

I want to clarify that this legislation is in no way intended to undercut the existing authority of the Global AIDS Coordinator over all U.S. Government resources and programs relating to international HIV/AIDS. The Office of the Global AIDS Coordinator has made tremendous progress in bringing together U.S. Government resources in addressing orphans and vulnerable children as part of the President's Emergency Plan for AIDS Relief. In accordance with section 102 of Public Law 108-25, the U.S. Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, the Global AIDS Coordinator has primary responsibility for programming and directing funds for all international HIV/AIDS activities carried out by the U.S. Government.

This legislation is not intended to create new or separate authorities in programming or funding under the emergency plan regarding orphans and vulnerable children and HIV/AIDS programs, but rather provides for an advisory position to ensure that the best approaches to addressing the needs of this population are employed in our foreign HIV/AIDS programs. I would expect that the position created by this new legislation would work within the processes developed by the Office of the Global AIDS Coordinator to ensure that planning and implementation of any orphans and vulnerable children programs relating to international HIV/AIDS are consistent with the goals of the emergency plan. In fact, it is possible that this position may indeed be within the Office of the Global AIDS Coordinator, at the discretion of the Secretary of State, because of the close

relationship of HIV/AIDS and its effect on orphans and vulnerable children.

The AIDS orphan crisis in sub-Saharan Africa has implications for political stability, development, and human welfare that extend far beyond the region, affecting governments and people worldwide. Every 14 seconds another child is orphaned by AIDS. Turning the tide on this crisis will require a coordinated, comprehensive, and swift response. I am hopeful that Senators will join me in backing this important legislation.

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 (H.R. 1409) was read the third time and passed.

#### CONVEYANCE OF LAND FOR THE BENEFIT OF THE PUYALLUP INDIAN TRIBE

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 162, S. 1382.

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

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 1382) to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe.

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 relating to the bill be printed in the RECORD.

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

The bill (S. 1382) was read the third time and passed, as follows:

S. 1382

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

#### SECTION 1. PUYALLUP INDIAN TRIBE LAND CLAIMS SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) accept the conveyance of the parcels of land within the Puyallup Reservation described in subsection (b); and

(2) hold the land in trust for the benefit of the Puyallup Indian tribe.

(b) LAND DESCRIPTION.—The parcels of land referred to in subsection (a) are as follows:

(1) PARCEL A.—Lot B, boundary line adjustment 9508150496, as depicted on the map dated August 15, 1995, held in the records of the Pierce County Auditor, situated in the city of Fife, county of Pierce, State of Washington.

(2) PARCEL B.—

(A) IN GENERAL.—Parcel B shall be comprised of land situated in the city of Fife, county of Pierce, State of Washington, more particularly described as follows:

(i) Lots 3 and 4, Pierce County Short Plat No. 8908020412, as depicted on the map dated

August 2, 1989, held in the records of the Pierce County Auditor, together with portion of SR 5 abutting lot 4, conveyed by the deed recorded under Recording No. 9309070433, described as follows:

(I) That portion of Government lot 1, sec. 07, T. 20 N., R. 4 E., of the Willamette Meridian, described as commencing at Highway Engineer's Station AL 26 6+38.0 P.O.T. on the AL26 line survey of SR 5, Tacoma to King County line.

(II) Thence S88°54'30" E., along the north line of said lot 1 a distance of 95 feet to the true point of beginning.

(III) Thence S01°05'30" W87.4' feet.

(IV) Thence westerly to a point opposite Highway Engineer's Station AL26 5+50.6 P.O.T. on said AL26 line survey and 75 feet easterly therefrom.

(V) Thence northwesterly to a point opposite AL26 5+80.6 on said AL26 line survey and 55 feet easterly therefrom.

(VI) Thence northerly parallel with said line survey to the north line of said lot 1.

(VII) Thence N88°54'30" E., to the true point of beginning.

(i) Chicago Title Insurance Company Order No. 4293514 lot A boundary line adjustment recorded under Recording No. 9508150496, as depicted on the map dated August 15, 1995, held in the records of the Pierce County Auditor.

(B) EXCLUSION.—Excluded from Parcel B shall be that portion of lot 4 conveyed to the State of Washington to be recorded under recording number 9308100165 and more particularly described as follows:

(i) Commencing at the northeast corner of said lot 4.

(ii) Thence N89°53'30" W., along the north line of said lot 4 a distance of 147.44 feet to the true point of beginning and a point of curvature.

(iii) Thence southwesterly along a curve to the left, the center of which bears S0°06'30" W., 55.00 feet distance, through a central angle of 89°01'00", an arc distance of 85.45 feet.

(iv) Thence S01°05'30" W., 59.43 feet.

(v) Thence N88°54'30" W., 20.00 feet to a point on the westerly line of said lot 4.

(vi) Thence N0°57'10" E., along said westerly line 113.15 feet to the northwest corner of said lot 4.

(vii) Thence S89°53'30" east along said north line, a distance of 74.34 feet to the true point of beginning.

(3) ADDITIONAL LOTS.—Any lots acquired by the Puyallup Indian tribe located in block 7846, 7850, 7945, 7946, 7949, 7950, 8045, or 8049 in the Indian Addition to the city of Tacoma, State of Washington.

#### ORDERS FOR TUESDAY, OCTOBER 25, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Tuesday, October 25. 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 for morning business for up to 30 minutes, equally divided between the two leaders or their designees, with the first 15 minutes under majority control; provided further that the Senate then resume consideration of H.R. 3010, the Labor-HHS appropriations bill. I further ask unanimous consent that at 10:30 the Senate proceed to a vote in relation to the Specter amendment No.

2197, with no second-degree amendments in order to the amendment prior to the vote.

I further ask unanimous consent that the Senate recess from 12:30 to 2:15 for the weekly policy luncheons.

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

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#### PROGRAM

Mr. FRIST. Today the Senate returned to the Labor-HHS appropriations bill, the final appropriations bill for this fiscal year. Indeed, I thank my colleagues for participating and so systematically going through each and every one of these appropriations bills with this being the last. The two managers are here and are ready to roll up

their sleeves on this bill and to keep it moving along. Chairman SPECTER was here all Friday, last Friday, and all day today. It is now time for Members to come forward with their amendments and not put this off, not postpone, not delay until later in the week. We are going to finish the bill this week. If cloture becomes necessary, we will file that motion at the necessary time. I hope and expect that tomorrow will be a full day with amendments and votes.

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#### 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 7:07 p.m., adjourned until Tuesday, October 25, 2005, at 9:30 a.m.

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#### CONFIRMATIONS

Executive nominations confirmed by the Senate: Monday, October 24, 2005:

#### THE JUDICIARY

BRIAN EDWARD SANDOVAL, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA.

HARRY SANDLIN MATTICE, JR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE.