

## TEXT OF AMENDMENTS

**SA 2268.** 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; 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)(1) The continuous residency requirement under subsection (a) may be reduced to 3 years for an applicant for naturalization if—

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

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

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

“(2) 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.

“(3) An applicant is ineligible for expedited adjudication under paragraph (2) 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.

“(4)(A) In addition to any other fee authorized by law, the Secretary of Homeland Security shall charge and collect a \$1,000 premium processing fee from each applicant described in this subsection to offset the additional costs incurred to expedite the processing of applications under this subsection.

“(B) The fee collected under subparagraph (A) shall be deposited as offsetting collections in the Immigration Examinations Fee Account.”.

(b) The amendment made by subsection (a) is repealed on January 1, 2006.

**SA 2269.** Mr. LAUTENBERG 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) None of the funds made available in this Act may be used to provide abstinence education that includes information that is medically inaccurate. For purposes of this section, the term “medically inaccurate” means information that is unsupported or contradicted by peer-reviewed research by leading medical, psychological, psychiatric, and public health publications, organizations and agencies.

**SA 2270.** Mr. LAUTENBERG 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 enroll beneficiaries under Part D of title XVIII of the Social Security Act for a prescription drug plan or an MA-PD plan that contains an initial coverage limit (as described in section 1860D-2(b)(3) of such Act), unless the beneficiary signs a certification of the following in a typeface of not less than 18 points: “I understand that the Medicare Prescription Drug Plan or MA-PD Plan that I am signing up for may result in a gap in coverage during a given year. I understand that if subject to this gap in coverage, I will be responsible for paying 100 percent of the cost of my prescription drugs and will continue to be responsible for paying the plan’s monthly premium while subject to this gap in coverage.”.

**SA 2271.** Mr. AKAKA 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. \_\_\_\_\_. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall compute a DSH allotment for the State of Hawaii for fiscal year 2006 for purposes of the Medicaid program under title XIX of the Social Security Act that is comparable to the DSH allotments determined under that program for other States with a statewide waiver in effect under section 1115 of such Act.

**SA 2272.** Mr. NELSON of Nebraska (for himself and Mr. DEWINE) 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. \_\_\_\_\_. (a) Congress makes the following findings:

(1) The American Jobs Creation Act of 2004 permitted the outsourcing or privatization by the Internal Revenue Service of collection of unpaid and past due federal income taxes.

(2) The Internal Revenue Service is about to issue to private-sector debt collection companies tax collection contracts that will create up to 4,000 well paying private-sector jobs.

(3) If the same tax collection activities were conducted by Federal employees, Federal law would give preferences in employment to disabled veterans in filling those federal jobs.

(4) By enacting legislation to improve the Internal Revenue Service’s tax collection efforts and outsourcing or privatizing those efforts, Congress did not intend to curtail the Nation’s long-standing commitment to creating meaningful job opportunities for disabled veterans and other persons with severe disabilities.

(5) The contracts the Internal Revenue Service will execute with private-sector debt collection companies provide a unique opportunity for the Federal government to stimulate the creation of well paying jobs for disabled veterans and other persons with disabilities.

(b) It is the sense of the Senate that—

(1) the Secretary of the Treasury should, to the maximum extent practicable, ensure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other disabled persons are carried forward as a part of any tax collection contract program carried out under section 6306 of the Internal Revenue Code of 1986, as added by the American Jobs Creation Act of 2004, and

(2) the criteria applied by the Internal Revenue Service in awarding contracts to private-sector tax collection companies under such program should incorporate a preference for companies hiring disabled veterans and other disabled persons.

**SA 2273.** Mr. KENNEDY 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 end of title III (before the short title), add the following:

**SEC. \_\_\_\_\_. ADDITIONAL FUNDING FOR PART A OF TITLE I OF ESEA.**

In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$85,000,000 to ensure that the amount of Federal assistance received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) by a local educational agency for fiscal year 2006 is not less than the amount of Federal assistance received by such agency under such part for fiscal year 2005.

**SA 2274.** Mr. NELSON of Nebraska (for himself and Mr. CARPER) 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 158, strike lines 12 through 21 and insert the following:

bus Budget Reconciliation Act of 1981, \$3,483,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$300,000,000, to remain available until expended: *Provided*, That these funds are for the unanticipated home energy assistance

needs of one or more States, as authorized by section 2604(e) of the Act: *Provided further*, That the entire 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.

GENERAL PROVISION—REVENUE RAISING PROVISIONS

SEC. \_\_\_\_ . PARTIAL PAYMENTS REQUIRED WITH SUBMISSION OF OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Section 7122 of the Internal Revenue Code of 1986 (relating to compromises) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

“(c) RULES FOR SUBMISSION OF OFFERS-IN-COMPROMISE.—

“(1) PARTIAL PAYMENT REQUIRED WITH SUBMISSION.—

“(A) LUMP-SUM OFFERS.—

“(i) IN GENERAL.—The submission of any lump-sum offer-in-compromise shall be accompanied by the payment of 20 percent of amount of such offer.

“(ii) LUMP-SUM OFFER-IN-COMPROMISE.—For purposes of this section, the term ‘lump-sum offer-in-compromise’ means any offer of payments made in 5 or fewer installments.

“(B) PERIODIC PAYMENT OFFERS.—The submission of any periodic payment offer-in-compromise shall be accompanied by the payment of the amount of the first proposed installment and each proposed installment due during the period such offer is being evaluated for acceptance and has not been rejected by the Secretary. Any failure to make a payment required under the preceding sentence shall be deemed a withdrawal of the offer-in-compromise.

“(2) RULES OF APPLICATION.—

“(A) USE OF PAYMENT.—The application of any payment made under this subsection to the assessed tax or other amounts imposed under this title with respect to such tax may be specified by the taxpayer.

“(B) NO USER FEE IMPOSED.—Any user fee which would otherwise be imposed under this section shall not be imposed on any offer-in-compromise accompanied by a payment required under this subsection.”.

(b) ADDITIONAL RULES RELATING TO TREATMENT OF OFFERS.—

(1) UNPROCESSABLE OFFER IF PAYMENT REQUIREMENTS ARE NOT MET.—Paragraph (3) of section 7122(d) of the Internal Revenue Code of 1986 (relating to standards for evaluation of offers), as redesignated by subsection (a), is amended by striking “; and” at the end of subparagraph (A) and inserting a comma, by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following new subparagraph:

“(C) any offer-in-compromise which does not meet the requirements of subsection (c) shall be returned to the taxpayer as unprocessable.”.

(2) DEEMED ACCEPTANCE OF OFFER NOT REJECTED WITHIN CERTAIN PERIOD.—Section 7122 of such Code, as amended by subsection (a), is amended by adding at the end the following new subsection:

“(f) DEEMED ACCEPTANCE OF OFFER NOT REJECTED WITHIN CERTAIN PERIOD.—Any offer-in-compromise submitted under this section shall be deemed to be accepted by the Secretary if such offer is not rejected by the Secretary before the date which is 24 months after the date of the submission of such offer (12 months for offers-in-compromise submitted after the date which is 5 years after the date of the enactment of this subsection). For purposes of the preceding sentence, any period during which any tax li-

ability which is the subject of such offer-in-compromise is in dispute in any judicial proceeding shall not be taken into account in determining the expiration of the 24-month period (or 12-month period, if applicable).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers-in-compromise submitted on and after the date which is 60 days after the date of the enactment of this Act.

SEC. \_\_\_\_ . TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) of the Internal Revenue Code of 1986 (relating to regulation authority) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”, and

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

“(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

“(A) IN GENERAL.—In the case of a debt instrument which—

“(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

“(ii) provides for contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a noncontingent fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a noncontingent fixed-rate debt instrument which is convertible into stock.

“(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.”.

(b) CROSS REFERENCE.—Section 163(e)(6) of the Internal Revenue Code of 1986 (relating to cross references) is amended by adding at the end the following:

“For the treatment of contingent payment convertible debt, see section 1275(d)(2).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. \_\_\_\_ . IMPOSITION OF MARK-TO-MARKET TAX ON INDIVIDUALS WHO EXPATRIATE.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 877 the following new section:

“SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

“(a) GENERAL RULES.—For purposes of this subtitle—

“(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

“(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

“(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

“(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

“(3) EXCLUSION FOR CERTAIN GAIN.—

“(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by \$600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

“(B) COST-OF-LIVING ADJUSTMENT.—

“(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2005, the \$600,000 amount under subparagraph (A) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘calendar year 2004’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of \$1,000, such amount shall be rounded to the next lower multiple of \$1,000.

“(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

“(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

“(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

“(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

“(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

“(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

“(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

“(iii) complies with such other requirements as the Secretary may prescribe.

“(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

“(b) ELECTION TO DEFER TAX.—

“(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

“(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

“(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year

which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

“(4) SECURITY.—

“(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

“(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

“(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

“(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

“(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

“(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

“(7) INTEREST.—For purposes of section 6601—

“(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

“(B) section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(C) COVERED EXPATRIATE.—For purposes of this section—

“(1) IN GENERAL.—Except as provided in paragraph (2), the term ‘covered expatriate’ means an expatriate.

“(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

“(A) the individual—

“(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

“(B)(i) the individual’s relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

“(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

“(1) EXEMPT PROPERTY.—This section shall not apply to the following:

“(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

“(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

“(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date

any interest in a retirement plan to which this paragraph applies—

“(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

“(ii) an amount equal to the present value of the expatriate’s nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

“(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

“(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan’s behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

“(D) APPLICABLE PLANS.—This paragraph shall apply to—

“(i) any qualified retirement plan (as defined in section 4974(c)),

“(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

“(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

“(e) DEFINITIONS.—For purposes of this section—

“(1) EXPATRIATE.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) EXPATRIATION DATE.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

“(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

“(A) the date the individual renounces such individual’s United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen’s certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) LONG-TERM RESIDENT.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES’ INTERESTS IN TRUST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual’s share in the trust.

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

“(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

“(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

“(E) TAX DEDUCTED AND WITHHELD.—

“(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

“(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

“(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

“(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

“(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

“(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

“(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

“(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

“(i) QUALIFIED TRUST.—The term ‘qualified trust’ means a trust which is described in section 7701(a)(30)(E).

“(ii) VESTED INTEREST.—The term ‘vested interest’ means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

“(iii) NONVESTED INTEREST.—The term ‘nonvested interest’ means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

“(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

“(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

“(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

“(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

“(B) OTHER DETERMINATIONS.—For purposes of this section—

“(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

“(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

“(I) the methodology used to determine that taxpayer's trust interest under this section, and

“(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

“(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

“(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

“(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

“(h) IMPOSITION OF TENTATIVE TAX.—

“(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

“(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

“(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

“(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

“(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

“(1) IMPOSITION OF LIEN.—

“(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

“(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for

the taxable year including the expatriation date.

“(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

“(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

“(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

“(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

“(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 of the Internal Revenue Code of 1986 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

“(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

“(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

“(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

“(A) the gift, bequest, devise, or inheritance is—

“(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

“(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

“(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.”.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(49) TERMINATION OF UNITED STATES CITIZENSHIP.—

“(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

“(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.”.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

“(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).”.

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

“(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General’s delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).”

(B) SAFEGUARDS.—Section 6103(p)(4) of such Code (relating to safeguards) is amended by striking “or (20)” each place it appears and inserting “(20), or (21)”.

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005.”

(2) Section 2107 of such Code is amended by adding at the end the following new subsection:

“(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.”

(3) Section 2501(a)(3) of such Code is amended by adding at the end the following new subparagraph:

“(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.”

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 877 the following new item:

“Sec. 877A. Tax responsibilities of expatriation.”

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

**SA 2275.** Mr. BYRD (for himself, Mr. LIEBERMAN, Mr. CORZINE, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. KERRY, Mr. REED, Mr. REID, Mr. KENNEDY, Mr.

BINGAMAN, Mr. DODD, Mr. KOHL, Mrs. MURRAY, Mr. LAUTENBERG, Ms. MIKULSKI, Mrs. CLINTON, and Mr. DAYTON) 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; which was ordered to lie on the table; as follows:

At the end of title III (before the short title), add the following:

**SEC. . . . ADDITIONAL TITLE I FUNDING.**

In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$5,000,000,000 for carrying out title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), of which—

(1) \$2,500,000,000 shall be for targeted grants under section 1125 of such Act; and

(2) \$2,500,000,000 shall be for education finance incentive grants under section 1125A of such Act.

**SA 2276.** Mr. DOMENICI 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 165, strike line 2 and insert the following:

for a study of the system’s effectiveness: *Provided further*, That the total amount made available under this heading shall be increased by \$15,000,000, which shall be for carrying out the National Youth Sports Program under the Community Services Block Grant Act.

**GENERAL PROVISION—REDUCTION**

**SEC. . . .** Notwithstanding any other provision of this Act, \$338,614,000 shall be the total amount made available under the heading “GENERAL DEPARTMENTAL MANAGEMENT” under the heading “OFFICE OF THE SECRETARY” (other than funds transferred and expended as authorized by section 201(g)(1) of the Social Security Act, and amounts available under section 241 of the Public Health Service Act, as described under such headings).

**SA 2277.** Mr. CORNYN 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; as follows:

On page 112, strike lines 17 and 18 and insert the following:

Workforce Investment Act of 1998; \$2,867,806,000 plus reimbursements, of which \$1,871,518,000 is available for obli-

On page 113, strike lines 8 through 13 and insert the following:

\$1,148,264,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further*, That \$125,000,000 shall be available for Community-Based Job Training Grants, and not more than an additional \$125,000,000 may be used by the Secretary of Labor for such grants from funds reserved under section 132(a)(2)(A) of the Workforce Investment Act of 1998, to carry out such grants under sec-

On page 132, line 9, strike “\$320,250,000” and insert “\$240,250,000, of which \$13,248,000 is for such management or operation of activities conducted by or through the Bureau of International Labor Affairs, and”

**SA 2278.** Mr. FRIST 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; as follows:

On page 116, line 9, strike “\$132,825,000, together with” and insert “\$119,825,000: *Provided*, That amounts provided for in this Act for suicide prevention activities under the Garrett Lee Smith Memorial Act (Public law 108-355) shall be increased by \$13,000,000: *Provided further*, That”.

**SA 2279.** Mr. FEINGOLD (for himself and Ms. COLLINS) 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. . . .** The Secretary of Health and Human Services shall make available \$800,000, from amounts appropriated in this Act for General Departmental Management for the Department of Health and Human Services, to carry out section 312 of the Public Health Service Act (42 U.S.C. 244).

**SA 2280.** Mr. HARKIN 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. 222.** Section 640(i) of the Head Start Act (42 U.S.C. 9835(i)) is amended—

(1) by striking “(i) The” and inserting the following:

“(i) TRANSPORTATION SAFETY.—

“(1) REGULATIONS.—The”; and

(2) by adding at the end the following:

“(2) WAIVER AUTHORITY.—

“(A) IN GENERAL.—The Secretary may waive, for a period not to exceed 2 years, any requirement of regulations promulgated under paragraph (1) for 1 or more vehicles used by the agency or its designee in transporting children enrolled in a Head Start program or an Early Head Start program for vehicles operated by a direct or indirect recipient of funding from the Federal Transit Administration if, in addition to meeting all Federal Motor Vehicle Safety Standards normally applicable to transit vehicles, transit buses used by the agency or its designee for Head Start transportation also comply with the following Federal Motor Vehicle Safety Standards:

“(i) Standard number 220 (School Bus Roll-over Protection).

“(ii) Standard number 221 (School Bus Body Joint Strength).

“(iii) Standard number 301 (Fuel System Integrity).

“(iv) Standard number 207 (Seating Systems) and standard number 208 (Occupant

Crash Protection) or standard number 222 (School Bus Passenger Seating and Crash Protection).

“(v) Standard number 209 (Seat Belt Assemblies) and standard number 210 (Seat Belt Assembly Anchorages).

“(B) BUS MONITOR.—A waiver of the bus monitor requirement may be granted if the agency or its designee is transporting less than 5 children who are enrolled in a Head Start program or an Early Head Start program.”.

**SA 2281.** Mr. HARKIN (for himself, Mr. KENNEDY, Mr. REID, Mr. DURBIN, Mr. BAYH, and Mr. JOHNSON) 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 22, at the appropriate place at the end of Title V, insert the following:

**TITLE .**

**SECTION 101.**

(a) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Centers for Disease Control and Prevention \$7,975,000,000 for activities relating to a pandemic influenza epidemic during the fiscal year ending September 30, 2006, which shall be available until expended.

(b) Of the amount appropriated under subsection (a)—

(1) \$3,680,000,000 shall be for stockpiling of antivirals and necessary medical supplies relating to pandemic influenza and public health infrastructure, of which not less than \$600,000,000 shall be for grants to state and local public health agencies for emergency preparedness;

(2) \$60,000,000 shall be for global surveillance relating to avian flu;

(3) \$3,300,000 shall be to increase the national investment in domestic vaccine infrastructure including development and research;

(4) \$750,000,000 shall be for improving hospital preparedness and surge capacity and health information technology systems and networks to improve detection of influenza outbreaks;

(5) \$75,000,000 shall be for risk communication and outreach to providers, businesses, and to the American public;

(6) \$100,000,000 shall be for research and CDC lab capacity related to pandemic influenza; and

(7) \$10,000,000 for surveillance of migratory birds for the occurrence of influenza.

(c) This title shall take effect on the date of enactment of this Act.

**SA 2282.** 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:

On Page 165, before the period on line 5, insert the following:

: *Provided*, That the Secretary shall undertake a family reunification effort in concert with national non-profit organizations engaged in similar efforts

**SA 2283.** Mr. HARKIN (for himself, Mr. KENNEDY, Mr. REID, Mr. DURBIN,

Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. MIKULSKI, Mrs. CLINTON, Mr. JOHNSON, Mr. DAYTON, and Mr. BYRD) 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 222, at the appropriate place at the end of Title V, insert the following:

**TITLE .**

**SECTION 101.**

(a) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Centers for Disease Control and Prevention \$7,975,000,000 for activities relating to a pandemic influenza epidemic during the fiscal year ending September 30, 2006, which shall be available until expended.

(b) Of the amount appropriated under subsection (a)—

(1) \$3,680,000,000 shall be for stockpiling of antivirals and necessary medical supplies relating to pandemic influenza and public health infrastructure, of which not less than \$600,000,000 shall be for grants to state and local public health agencies for emergency preparedness;

(2) \$60,000,000 shall be for global surveillance relating to avian flu;

(3) \$3,300,000 shall be to increase the national investment in domestic vaccine infrastructure including development and research;

(4) \$750,000,000 shall be for improving hospital preparedness and surge capacity and health information technology systems and networks to improve detection of influenza outbreaks;

(5) \$75,000,000 shall be for risk communication and outreach to providers, businesses, and to the American public;

(6) \$100,000,000 shall be for research and CDC lab capacity related to pandemic influenza; and

(7) \$10,000,000 for surveillance of migratory birds for the occurrence of influenza.

(c) This title shall take effect on the date of enactment of this Act.

**SA 2284.** Ms. LANDRIEU 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:

**TITLE —ELEMENTARY AND SECONDARY EDUCATION ASSISTANCE TO STUDENTS AND SCHOOLS IMPACTED BY HURRICANE KATRINA**

**SEC. . SHORT TITLE.**

This title may be cited as the “Hurricane Katrina Elementary and Secondary Education Recovery Act”.

**SEC. . FINDINGS.**

Congress finds the following:

(1) Hurricane Katrina has had a devastating and unprecedented impact on students who attended schools in the disaster areas.

(2) Due to the devastating effects of Hurricane Katrina, a significant number of students have enrolled in schools outside of the area in which they resided on August 22, 2005, including a significant number of students

who enrolled in non-public schools because their parents chose to enroll them in such schools.

(3) 372,000 students were displaced by Hurricane Katrina. Approximately 700 schools have been damaged or destroyed. Nine States each have more than 1,000 of such displaced students enrolled in their schools. In Texas alone, over 45,000 displaced students have enrolled in schools.

(4) In response to these extraordinary conditions, this title creates a one-time only emergency grant for the 2005-2006 school year tailored to the needs and particular circumstances of students displaced by Hurricane Katrina.

(5) The level and type of assistance provided under this title, both for students attending public schools and students attending non-public schools, is being authorized solely because of the unprecedented nature of the crisis, the massive dislocation of students, and the short duration of assistance.

**SEC. . WAIVERS AND OTHER ACTIONS.**

(a) CURRENT WAIVER AND OTHER AUTHORITY.—The Secretary of Education is encouraged to exercise the maximum waiver authority available or exercise other actions for States, local educational agencies, and schools affected by Hurricane Katrina with respect to the waiver authority or authorization of actions provided under the following provisions of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.):

(1) Section 1111(b)(3)(C)(vii) of such Act (20 U.S.C. 6311(b)(3)(C)(vii)).

(2) Section 1111(b)(7) of such Act (20 U.S.C. 6311(b)(7)).

(3) Section 1111(c)(1) of such Act (20 U.S.C. 6311(c)(1)).

(4) Section 1111(h)(2)(A)(i) of such Act (20 U.S.C. 6311(h)(2)(A)(i)).

(5) Section 1116(b)(7)(D) of such Act (20 U.S.C. 6316(b)(7)(D)).

(6) Section 1116(c)(10)(F) of such Act (20 U.S.C. 6316(c)(10)(F)).

(7) Section 1125A(e)(3) of such Act (20 U.S.C. 6337(e)(3)).

(8) Section 3122(a)(3)(B) of such Act (20 U.S.C. 6842(a)(3)(B)).

(9) Section 5141(c) of such Act (20 U.S.C. 7217(c)).

(10) Section 7118(c)(3)(A) of such Act (20 U.S.C. 7428(c)(3)(A)).

(11) Section 9521(c) of such Act (20 U.S.C. 7901(c)).

(b) REPORT ON WAIVERS.—Not later than December 31, 2005, the Secretary of Education shall prepare and submit a report on the States and local educational agencies requesting a waiver of any provision under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) due to the impact of Hurricane Katrina to the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate.

**SEC. . PROVIDING ADDITIONAL SUPPORT FOR STUDENTS AFFECTED BY HURRICANE KATRINA.**

(a) GRANTS TO STATES AUTHORIZED.—From amounts appropriated under subsection (g), the Secretary of Education is authorized to make grants to States for assistance to eligible local educational agencies to enable the agencies to provide services, programs, and activities as described in subsection (c).

(b) STATE APPLICATIONS.—A State that desires to receive a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(c) ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES.—A State that receives a grant

under subsection (a) shall use the funds made available through the grant to provide assistance to eligible local educational agencies to enable such agencies to provide, to students displaced by Hurricane Katrina or students attending a school in an area described in subsection (f)(1)—

(1) supplemental educational services consistent with the definitions, criteria, and amounts established under section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)); or

(2) additional programs and activities under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.) relating to 21st century community learning centers.

(d) LOCAL APPLICATIONS.—An eligible local educational agency that desires to receive assistance under this section from a State shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require.

(e) INTERACTION WITH THE ESEA.—An eligible local educational agency providing services described in subsection (c)(1) may provide such services to a student displaced by Hurricane Katrina regardless of the status of the school under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) that such student attends.

(f) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this section, the term “eligible local educational agency” means—

(1) a local educational agency in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina; or

(2) a local educational agency that enrolls a student displaced from an area where a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$100,000,000 for fiscal year 2006.

**SEC. \_\_\_\_ IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.**

(a) PURPOSE.—It is the purpose of this section—

(1) to provide immediate and direct assistance to local educational agencies in Louisiana, Mississippi, and Alabama that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina;

(2) to assist school district administrators and personnel of such agencies who are working to restart operations in elementary schools and secondary schools served by such agencies; and

(3) to facilitate the re-opening of elementary schools and secondary schools served by such agencies and the re-enrollment of students in such schools as soon as possible.

(b) PAYMENTS AND GRANTS AUTHORIZED.—From amounts appropriated to carry out this section, the Secretary of Education is authorized to make payments, not later than November 30, 2005, to State educational agencies (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.)) in Louisiana, Mississippi, and Alabama to enable such agencies to award grants to local educational agencies serving an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assist-

ance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(c) ELIGIBILITY AND CONSIDERATION.—In determining whether to award a grant under this section, or the amount of the grant, the State educational agency shall consider the following:

(1) The number of school-aged children served by the local educational agency in the academic year preceding the academic year for which the grant is awarded.

(2) The severity of the impact of Hurricane Katrina on the local educational agency and the extent of the needs in each local educational agency in Louisiana, Mississippi, and Alabama that is in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(d) APPLICATIONS.—Each local educational agency desiring a grant under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require to ensure expedited and timely payment to the local educational agency.

(e) USES OF FUNDS.—

(1) IN GENERAL.—A local educational agency receiving a grant under this section shall use the grant funds for—

(A) recovery of student and personnel data, and other electronic information;

(B) replacement of school district information systems, including hardware and software;

(C) financial operations;

(D) reasonable transportation costs;

(E) rental of mobile educational units and leasing of neutral sites or spaces;

(F) initial replacement of instructional materials and equipment, including textbooks;

(G) redeveloping instructional plans, including curriculum development;

(H) initiating and maintaining education and support services; and

(I) such other activities related to the purpose of this section that are approved by the Secretary.

(2) USE WITH OTHER AVAILABLE FUNDS.—A local educational agency receiving a grant under this section may use the grant funds in coordination with other Federal, State, or local funds available for the activities described in paragraph (1).

(3) PROHIBITIONS.—Grant funds received under this section shall not be used for any of the following:

(A) Construction or major renovation of schools.

(B) Payments to school administrators or teachers who are not actively engaged in restarting or re-opening schools.

(f) SUPPLEMENT NOT SUPPLANT.—

(1) IN GENERAL.—Except as provided in paragraph (2), funds made available under this section shall be used to supplement, not supplant, any funds made available through the Federal Emergency Management Agency or through a State.

(2) EXCEPTION.—Paragraph (1) shall not prohibit the provision of Federal assistance under this section to an eligible educational agency that is or may be entitled to receive, from another source, benefits for the same purposes as under this section if—

(A) such agency has not received such other benefits by the time of application for Federal assistance under this section; and

(B) such agency agrees to repay all duplicative Federal assistance received to carry out the purposes of this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section \$900,000,000 for fiscal year 2006.

**SEC. \_\_\_\_ HOLD HARMLESS FOR LOCAL EDUCATIONAL AGENCIES SERVING MAJOR DISASTER AREAS.**

In the case of a local educational agency that serves an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina, the amount made available for such local educational agency under each of sections 1124, 1124A, 1125, and 1125A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333, 6334, 6335, and 6337) for fiscal year 2006 shall be not less than the amount made available for such local educational agency under each of such sections for fiscal year 2005.

**SEC. \_\_\_\_ TEACHER AND PARAPROFESSIONAL RECIPROCITY; DELAY.**

(a) TEACHER AND PARAPROFESSIONAL RECIPROCITY.—

(1) TEACHERS.—

(A) AFFECTED TEACHER.—In this subsection, the term “affected teacher” means a teacher who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such teacher resided on August 22, 2005.

(B) IN GENERAL.—A local educational agency may consider an affected teacher hired by such agency who is not highly qualified in the State in which such agency is located to be highly qualified, for purposes of section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) and section 612(a)(14) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)), for a period not to exceed 1 year, if such teacher was highly qualified, consistent with section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) and section 602(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(10)), on or before August 22, 2005, in the State in which such teacher resided on August 22, 2005.

(2) PARAPROFESSIONAL.—

(A) AFFECTED PARAPROFESSIONAL.—In this subsection, the term “affected paraprofessional” means a paraprofessional who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such paraprofessional resided on August 22, 2005.

(B) IN GENERAL.—A local educational agency may consider an affected paraprofessional hired by such agency who does not satisfy the requirements of section 1119(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(c)) in the State in which such agency is located to satisfy such requirements, for purposes of such section, for a period not to exceed 1 year, if such paraprofessional satisfied such requirements on or before August 22, 2005, in the State in which such paraprofessional resided on August 22, 2005.

(b) DELAY.—The Secretary of Education may delay, for a period not to exceed 1 year, applicability of the requirements of paragraphs (2) and (3) of section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2) and (3)) and section 612(a)(14)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)(C)) with respect to the States of Alabama, Louisiana, and Mississippi (and local educational agencies within the jurisdiction of such States), if any such State or local educational agency demonstrates that a failure to comply with such requirements is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of local educational agencies within the State.

**SEC. \_\_\_\_ ASSISTANCE FOR HOMELESS YOUTH.**

(a) **IN GENERAL.**—The Secretary of Education shall provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433), including identification, enrollment assistance, assessment and school placement assistance, transportation, coordination of school services, supplies, referrals for health, mental health, and other needs.

**(b) EXCEPTION AND DISTRIBUTION OF FUNDS.**

(1) **EXCEPTION.**—For purposes of providing assistance under subsection (a), subsections (c) and (e)(1) of section 722 and subsections (b) and (c) of section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(c) and (e)(1), 11433(b) and (c)) shall not apply.

(2) **DISBURSEMENT.**—The Secretary of Education shall disburse funding provided under subsection (a) to State educational agencies based on demonstrated need, as determined by the Secretary, and such State educational agencies shall distribute funds available under subsection (c) to local educational agencies based on demonstrated need, for the purposes of carrying out section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$50,000,000.

**SEC. \_\_\_\_ ALTERNATIVE EDUCATION PROGRAMS FOR DISPLACED ADOLESCENT STUDENTS.**

(a) **DEFINITIONS.**—In this section:

(1) **ALTERNATIVE EDUCATION PROGRAM.**—The term “alternative education program” means a transitional program that provides displaced adolescent students with—

(A) instruction in reading, mathematics, writing, study skills, and other relevant subjects;

(B) counseling;

(C) tutoring;

(D) activities designed to familiarize the displaced adolescent students with the range of career options available to the students;

(E) mentoring;

(F) test preparation for college entrance examinations, including the PSAT, SAT, and ACT;

(G) counseling on the financial aid available for postsecondary education; or

(H) job readiness skills and career and technical education.

(2) **DISPLACED ADOLESCENT STUDENT.**—The term “displaced adolescent student” means a secondary school student who—

(A) resides or resided on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina;

(B) cannot continue enrollment in a secondary school because of Hurricane Katrina; and

(C) is expected to obtain a secondary school diploma by the end of the 2006–2007 school year.

(3) **ELIGIBLE ENTITY.**—The term “eligible entity” means a State educational agency, local educational agency, or consortium of such agencies, located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina, that—

(A) demonstrates a need for additional funds in order to provide an alternative education program to displaced adolescent students; and

(B) has the ability to administer the alternative education program and to serve displaced adolescent students.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(b) **PROGRAM AUTHORIZED.**—From amounts appropriated under this section for fiscal year 2006, the Secretary shall award grants to States for assistance to eligible entities to enable the entities to develop and carry out alternative education programs for displaced adolescent students.

(c) **STATE APPLICATIONS.**—A State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) **ASSISTANCE TO ELIGIBLE ENTITIES.**—

(1) **IN GENERAL.**—A State that receives a grant under this section may use the funds made available through the grant to provide assistance to eligible entities to enable the eligible entities to develop and carry out alternative education programs for displaced adolescent students.

(2) **PARTNERSHIPS.**—An eligible entity may apply for assistance under this section in partnership with 1 or more community-based organizations or institutions of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), or both.

(e) **LOCAL APPLICATIONS.**—An eligible entity desiring assistance under this section from a State shall submit an application to the Governor of the State at such time, in such manner, and containing such information as the Governor may require. At a minimum, the Governor shall require an entity that desires to carry out an alternative education program in an area in which another organization is carrying out an alternative education program to provide an assurance that the entity will coordinate activities carried out under its program with the activities carried out by the organization under its program.

(f) **USES OF FUNDS.**—An eligible entity that receives assistance under this section shall use the assistance to carry out an alternative education program that meets the needs of displaced adolescent students, including the staffing, curricular materials, and other programmatic costs needed to carry out the alternative education program.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006.

**SEC. \_\_\_\_ GENERAL PROVISION.**

Nothing in the previous 9 sections of this title shall be construed to permit discrimination on the basis of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.)), national origin, or disability in any program funded under such sections.

**SEC. \_\_\_\_ TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS.**

(a) **TEMPORARY EMERGENCY IMPACT AID AUTHORIZED.**—

(1) **AID TO STATE EDUCATIONAL AGENCIES.**—From amounts appropriated under subsection (a), the Secretary of Education shall provide emergency impact aid to State educational agencies to enable the State educational agencies to make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools to enable—

(A) such eligible local educational agencies and schools to provide for the instruction of displaced students served by such agencies and schools; and

(B) such eligible local educational agencies to make immediate impact aid payments to

accounts established on behalf of displaced students (referred to in this section as “accounts”) who are attending eligible non-public schools located in the areas served by the eligible local educational agencies.

(2) **AID TO LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.**—A State educational agency shall make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools in accordance with subsection (d).

(3) **STATE EDUCATIONAL AGENCIES IN CERTAIN STATES.**—In the case of the States of Louisiana and Mississippi, the State educational agency shall carry out the activities of eligible local educational agencies that are unable to carry out this section, including eligible local educational agencies in such States for which the State exercises the authorities normally exercised by such local educational agencies.

(b) **DEFINITIONS.**—In this section:

(1) **DISPLACED STUDENT.**—The term “displaced student” means a student who enrolled in a school (other than the school that the student was enrolled in, or was eligible to be enrolled in, on August 22, 2005) because such student resides or resided on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(2) **ELIGIBLE LOCAL EDUCATIONAL AGENCIES.**—The term “eligible local educational agency” means a local educational agency that serves—

(A) an elementary school or secondary school (including a charter school) in which there is enrolled a displaced student; or

(B) an area in which there is located an eligible non-public school.

(3) **ELIGIBLE NON-PUBLIC SCHOOL.**—The term “eligible non-public school” means a non-public school that—

(A) is accredited or licensed or otherwise operates in accordance with State law;

(B) was in existence on August 22, 2005; and

(C) serves a displaced student on behalf of whom an application for an account has been made pursuant to subsection (c)(2)(A)(ii).

(4) **ELIGIBLE BIA-FUNDED SCHOOL.**—In this section, the term “eligible BIA-funded school” means a school funded by the Bureau of Indian Affairs in which there is enrolled a displaced student.

(c) **APPLICATION.**—

(1) **STATE EDUCATIONAL AGENCY.**—A State educational agency that desires to receive emergency impact aid under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary of Education may reasonably require, including—

(A) information on the total displaced student child count of the State provided by eligible local educational agencies in the State and eligible BIA-funded schools in the State under paragraph (2);

(B) a description of the process for the parent or guardian of a displaced student enrolled in a non-public school to indicate to the eligible local educational agency serving the area in which such school is located that the student is enrolled in such school;

(C) a description of the procedure to be used by an eligible local educational agency in such State to provide payments to accounts;

(D) a description of the process to be used by an eligible local educational agency in such State to obtain—

(i) attestations of attendance of eligible displaced students from eligible non-public schools, in order for the local educational agency to provide payments to accounts on behalf of eligible displaced students; and

(ii) attestations from eligible non-public schools that accounts are used only for the purposes described in subsection (e)(2)(A); and

(E) the criteria, including family income, used to determine the eligibility for and the amount of assistance under this section provided on behalf of a displaced student attending an eligible non-public school.

(2) LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.—An eligible local educational agency or eligible BIA-funded school that desires an emergency impact aid payment under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require, including documentation submitted quarterly for the 2005-2006 school year that indicates the following:

(A) In the case of an eligible local educational agency—

(i) the number of displaced students enrolled in the elementary schools and secondary schools (including charter schools and including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act) served by such agency for such quarter; and

(ii) the number of displaced students for whom the eligible local educational agency expects to provide payments to accounts under subsection (e)(2) (including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act) for such quarter who meet the following criteria:

(I) The displaced student enrolled in an eligible non-public school prior to the date of enactment of this title.

(II) The parent or guardian of the displaced student chose to enroll the student in the eligible non-public school in which the student is enrolled.

(III) The parent or guardian of the displaced student submitted an application requesting that the agency make a payment to an account on behalf of the student.

(IV) The displaced student's tuition and fees (and transportation expenses, if any) for the 2005-2006 school year is waived or reimbursed (by the eligible non-public school) in an amount that is not less than the amount of emergency impact aid payment provided on behalf of such student under this section.

(B) In the case of an eligible BIA-funded school, the number of displaced students, including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), enrolled in such school for such quarter.

(3) DETERMINATION OF NUMBER OF DISPLACED STUDENTS.—In determining the number of displaced students for a quarter under paragraph (2), an eligible local educational agency or eligible BIA-funded school shall include in such number the number of displaced students served during such quarter prior to the date of enactment of this title.

(d) AMOUNT OF EMERGENCY IMPACT AID.—

(1) AID TO STATE EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—The amount of emergency impact aid received by a State educational agency for the 2005-2006 school year shall equal the sum of—

(i) the product of the number of displaced students (who are not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)), as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), times \$6,000; and

(ii) the product of the number of displaced students who are served under part B of the Individuals with Disabilities Education Act, as determined by the eligible local edu-

cational agencies and eligible BIA-funded schools in the State under subsection (c)(2), times \$7,500.

(B) INSUFFICIENT FUNDS.—If the amount available under this section to provide emergency impact aid under this subsection is insufficient to pay the full amount that a State educational agency is eligible to receive under this section, the Secretary of Education shall ratably reduce the amount of such emergency impact aid.

(2) AID TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE BIA-FUNDED SCHOOLS.—

(A) QUARTERLY INSTALLMENTS.—

(i) IN GENERAL.—A State educational agency shall provide emergency impact aid payments under this section on a quarterly basis for the 2005-2006 school year by such dates as determined by the Secretary of Education. Such quarterly installment payments shall be based on the number of displaced students reported under subsection (c)(2) and in the amount determined under clause (ii).

(ii) PAYMENT AMOUNT.—Each quarterly installment payment under clause (i) shall equal 25 percent of the sum of—

(I) the number of displaced students (who are not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)) reported by the eligible local educational agency or eligible BIA-funded school for such quarter (as determined under subsection (c)(2)) times \$6,000; and

(II) the number of displaced students who are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) reported by the eligible local educational agency or eligible BIA-funded school for such quarter (as determined under subsection (c)(2)) times \$7,500.

(iii) TIMELINE.—The Secretary of Education shall establish a timeline for quarterly reporting on the number of displaced students in order to make the appropriate disbursements in a timely manner.

(iv) INSUFFICIENT FUNDS.—If, for any quarter, the amount available under this section to make payments under this subsection is insufficient to pay the full amount that an eligible local educational agency or eligible BIA-funded school is eligible to receive under this section, the State educational agency shall ratably reduce the amount of such payments.

(B) MAXIMUM PAYMENT TO ACCOUNT.—In providing quarterly payments to an account for the 2005-2006 school year on behalf of a displaced student for each quarter that such student is enrolled in a non-public school in the area served by the agency under subsection (e)(2), an eligible local educational agency may provide not more than 4 quarterly payments to such account, and the aggregate amount of such payments shall not exceed the lesser of—

(i)(I) in the case of a displaced student who is not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), \$6,000; or

(II) in the case of a displaced student who is served under part B of the Individuals with Disabilities Education Act, \$7,500; or

(ii) the cost of tuition and fees (and transportation expenses, if any) at the non-public school for the 2005-2006 school year.

(e) USE OF FUNDS.—

(1) DISPLACED STUDENTS IN PUBLIC SCHOOLS.—An eligible local educational agency or eligible BIA-funded school receiving emergency impact aid payments under this section shall use the payments to provide instructional opportunities for displaced students who enroll in elementary schools and secondary schools (including charter schools) served by such agency or in such a school, and for other expenses in-

curred as a result of the agency or school serving displaced students, which uses may include—

(A) paying the compensation of personnel, including teacher aides, in schools enrolling displaced students;

(B) identifying and acquiring curricular material, including the costs of providing additional classroom supplies, and mobile educational units and leasing sites or spaces;

(C) basic instructional services for such students, including tutoring, mentoring, or academic counseling;

(D) reasonable transportation costs;

(E) health services (including counseling and mental health services); and

(F) education and support services.

(2) DISPLACED STUDENTS IN NON-PUBLIC SCHOOLS.—

(A) IN GENERAL.—An eligible local educational agency that receives emergency impact aid payments under this section and that serves an area in which there is located an eligible non-public school shall, at the request of the parent or guardian of a displaced student who meets the criteria described in subsection (c)(2)(A)(ii) and who enrolled in a non-public school in an area served by the agency, use such emergency impact aid payment to provide payment on a quarterly basis (but not to exceed the total amount specified in subsection (d)(2)(B) for the 2005-2006 school year) to an account on behalf of such displaced student, which payment shall be used to assist in paying for any of the following:

(i) Paying the compensation of personnel, including teacher aides, in the non-public school, which funds shall not be used for religious instruction, proselytization, or worship.

(ii) Identifying and acquiring curricular material, including the costs of providing additional classroom supplies (which shall be secular, neutral, and shall not have a religious component), and mobile educational units and leasing sites or spaces, which shall not be used for religious instruction, proselytization, or worship.

(iii) Basic instructional services, including tutoring, mentoring, or academic counseling, which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(iv) Reasonable transportation costs.

(v) Health services (including counseling and mental health services), which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(vi) Education and support services, which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(B) VERIFICATION OF ENROLLMENT.—Before providing a quarterly payment to an account under subparagraph (A), the eligible local educational agency shall verify with the parent or guardian of a displaced student that such displaced student is enrolled in the non-public school.

(3) PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES.—

(A) IN GENERAL.—In the case of a displaced student who is served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), any payment made on behalf of such student to an eligible local educational agency or any payment available in an account for such student, shall be used to pay the cost of providing the student with special education and related services consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) SPECIAL RULE.—

(i) RETENTION.—Notwithstanding any other provision of this section, if an eligible local educational agency provides services to a

displaced student attending an eligible non-public school under section 612(a)(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)), the eligible local educational agency may retain a portion of the assistance received under this section for such student to pay the cost of providing such services.

(i) DETERMINATION OF PORTION.—

(I) GUIDELINES.—Each State shall issue guidelines that specify the portion of the assistance that an eligible local educational agency in the State may retain under this subparagraph. Each State shall apply such guidelines in a consistent manner throughout the State.

(II) DETERMINATION OF PORTION.—The portion specified in the guidelines shall be based on customary costs of providing services under such section 612(a)(10) for the local educational agency.

(C) DEFINITIONS.—In this paragraph:

(i) SPECIAL EDUCATION; RELATED SERVICES.—The terms “special education” and “related services” have the meaning given such terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(ii) INDIVIDUALIZED EDUCATION PROGRAM.—The term “individualized education program” has the meaning given the term in section 614(d)(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(2)).

(f) RETURN OF AID.—

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY OR ELIGIBLE BIA-FUNDED SCHOOL.—An eligible local educational agency or eligible BIA-funded school that receives an emergency impact aid payment under this section shall return to the State educational agency any payment provided to the eligible local educational agency or school under this section that the eligible local educational agency or school has not obligated by the end of the 2005-2006 school year in accordance with this section.

(2) STATE EDUCATIONAL AGENCY.—A State educational agency that receives emergency impact aid under this section, shall return to the Secretary of Education—

(A) any aid provided to the agency under this section that the agency has not obligated by the end of the 2005-2006 school year in accordance with this section; and

(B) any payment funds returned to the State educational agency under paragraph (1).

(g) LIMITATION ON USE OF AID AND PAYMENTS.—Aid and payments provided under this section shall only be used for expenses incurred during the 2005-2006 school year.

(h) ADMINISTRATIVE EXPENSES.—A State educational agency that receives emergency impact aid under this section may use not more than 1 percent of such aid for administrative expenses. An eligible local educational agency or eligible BIA-funded school that receives emergency impact aid payments under this section may use not more than 2 percent of such payments for administrative expenses.

(i) SPECIAL FUNDING RULE.—In calculating funding under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) for an eligible local educational agency that receives an emergency impact aid payment under this section, the Secretary of Education shall not count displaced students served by such agency for whom an emergency impact aid payment is received under this section, nor shall such students be counted for the purpose of calculating the total number of children in average daily attendance at the schools served by such agency as provided in section 8003(b)(3)(B)(i) of such Act (20 U.S.C. 7703(b)(3)(B)(i)).

(j) TERMINATION OF AUTHORITY.—The authority provided by this section shall terminate on August 1, 2006.

(k) NOTICE OF OPTION OF PUBLIC SCHOOL OR NON-PUBLIC SCHOOL ENROLLMENT.—Each State receiving emergency impact aid under this section shall provide, to the parent or guardian of each displaced student for whom a payment is made under this section to an account who resides in such State, notification that such parent or guardian has the option of enrolling such student in a public school or a non-public school.

(l) BY-PASS.—If a State educational agency or eligible local educational agency is unable to carry out this section, the Secretary of Education may make such arrangements with the State as the Secretary determines appropriate to carry out this section on behalf of displaced students attending an eligible non-public school in the area served by such agency. For a State in which State law prohibits the State from using Federal funds to directly provide services on behalf of students attending non-public schools and provides that another entity shall provide such services, the Secretary of Education shall make such arrangements with that entity.

(m) NONDISCRIMINATION.—

(1) IN GENERAL.—A school that enrolls a displaced student under this section shall not discriminate against students on the basis of race, color, national origin, religion, disability, or sex.

(2) APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(A) IN GENERAL.—To the extent consistent with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the prohibition of sex discrimination in paragraph (1) shall not apply to a non-public school that is controlled by a religious organization if the application of paragraph (1) would not be consistent with the religious tenets of such organization.

(B) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding paragraph (1) and to the extent consistent with title IX of the Education Amendments of 1972, a parent or guardian may choose and a non-public school may offer a single sex school, class, or activity.

(C) ENROLLMENT.—The prohibition of religious discrimination in paragraph (1) shall not apply with regard to enrollment for a non-public school that is controlled by a religious organization, except in the case of the enrollment of displaced students assisted under this section.

(3) GENERAL PROVISION.—Nothing in this section may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(4) OPT-IN.—A displaced student assisted under this section who is enrolled in a non-public school shall not participate in religious worship or religious classes at such school unless such student's parent or guardian chooses to opt-in such student for such religious worship or religious classes.

(5) RULE OF CONSTRUCTION.—The amount of any payment (or other form of support provided on behalf of a displaced student) under this section shall not be treated as income of a parent or guardian of the student for purposes of Federal tax laws or for determining eligibility for any other Federal program.

(n) TREATMENT OF STATE AID.—A State shall not take into consideration emergency impact aid payments received under this section by a local educational agency in the State in determining the eligibility of such local educational agency for State aid, or the amount of State aid, with respect to free public education of children.

(o) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section \$2,400,000,000 for fiscal year 2006.

SEC. \_\_\_\_ . SUNSET PROVISION.

Except as otherwise provided in this title, the provisions of this title shall be effective for the period beginning on the date of enactment of this title and ending on August 1, 2006.

SEC. \_\_\_\_ . FUNDING.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amounts made available to the Department of Homeland Security under the heading “DISASTER RELIEF” under the heading “EMERGENCY PREPAREDNESS AND RESPONSE” of Public Law 109-62 (119 Stat. 1991), not less than \$3,450,000,000 shall be available to the heads of the appropriate departments or agencies of the Federal Government to carry out the programs and activities authorized under this title.

(b) AVAILABLE UNTIL EXPENDED.—The amounts appropriated under subsection (a) shall remain available until expended.

**SA 2285.** Mrs. MURRAY 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; as follows:

At the end of title II (before the short title), insert the following:

SEC. \_\_\_\_ . (a) There are appropriated \$3,000,000 to the Office of Inspector General to conduct an investigation of the management of the Food and Drug Administration to pursue examples of mismanagement and promote economy and efficiency in the Department.

(b) The investigation under subsection (a) shall not include any investigation of a former Commissioner of Food and Drugs, but shall include investigation of the actions by the Food and Drug Administration with respect to the over-the-counter application for the drug Plan B.

(c) Not later than 60 days after the date of enactment of this Act, the Inspector General shall complete the investigation under this section and submit a report to the Subcommittee on Labor, Health and Human Services, Education and Related Agencies of the Committee on Appropriations of the Senate on the findings of such investigation.

(d) Notwithstanding any other provision of this title, amounts made available under this Act for the Office of the Secretary shall be reduced by \$3,000,000 and transferred to the Office of Inspector General to conduct the investigation under this section.

**SA 2286.** Mr. REED 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 end of title III (before the short title), add the following:

SEC. \_\_\_\_ . In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$2,476,514 for the Gaining Early Awareness and Readiness for Undergraduate Programs under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a-21 et seq.).

**SA 2287.** Mrs. BOXER (for herself and Mr. ENSIGN) 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; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . 21ST CENTURY COMMUNITY LEARNING CENTERS.**

(a) FUNDING INCREASE.—In addition to amounts otherwise appropriated under this Act, there is appropriated \$51,900,000 for 21st century community learning centers under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.).

(b) OFFSET FROM TITLE I DEPARTMENTAL MANAGEMENT.—The amounts appropriated under title I under the heading “DEPARTMENTAL MANAGEMENT” for salaries and expenses shall be reduced by \$51,900,000.

**SA 2288.** Ms. STABENOW (for herself and Ms. SNOWE) 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 in title II, insert the following:

**SEC. \_\_\_\_ .** Amounts appropriated in this title for the Office of the National Coordinator for Health Information Technology shall be increased by \$29,850,000; *Provided*, That funds made available for General Department Management under the heading Office of the Secretary shall be reduced by \$29,850,000.

**SA 2289.** Mr. DAYTON 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; as follows:

On page 178, after line 25, insert the following:

**SEC. \_\_\_\_ .** (a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$15,121,000 for activities authorized by the Help America Vote Act of 2002, of which \$10,000,000 shall be for payments to States to promote access for voters with disabilities, and of which \$5,121,000 shall be for payments to States for protection and advocacy systems for voters with disabilities.

(b) Notwithstanding any other provision of this Act, amounts made available under this title for the administration and related expenses shall be reduced by \$15,121,000 from other services.

**SA 2290.** Mr. GREGG 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 158, strike lines 12 through 21 and insert the following:

bus Budget Reconciliation Act of 1981, \$3,159,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$300,000,000, to remain available until expended: *Provided*, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act: *Provided further*, That the entire 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.

**GENERAL PROVISION—REDUCTION AND RESCISSION**

**SEC. \_\_\_\_ .** (a) Amounts made available in this Act, not otherwise required by law, are reduced by 0.982 percent.

(b) The reduction described in subsection (a) shall not apply to amounts made available under this Act—

(1) for the account under the heading “LOW-INCOME HOME ENERGY ASSISTANCE”; or

(2) for the account under the heading “REFUGEE AND ENTRANT ASSISTANCE” (with respect to amounts designated as emergency requirements).

**SEC. \_\_\_\_ .** (a) There is rescinded an amount equal to 0.981 percent of the budget authority provided in any prior appropriation Act for fiscal year 2006, for any discretionary account described in this Act.

(b) Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account described in subsection (a) to the extent that it relates to budget authority described in subsection (a), and to each item of budget authority described in subsection (a); and

(2) within each such account or item, to each program, project, and activity (as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering such account or item).

(c) The rescission described in subsection (a) shall not apply to budget authority provided as described in subsection (a)—

(1) for the account under the heading “LOW-INCOME HOME ENERGY ASSISTANCE”; or

(2) for the account under the heading “REFUGEE AND ENTRANT ASSISTANCE (with respect to amounts designated as emergency requirements)”.

**SA 2291.** Mr. SPECTER 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; as follows:

On page 178, after line 25, insert the following:

**SEC. \_\_\_\_ .** (a) Notwithstanding any other provision of law, none of the funds made available under this Act may be used to implement or enforce the interim final rule published in the Federal Register by the Centers for Medicare & Medicaid Services on August 26, 2005 (70 Fed. Reg. 50940) or any corresponding similar regulation or ruling—

(1) prior to April 1, 2006; and

(2) on or after April 1, 2006, unless the Secretary of Health and Human Services publishes—

(A) by not later than January 1, 2006, a proposed rule with respect to motorized or powered wheelchairs, followed by a 45-day period to comment on the proposed rule; and

(B) by not later than February 14, 2006, a final rule with respect to motorized or powered wheelchairs, followed by a 45-day transition period for implementation of the final rule.

(b)(1) Notwithstanding any other provision of law, with respect to a covered item consisting of a motorized or power wheelchair furnished during 2006, the Secretary of Health and Human Services shall reduce the payment amount otherwise applicable under section 1834 of the Social Security Act (42 U.S.C. 1395m) for such item by 1.5 percent.

(2) The payment reduction provided under paragraph (1) for 2006—

(A) shall not apply to a covered item consisting of a motorized or power wheelchair that is furnished after 2006; and

(B) shall not be taken into account in calculating the payment amounts applicable for such a covered item furnished after 2006.

**SA 2292.** Mrs. CLINTON (for herself, Mr. DODD, Mr. KENNEDY, Mr. JEFFORDS, Ms. STABENOW, Mr. DAYTON, Mr. LIEBERMAN, Mr. REID, Mr. LAUTENBERG, Mr. KOHL, Mr. CORZINE, Ms. MIKULSKI, Mr. DURBIN, Mr. ROCKEFELLER, Mr. JOHNSON, and Mr. KERRY) 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:

At the end of title III (before the short title), add the following:

**SEC. \_\_\_\_ .** In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$3,958,901,143 for carrying out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

**SA 2293.** Mr. KENNEDY 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. \_\_\_\_ .** None of the funds appropriated under this Act shall be used to enforce or otherwise comply with the provisions of Proclamation 7924 (70 Fed. Reg. 54227), as issued by the President, relating to the suspension of the application of the provisions of subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

**SA 2294.** Mr. COLEMAN 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 end of title III (before the short title), add the following:

**SEC. \_\_\_\_ . ASSESSMENT OF MATHEMATICS AND SCIENCE PARTNERSHIPS PROGRAM.**

(a) IN GENERAL.—The Secretary of Education shall conduct an assessment of the Mathematics and Science Partnerships program under part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661 et seq.). The assessment shall—

(1) include the current participation level of businesses and nonprofit organizations in the program;

(2) include a comparative analysis between those partnerships that include either a business or a nonprofit organization and those that do not;

(3) include a general comparative survey of other competing nations that involve businesses in similar programs;

(4) include the level of interest and demand by institutions of higher education and high-need local educational agencies for business participation in the program;

(5) include a determination as to whether greater participation in the program by businesses and nonprofit organizations would improve the program's effectiveness and efficiency in meeting the goals of such program and better ensures that the learning process is geared towards the development of marketable skills for teachers and students;

(6) include a list of possible incentives for greater business involvement in the program; and

(7) determine whether additional business participation in the program would help address the critical need for a strong, highly skilled workforce in science, technology, engineering, and mathematics.

(b) **REPORT.**—Not later than 180 days after the date of enactment of this section, the Secretary of Education shall report the Secretary's findings to Congress.

**SA 2295.** Mr. ENZI 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 115, strike line 15, and insert the following:

under title I of the Workforce Investment Act of 1998, or to approve, through regulatory or administrative action, the redesignation of local areas that were in effect under subtitle B of that title on June 30, 2005 and that have substantially met (as defined by the State board involved) the local performance measures for the local areas under that subtitle and sustained the fiscal integrity of the funds used by the areas to carry out activities under that subtitle (as specified in section 116(a)(3)(B) of that Act but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until

**SA 2296.** Mr. VITTER 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:

#### TITLE VI—KATRINA RECOVERY

##### SEC. 601. SHORT TITLE.

This title may be cited as the "Louisiana Katrina Recovery Act of 2005".

##### SEC. 602. DEFINITIONS.

In this title:

(1) **ADMINISTRATOR.**—The term "Administrator" means the Louisiana Katrina Recovery Administrator.

(2) **AGENCY.**—The term "agency" has the meaning given the term under section 551(1) of title 5, United States Code.

(3) **OFFICE.**—The term "Office" means the Office of the Louisiana Katrina Recovery Administrator.

(4) **RECOVERY.**—The term "recovery" includes relief, rebuilding, and reconstruction.

##### SEC. 603. ESTABLISHMENT.

(a) **ESTABLISHMENT.**—There is established within the Executive Office of the President, the Office of the Louisiana Katrina Recovery Administrator.

(b) **ADMINISTRATOR.**—

(1) **APPOINTMENT.**—The Louisiana Katrina Recovery Administrator shall be the head of the Office. Not later than 30 days after the date of enactment of this Act, the President shall appoint the Administrator.

(2) **QUALIFICATIONS.**—The individual appointed as Administrator—

(A) shall be a United States citizen at least 30 years of age; and

(B) shall be appointed on the basis of—

(i) extensive business and management experience;

(ii) demonstrated political independence and integrity; and

(iii) independence from financial interests associated with recovery from Hurricane Katrina in Louisiana.

##### SEC. 604. AUTHORITIES AND FUNCTIONS.

(a) **IN GENERAL.**—The Administrator shall—

(1) provide leadership in—

(A) developing a plan for the recovery of areas in Louisiana adversely impacted by Hurricane Katrina; and

(B) ensuring accountability in and transparency of recovery efforts;

(2) have management and oversight authority of all agencies in all Federal activities and the use of Federal resources relating to the recovery from Hurricane Katrina in Louisiana;

(3) ensure the activities and resources referred to under paragraph (2) are performed and used in the most efficient and effective manner practicable;

(4) coordinate the efforts of the Federal Government and the State and local governments of Louisiana in the recovery from Hurricane Katrina in Louisiana; and

(5) after consultation with the relevant head of an agency, have the authority to—

(A) if necessary to ensure streamlined Federal action and avoid unnecessary bureaucratic delays in long-term recovery efforts, direct the head of an agency to exercise any administrative waiver authority of that agency relating to a requirement of Federal law, including any waiver authority under section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141); and

(B) extend any such waiver for any period until the termination of the Office.

(b) **CHAIRPERSON OF THE INTERAGENCY WORKING GROUP.**—

(1) **ESTABLISHMENT.**—There is established the Louisiana Katrina Interagency Working Group (in this subsection referred to as the "Working Group"). The Administrator shall be the Chairperson of the Working Group.

(2) **FUNCTIONS.**—The Working Group shall coordinate with the Administrator to carry out this title.

(3) **MEMBERS.**—The Working Group shall include—

(A) the Secretary of Housing and Urban Development;

(B) the Secretary of Commerce;

(C) the Secretary of Education;

(D) the Secretary of Labor;

(E) the Secretary of Agriculture;

(F) the Administrator of the Small Business Administration;

(G) the Director of the Environmental Protection Agency; and

(H) any other head of an agency, as determined by the President.

(4) **TERMINATION.**—The Working Group shall terminate on the date of the termination of the Office.

##### SEC. 605. ADMINISTRATIVE AND SUPPORT SERVICES.

The President shall provide administrative and support services (including personnel) for the Office.

##### SEC. 606. LOUISIANA KATRINA ADVISORY BOARD.

(a) **ESTABLISHMENT.**—There is established the Louisiana Katrina Advisory Board (in this section referred to as the "Board").

(b) **MEMBERSHIP.**—The Board shall be comprised of 6 members, none of whom shall be an elected official, and of whom—

(1) 2 shall be appointed by the President;

(2) 2 shall be appointed by the Governor of the State of Louisiana;

(3) 1 shall be appointed by the mayor of the city of New Orleans; and

(4) 2 shall be appointed by a majority of the parish presidents of Jefferson, Plaquemines, St. Bernard, St. Tammany, and Washington Parishes, Louisiana.

(c) **DUTIES.**—The Board shall provide advice and recommendations to the Administrator to carry out the purposes of this title.

(d) **CHAIRPERSON.**—The Administrator shall designate 1 member as Chairperson of the Board.

(e) **POWERS OF THE BOARD.**—

(1) **HEARINGS.**—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this section.

(2) **INFORMATION FROM FEDERAL AGENCIES.**—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out this section. Upon request of the Chairperson of the Board, the head of such department or agency shall furnish such information to the Board.

(3) **POSTAL SERVICES.**—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) **GIFTS.**—The Board may accept, use, and dispose of gifts or donations of services or property.

(f) **BOARD PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS.**—Each member of the Board who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) **TRAVEL EXPENSES.**—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(3) **STAFF.**—

(A) **IN GENERAL.**—The Chairperson of the Board may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Board to perform its duties. The employment of an executive director shall be subject to confirmation by the Board.

(B) **COMPENSATION.**—The Chairperson of the Board may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate

of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(C) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Board who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF BOARD.—Subparagraph (A) shall not be construed to apply to members of the Board.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(g) TERMINATION OF THE BOARD.—The Board shall terminate on the date of the termination of the Office of the Louisiana Katrina Recovery Administrator.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to the Board to carry out this title.

**SEC. 607. DISAPPROVAL RESOLUTIONS.**

(a) IN GENERAL.—Notwithstanding any other provision of this title, if Congress enacts a joint resolution as provided under this section—

(1) a waiver under section 604(a)(5) shall not take effect or cease to be in effect, as the case may be; or

(2) notwithstanding section 610(b), the Office shall terminate.

(b) CONTENTS OF RESOLUTION.—For the purpose of subsection (a), the term “joint resolution” means a joint resolution, the matter after the resolving clause of which is only 1 of the following:

“That Congress disapproves the waiver extension under section 604(a)(5) of the Louisiana Katrina Recovery Act of 2005 relating to \_\_\_\_\_ (the blank space being appropriately filled in).”

“The Congress disapproves the extension of termination under section 610(b) of the Louisiana Katrina Recovery Act of 2005, of which the President submitted notice to Congress on \_\_\_\_\_ (the blank space being filled in by the appropriate date).”

(c) REFERRAL TO COMMITTEE.—A resolution described in subsection (b) introduced in the House of Representatives shall be referred to the Committee on Homeland Security of the House of Representatives. A resolution described in subsection (b) introduced in the Senate shall be referred to the Committee on Homeland Security and Governmental Affairs of the Senate. Such a resolution may not be reported before the 8th day after its introduction.

(d) DISCHARGE OF COMMITTEE.—If the committee to which is referred a resolution described in subsection (b) has not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(e) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which a resolution is referred has reported,

or has been deemed to be discharged (under subsection (d)) from further consideration of, a resolution described in subsection (b), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in subsection (b), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (b) shall be decided without debate.

(f) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by 1 House of a resolution of that House described in subsection (b), that House receives from the other House a resolution described in subsection (b) relating to the same matter, then the following procedures shall apply:

(1) The resolution of the other House shall not be referred to a committee.

(2) With respect to a resolution described in subsection (b) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(g) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (b), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

**SEC. 608. SPECIAL INSPECTOR GENERAL FOR RELIEF AND RECONSTRUCTION.**

(a) REDESIGNATION.—(1) Section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note) is amended—

(A) in subsection (b), by striking “Office of the Special Inspector General for Iraq Reconstruction” and inserting “Office of the Special Inspector General for Relief and Reconstruction”; and

(B) in subsection (c)(1), by striking all after “The head of the Office of the Special Inspector General” and inserting “for Relief and Reconstruction is the Special Inspector General for Relief and Reconstruction (in this section referred to as the ‘Inspector General’). If a vacancy occurs after the service of the individual as provided under section 608(b) of the Louisiana Katrina Recovery Act of 2005, the Inspector General shall be appointed by the President, by and with the advice and consent of the Senate.”

(2)(A) The heading of such section is amended to read as follows:

**“SEC. 3001. SPECIAL INSPECTOR GENERAL FOR RELIEF AND RECONSTRUCTION.”**

(B) The heading of title III of such Act is amended to read as follows:

**“TITLE III—SPECIAL INSPECTOR GENERAL FOR RELIEF AND RECONSTRUCTION”.**

(b) CONTINUATION IN OFFICE.—The individual serving as the Special Inspector General for Iraq Reconstruction as of the date of the enactment of this Act may continue to serve as the Special Inspector General for Relief and Reconstruction (with all additional duties and responsibilities as provided under this title) after that date without reappointment under paragraph (1) of section 3001(c) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004, but remaining subject to removal as specified in paragraph (4) of that section.

(c) PURPOSES.—Subsection (a) of such section is amended—

(1) in paragraph (1), by inserting “and for Hurricane Katrina recovery activities” after “Iraq Relief and Reconstruction Fund”; and

(2) in paragraph (3), by striking “the Secretary of State and the Secretary of Defense” and inserting “the Secretary of State, the Secretary of Homeland Security, the Secretary of Defense, and the heads of other Federal agencies, as appropriate.”

(d) RESPONSIBILITIES OF ASSISTANT INSPECTOR GENERAL FOR AUDITING.—Subsection (d) of such section is amended to read as follows:

“(d) ASSISTANT INSPECTORS GENERAL.—(1) The Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

“(A) appoint 1 or more Assistant Inspectors General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to—

“(i) programs and operations supported by the Iraq Relief and Reconstruction Fund; and

“(ii) programs and operations relating to Hurricane Katrina recovery activities; and

“(B) appoint 1 or more Assistant Inspectors General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.”

(e) SUPERVISION.—Such section is further amended—

(1) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

“(1)(A) Except as provided in paragraph (2), the Inspector General shall report directly

to, and be under the general supervision of, the Secretary of State and the Secretary of Defense with respect to activities relating to the Iraq Relief and Reconstruction Fund.

“(B) Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Director of the Office of Management and Budget and the Secretary of Homeland Security with respect to activities relating to Hurricane Katrina recovery activities.”; and

(B) in paragraph (2)—

(i) by striking “Department of Defense, the Department of State, or the United States Agency for International Development” and inserting “Federal Government”; and

(ii) by inserting “and Hurricane Katrina recovery activities” after “Iraq Relief and Reconstruction Fund”;

(2) in subsection (f)—

(A) in paragraph (1)—

(i) by inserting “(A)” after “(1)”;

(ii) by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively; and

(iii) by adding at the end the following:

“(B) It shall be the duty of the Inspector General to conduct and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for Hurricane Katrina recovery by the Federal Government, and of the programs, operations, and contracts carried out utilizing such funds, including—

“(i) the oversight and accounting of the obligation and expenditure of such funds;

“(ii) the monitoring and review of reconstruction activities funded by such funds;

“(iii) the monitoring and review of contracts funded by such funds;

“(iv) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States, State and local governments, and private and nongovernmental entities;

“(v) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds; and

“(vi) the monitoring of Federal grants and benefit programs.”; and

(B) in paragraph (4)—

(i) by inserting “(A)” after “(4)”;

(ii) by striking all after “cooperation of” and inserting “the inspectors general and auditing entities of all other Federal departments and agencies.”; and

(iii) by adding at the end the following:

“(B)(i) The Inspector General shall ensure, to the greatest extent possible, that the activities of the Inspector General do not duplicate audits and investigations of inspectors general and other auditors of Federal departments and agencies, and State and local government entities.

“(ii) The Inspector General shall notify the inspector general of the relevant agency or department before initiating an audit or investigation relating to Hurricane Katrina activities.

“(iii) Nothing in this section shall be construed to limit the statutory authority of inspectors general to conduct audits or investigations relating to Hurricane Katrina activities.”;

(3) in subsection (h)(4)(B), by striking “Secretary of State or Secretary of Defense” and inserting “Director of the Office of Management and Budget and heads of relevant agencies”; and

(4) in subsection (h)(5)—

(A) by inserting “(A)” after “(5)”;

(B) by inserting “for activities relating to Iraq” after “operation of such offices”; and

(C) by adding at the end the following:

“(B) The Secretary of Homeland Security shall provide the Inspector General with ap-

propriate and adequate office space, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operations of such offices for activities relating to Hurricane Katrina, and shall provide necessary maintenance services for such offices and equipment and facilities located therein.”.

(F) REPORTS RELATING TO THE IRAQI RELIEF AND RECONSTRUCTION.—Subsection (i) of such section is amended by adding at the end the following:

“(7)(A) The Inspector General shall also submit each report under this subsection to the Secretary of State and the Secretary of Defense.

“(B)(i) Not later than 30 days after receipt of a report under subparagraph (A), the Secretary of State and the Secretary of Defense may submit to the appropriate committees of Congress any comments on the matters covered by the report as the Secretary of State or the Secretary of Defense, as the case may be, considers appropriate.

“(ii) A report under this subparagraph may include a classified annex if the Secretary of State or the Secretary of Defense, as the case may be, considers it necessary.”.

(G) REPORTS RELATING TO HURRICANE KATRINA RELIEF AND RECONSTRUCTION.—Subsection (j) of such section is amended to read as follows:

“(j) REPORTS RELATING TO HURRICANE KATRINA RELIEF AND RECONSTRUCTION.—

(1)(A) At the end of each calendar quarter, beginning with the first full quarter after the date of enactment of the Louisiana Katrina Recovery Act of 2005, the Inspector General shall submit to the appropriate committees of Congress a report summarizing for the period of that quarter the activities of the Inspector General and of the Hurricane Katrina recovery activities of the Federal Government. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with recovery activities for Hurricane Katrina, including the following:

“(i) Obligations and expenditures of appropriated funds.

“(ii) Accounting of the costs incurred to date for Hurricane Katrina recovery, together with the estimate of the Federal Government’s costs to complete each project and each program.

“(iii) Operating expenses of any Federal departments, agencies, or entities receiving appropriated funds for Hurricane Katrina recovery activities.

“(iv) In the case of any contract described in paragraph (2)—

“(I) the amount of the contract or other agreement;

“(II) a brief discussion of the scope of the contract or other agreement;

“(III) a discussion of how the contracting department or agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers; and

“(IV) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

“(B) The first quarterly report required to be submitted under subparagraph (A) shall also summarize activities for Hurricane Katrina recovery undertaken before that quarter.

“(2) A contract described in this paragraph is any major contract or other agreement that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for Hurricane Katrina recovery with any public or private sector entity.

“(3) Not later than 45 days after the date of enactment of the Louisiana Katrina Recovery Act of 2005, the Inspector General shall submit to the appropriate committees of Congress an interim report on the status of Hurricane Katrina recovery activities of the Federal Government. The interim report shall include the following:

“(A) The operational activities of the Office of the Special Inspector General for Relief and Reconstruction.

“(B) The status of auditors and investigators deployed to Louisiana.

“(C) A strategic plan for oversight, including audits of no bid contracts.

“(D) Vulnerabilities identified and immediate actions to address such vulnerabilities.

“(E) Measures taken to coordinate inter-agency oversight elements.

“(4) Not later than March 31, 2006, and semiannually thereafter, the Inspector General shall submit to the appropriate committees of Congress a report meeting the requirements of section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).

“(5) The Inspector General shall publish each report under this subsection on an accessible Federal Government Internet website.

“(6) Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

“(A) specifically prohibited from disclosure by any other provision of law;

“(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

“(C) a part of an ongoing criminal investigation.

“(7)(A) The Inspector General shall also submit each report under this subsection to the Director of the Office of Management and Budget, Secretary of Homeland Security, or heads of other appropriate agencies.

“(B) Not later than 30 days after receipt of a report under paragraph (1), the Director of the Office of Management and Budget and the heads of other appropriate agencies may submit to the appropriate committees of Congress any comments on the matters covered by the report as the Director of the Office of Management and Budget and heads of relevant agencies consider appropriate.

“(8) The Inspector General shall respond to any reasonable summons to appear and testify before any duly constituted committee of Congress.”.

(H) TRANSPARENCY.—Subsection (k) of such section is amended—

(1) in paragraph (1), by striking “subsection (i), the Secretary of State and the Secretary of Defense shall jointly” and inserting “subsection (i) or (j), the Director of the Office of Management and Budget and the heads of the relevant departments shall”; and

(2) in paragraph (2), by striking “subsection (j)(2) of comments on a report under subsection (i), the Secretary of State and the Secretary of Defense shall jointly” and inserting “subsection (i)(7)(B) or (j)(7)(B) of comments on a report under subsection (i) or (j), the Director of the Office of Management and Budget and the heads of relevant departments shall”.

(I) WAIVER.—Subsection (l) of such section is amended—

(1) in paragraph (1), by inserting “or paragraph (1) or (3) of subsection (j)” after “subsection (i)”;

(2) in paragraph (2), by inserting “or paragraph (1) or (3) of subsection (j)” after “subsection (i)” each place that term occurs.

(J) APPROPRIATE COMMITTEES OF CONGRESS.—Subsection (m) of such section is amended—

(1) in paragraph (1), by striking “and Foreign Relations” and inserting “Foreign Relations, and Homeland Security and Governmental Affairs”; and

(2) in paragraph (2), by striking “and International Relations” and inserting “International Relations, and Homeland Security”.

(k) FUNDING.—Subsection (n) of such section is amended by adding at the end the following:

“(3) There are authorized to be appropriated to the Office of the Special Inspector General for Relief and Reconstruction to carry out the responsibilities of the Special Inspector General relating to Hurricane Katrina recovery such sums as necessary for fiscal year 2006.”

(l) APPLICATION TO LOUISIANA AND TERMINATION.—Such section is amended by striking subsection (o) and inserting the following:

“(o) APPLICATION TO LOUISIANA.—Any reference in this section to Hurricane Katrina recovery shall only apply with respect to Hurricane Katrina recovery in the State of Louisiana.

“(p) TERMINATION.—(1)(A) The responsibilities of the Office of the Special Inspector General for Relief and Reconstruction with respect to the Iraq Relief and Reconstruction Fund shall terminate on the date that is 10 months after the date, as determined by the Secretary of State and Secretary of Defense, on which 80 percent of the amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund by chapter 2 of title II of this Act have been obligated.

“(B) The responsibilities of the Office of the Special Inspector General for Relief and Reconstruction with respect to Hurricane Katrina recovery activities shall terminate 2 years after the date of enactment of the Louisiana Katrina Recovery Act of 2005.

“(2) The Office of the Special Inspector General for Relief and Reconstruction shall terminate on the later date occurring under subparagraph (A) or (B) of paragraph (1).”

#### SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this title.

#### SEC. 610. TERMINATION OF OFFICE.

(a) IN GENERAL.—The Office and position of Administrator shall terminate 2 years after the date of enactment of this Act.

##### (b) EXTENSION OF TERMINATION.—

(1) IN GENERAL.—The President may extend the date of termination under subsection (a) in accordance with this subsection.

(2) CONDITIONS OF EXTENSION.—Any extension of termination under this subsection—

(A) shall not be effective for any period occurring 5 years after the date of enactment of this Act;

(B) may not apply retroactively if the Office and the position of Director have terminated under this section;

(C) shall not be effective unless 60 days before the date on which a termination would occur the President submits a notice to Congress of a determination to extend the termination; and

(D) subject to subparagraph (A), shall be for a 6-month period.

**SA 2297.** Mr. VITTER 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 end of title I (before the short title), insert the following:

#### SEC. \_\_. COMMUNITY-BASED TRAINING GRANTS.

(a) INCREASE FOR TRAINING AND EMPLOYMENT.—In addition to amounts otherwise appropriated under this Act, the \$2,787,806,000 appropriated under title I under the heading “TRAINING AND EMPLOYMENT SERVICES (INCLUDING RESCISSION)” under the heading “EMPLOYMENT AND TRAINING ADMINISTRATION” shall be increased by an additional \$125,000,000, which additional amount shall be available for obligation for the period July 1, 2006, through June 30, 2007.

(b) INCREASE FOR COMMUNITY-BASED JOB TRAINING GRANTS.—In addition to amounts otherwise appropriated or made available under this Act for Community-Based Job Training Grants, not more than an additional \$125,000,000 may be used by the Secretary of Labor for such grants, from funds reserved under section 132(a)(2)(A) of the Workforce Investment Act of 1998, to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training Grants.

(c) OFFSET FROM DEPARTMENTAL MANAGEMENT.—Notwithstanding any other provision of this Act, the amounts appropriated under title I under the heading “SALARIES AND EXPENSES” under the heading “DEPARTMENTAL MANAGEMENT”, for management or operation of activities conducted by or through the Bureau of International Labor Affairs, shall be reduced by \$125,000,000.

**SA 2298.** Mr. VITTER 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:

#### TITLE \_\_—FAMILY EDUCATION REIMBURSEMENT ACCOUNT PROGRAM

##### SEC. \_\_. SHORT TITLE.

This title may be cited as the “Family Education Reimbursement Act of 2005”.

##### SEC. \_\_. FAMILY EDUCATION REIMBURSEMENT ACCOUNTS.

(a) ESTABLISHMENT.—The Secretary of Education, in consultation with the Secretary of Health and Human Services, shall—

(1) establish a Family Education Reimbursement Account Program under which, at the direction of the parent of each displaced student who signs up under subsection (d), the Secretary provides reimbursement to enable the student or preschool-age child to attend the school or preschool program of his or her parent’s choice during the 2005–2006 school year;

(2) of the amount available to carry out this section for fiscal year 2006, use not more than one third of one percent of such amount for administrative expenses, including outreach, support services, and dissemination of information; and

(3) contract with a nongovernmental entity to administer and operate the program.

##### (b) REIMBURSEMENT.—

(1) IN GENERAL.—In carrying out this section, the Secretary—

(A) shall allow the parent of the participating displaced student to select the school or preschool program to be attended by the student during the 2005–2006 school year;

(B) at the direction of the parent, shall provide reimbursement to that school or preschool program on a quarterly basis; and

(C) in the case of a public school, may provide such reimbursement to the appropriate local fiscal agent for the school.

(2) AMOUNT.—In providing reimbursement under paragraph (1), the Secretary shall—

(A) determine the amount of reimbursement to a school or preschool program based on the number of weeks during which the participating displaced student attended the school or preschool program during the preceding quarter;

(B) subject to subparagraph (C), provide the same amount of reimbursement to each school and preschool program for each week of attendance by one participating displaced student;

(C) not provide reimbursement that exceeds the actual cost of the school for educating students, or the actual cost of the preschool program, for the same period for students who are not displaced students;

(D) not provide reimbursement of more than \$6,700 on behalf of any student for the 2005–2006 school year; and

(E) discontinue reimbursement once a displaced student returns to the school he or she attended prior to August 29, 2005.

(3) USE OF FUNDS.—The Secretary may provide reimbursement under paragraph (1) on behalf of a displaced student only if the school or preschool program involved agrees—

(A) to use the reimbursement for providing educational and other services to the displaced student; and

(B) not to use the reimbursement for the construction or renovation of facilities.

(c) ACCOUNTING OF FUNDS.—The Secretary shall provide an appropriate accounting of funds for each school or program that receives a payment on behalf of one or more participating displaced students under this section.

##### (d) REGISTRATION.—

(1) IN GENERAL.—To seek to participate in the program under this section, the parent of a displaced student shall sign up by means of the Internet site, toll-free telephone number, or paper form developed under subsection (e).

(2) ACCOUNT NUMBERS.—Upon completion of registration for the program under this section—

(A) the displaced student shall be assigned an account number; and

(B) the account number shall be made available to the parent of the student.

(3) FAMILIES.—If a parent has more than one child who is a displaced student—

(A) the parent shall be allowed to register each child under this subsection at the same time; and

(B) the same account number under paragraph (2) shall be provided to each child.

##### (e) FERA SYSTEM DEVELOPMENT AND ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall develop and implement a web-based system—

(A) to support the registration in the program under this section of displaced students by means of an Internet site, toll-free telephone number, or paper form; and

(B) to facilitate the timely payment of funds from the accounts of families participating in the program under this section to the school or preschool program authorized to be reimbursed for educational and other services rendered.

##### (2) SYSTEM REQUIREMENTS.—

(A) INTERNET SITE; TOLL-FREE TELEPHONE NUMBER; PAPER FORM.—The Internet site and toll-free telephone number developed pursuant to paragraph (1)—

(i) shall be integrated with each other;

(ii) shall, with respect to the toll-free telephone number, not be fully automated;

(iii) shall be operational not later than 2 weeks after the date of the enactment of this section;

(iv) shall include privacy controls, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g);

(v) shall be accessible to participating displaced students and their parents for the purpose of determining—

(I) the amount expended under this section on the student's behalf to date; and

(II) the amount remaining for expenditure under this section on the student's behalf;

(vi) shall be accessible to schools and preschool programs for the purpose of facilitating reimbursement under subsection (b);

(vii) shall support non-English speaking parents by providing information and registration in an understandable and uniform format and, to the extent practicable, in a language the parents can understand;

(viii) may use existing Federal grant management and electronic payment systems;

(ix) shall include information technology and other controls necessary to prevent fraud and overpayment, including mechanisms to validate family and school information; and

(x) shall provide technical support services (including support for registration and processing of accounts) to the families of participating displaced students and the schools and preschool programs in which the students are enrolled.

(B) PAYMENT SYSTEM.—The Secretary shall ensure that—

(i) the payment system required to carry out this section is operational not later than 4 weeks after the date of the enactment of this section; and

(ii) the first disbursements under this section are made not later than 5 weeks after the date of the enactment of this section.

(3) CONTRACTOR REQUIREMENTS.—The Secretary shall award the contract required by subsection (a)(3) to a nongovernmental entity that—

(A) has experience meeting the requirements described in paragraph (2)(A);

(B) demonstrates expertise in the development and operation of information technology infrastructures, including the manufacture and supply of hardware and software, information management, electronic fund transfer payment systems, and customer relations management and outreach;

(C) demonstrates significant experience in the development, implementation, and technical support for payment management systems operated by agencies of the Federal Government, including the Department of Education and the Department of Health and Human Services; and

(D) is based, and operates help desk services, in the United States.

(f) TRANSFERRING STUDENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall continue to provide reimbursement under this section on behalf of a participating displaced student who transfers to one or more schools or preschool programs during the 2005–2006 school year.

(2) EXCEPTION.—The Secretary shall not provide reimbursement under this section on behalf of a participating displaced student with respect to any school or preschool program which the student attends for less than 2 consecutive weeks during the 2005–2006 school year.

(g) ADDITIONAL AMOUNT FOR ADMINISTRATIVE EXPENSES.—In providing reimbursement to an entity under this section—

(1) the Secretary shall include an additional amount equal to 1 percent of the total amount of such reimbursement to the entity for the purpose of defraying administrative expenses;

(2) such additional amount shall not be counted for purposes of the maximum reimbursement amount specified in subsections (b)(2)(C) and (b)(2)(D); and

(3) of the amount specified in subsections (b)(2)(C) and (b)(2)(D), 100 percent of such amount shall be made available to the school or preschool program.

(h) PROCUREMENT.—For purposes of the contract required by subsection (a)(3), the following provisions of Federal acquisition law shall not apply:

(1) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(2) The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.).

(3) The Federal Acquisition Streamlining Act of 1994 (Public Law 103–355).

(4) The Competition in Contracting Act of 1984 (Public Law 98–369).

(5) Subchapter V of chapter 35 of subtitle III of title 31, relating to the procurement protest system.

(6) The Federal Acquisition Regulation and any laws not listed in paragraphs (1) through (5) providing authority to promulgate regulations in the Federal Acquisition Regulation.

(i) AUDIT.—The Secretary may provide reimbursement under this section to a school or program on behalf of a displaced student only if the school or program agrees to allow the Secretary to conduct an audit to review and verify that the school or program is using the reimbursement in accordance with subsection (b)(3).

(j) NONDISCRIMINATION.—

(1) IN GENERAL.—The Secretary may provide reimbursement under this section to a school or preschool program only if the school or program agrees not to discriminate against participating displaced students (including applicants) on the basis of race, color, national origin, religion, or sex.

(2) APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the prohibition of sex discrimination in paragraph (1) shall not apply to a school or preschool program that is operated by, supervised by, controlled by, or connected to a religious organization to the extent that the application of paragraph (1) is inconsistent with the religious tenets or beliefs of the school or program.

(B) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding paragraph (1) or any other provision of law, a parent may choose and a school may offer a single sex school, class, or activity.

(3) CHILDREN WITH DISABILITIES.—Nothing in this section may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act.

(4) RELIGIOUSLY AFFILIATED SCHOOLS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a school or preschool program receiving reimbursement under this section that is operated by, supervised by, controlled by, or connected to, a religious organization may exercise its right in matters of employment consistent with title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1 et seq.), including the exemptions in such title.

(B) MAINTENANCE OF PURPOSE.—Notwithstanding any other provision of law, funds made available under this section on behalf of participating displaced students that are received by a school or preschool program, as a result of their parents' choice, shall not, consistent with the first amendment of the United States Constitution, necessitate any change in the school or program's teaching mission, require any school or program to remove religious art, icons, scriptures, or other symbols, or preclude any school or program from retaining religious terms in its name, selecting its board members on a religious basis, or including religious references

in its mission statements and other chartering or governing documents.

(5) RULE OF CONSTRUCTION.—Reimbursement (or any other form of support provided on behalf of participating displaced students) under this section shall be considered assistance to the student and shall not be considered assistance to the school or preschool program that enrolls the student.

(k) REPORTS.—At the end of each quarter described in subsection (b)(2)(A), the Secretary shall submit a report to the appropriate committees of the Congress describing the implementation and results of the program under this section. Such report shall—

(1) specify the number of children served, the percentage of funds used on instructional activities, and the percentage of funds used for supplemental educational services; and

(2) include information on the mobility of displaced students.

(l) DEFINITIONS.—In this section:

(1) The term “displaced student” means a student who is at least 4 years old, has not completed 12th grade, and would have attended another school or preschool program during the 2005–2006 school year, but for the fact that—

(A) the school, the program, or the surrounding area was damaged by a Gulf hurricane disaster; and

(B) the school or program could not reopen shortly after the disaster.

(2) The term “Gulf hurricane disaster” means a major disaster that was declared to exist by the President, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), and was caused by Hurricane Katrina or Hurricane Rita.

(3) The term “parent” has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) The term “participating displaced student” means a displaced student participating in the program under this section.

(5) The term “preschool program” means a public or private program serving 4 or 5 year old children, including any such Head Start program, that is in compliance with applicable State health and safety requirements.

(6) The term “school” means a public or private elementary school or secondary school (as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), including a religious elementary school or secondary school, that was legally operating in the State involved before September 1, 2005.

(7) The term “Secretary” means the Secretary of Education, in consultation with the Secretary of Health and Human Services.

(m) FUNDING.—

(1) IN GENERAL.—

(A) APPROPRIATION.—Out of funds not otherwise appropriated, there is hereby appropriated to the Secretary of Education, to carry out this section, \$2,500,000,000, to remain available through the period ending on July 31, 2006. Any such funds that are not obligated by the end of such period shall revert to the Treasury.

(B) OFFSET.—Notwithstanding any other provision of this Act, each account for which amounts are appropriated under this Act and are not otherwise required by law shall be reduced by 1.76 percent.

(2) CONTRIBUTIONS.—Under such terms and conditions as the Secretary may impose, the Secretary may, for the purpose of carrying out this section, accept and use such amounts as may be contributed by individuals, business concerns, or other entities for such purpose.

**SA 2299.** Mr. COCHRAN 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 end of title II (before the short title), add the following:

**SEC. \_\_\_\_ . ADDITIONAL PUBLIC HEALTH FUNDING.**

(a) **MINORITY PUBLIC HEALTH.**—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$10,000,000 for the Office of Minority Health.

(b) **SICKLE CELL DISEASE.**—From amounts appropriated under the title for the Office of the Secretary of Health and Human Services, such Secretary shall make available and amount not to exceed \$2,000,000 of such amounts to provide funding for grants under paragraph (1) of section 712(c) of Public Law 108-357 (42 U.S.C. 300b-1 note).

(c) **OFFSET.**—Notwithstanding any other provision of this Act, amounts made available under this Act under the heading Program Management for the Centers for Medicare and Medicaid Services shall be reduced, on a pro rata basis, by an additional \$12,000,000.

**SA 2300.** Mr. ENSIGN (for himself, Mr. WARNER and Mr. ALLEN) 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; as follows:

At the end of title III (before the short title), insert the following:

**SEC. \_\_\_\_ . PROHIBITION REGARDING THE E-LANGUAGE LEARNING SYSTEM.**

Notwithstanding any other provision of this Act, none of the funds made available under this Act shall be used to support, develop, or distribute the Department of Education's e-Language Learning System (ELLS).

**SA 2301.** Mr. OBAMA (for himself, Dr. DURBIN, Mr. KERRY, Mrs. CLINTON, Mr. DODD, and Mr. CORZINE) 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 end of title III (before the short title), insert the following:

**SEC. \_\_\_\_ . THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM AND POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS.**

(a) **INCREASES.**—In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional \$3,500,000 for subpart 3 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.), and an additional \$1,000,000 to the Office of Special Education Programs of the Department of Education for the expansion of positive behavioral interventions and supports.

(b) **OFFSET FROM CONSULTING EXPENSES.**—

(1) Notwithstanding any other provision of this Act, each amount provided by this Act

for consulting expenses for the Department of Health and Human Services shall be reduced by the pro rata percentage required to reduce the total amount provided by this Act for such expenses by \$4,500,000.

(2) Not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a listing of the amounts by account of the reductions made pursuant to paragraph (1).

(c) **REPORT ON THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.**—Not later than September 30, 2006, the Secretary of Education shall prepare and submit to Congress a report on the evaluation data regarding the educational and professional performance of individuals who have participated, during fiscal year 2006 or any preceding year, in the program under subpart 3 of part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1136 et seq.).

**SA 2302.** Mr. SESSIONS 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 182, beginning on line 4, strike “, and \$1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law”.

**SA 2303.** Mr. ALEXANDER 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:

**TITLE \_\_\_\_ —ELEMENTARY AND SECONDARY EDUCATION ASSISTANCE TO STUDENTS AND SCHOOLS IMPACTED BY HURRICANE KATRINA**

**SEC. \_\_\_\_ . SHORT TITLE.**

This title may be cited as the “Hurricane Katrina Elementary and Secondary Education Recovery Act”.

**SEC. \_\_\_\_ . FINDINGS.**

Congress finds the following:

(1) Hurricane Katrina has had a devastating and unprecedented impact on students who attended schools in the disaster areas.

(2) Due to the devastating effects of Hurricane Katrina, a significant number of students have enrolled in schools outside of the area in which they resided on August 22, 2005, including a significant number of students who enrolled in non-public schools because their parents chose to enroll them in such schools.

(3) 372,000 students were displaced by Hurricane Katrina. Approximately 700 schools have been damaged or destroyed. Nine States each have more than 1,000 of such displaced students enrolled in their schools. In Texas alone, over 45,000 displaced students have enrolled in schools.

(4) In response to these extraordinary conditions, this title creates a one-time only emergency grant for the 2005–2006 school year tailored to the needs and particular circumstances of students displaced by Hurricane Katrina.

(5) The level and type of assistance provided under this title, both for students attending public schools and students attending non-public schools, is being authorized solely because of the unprecedented nature of the crisis, the massive dislocation of students, and the short duration of assistance.

**SEC. \_\_\_\_ . WAIVERS AND OTHER ACTIONS.**

(a) **CURRENT WAIVER AND OTHER AUTHORITY.**—The Secretary of Education is encouraged to exercise the maximum waiver authority available or exercise other actions for States, local educational agencies, and schools affected by Hurricane Katrina with respect to the waiver authority or authorization of actions provided under the following provisions of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.):

(1) Section 1111(b)(3)(C)(vii) of such Act (20 U.S.C. 6311(b)(3)(C)(vii)).

(2) Section 1111(b)(7) of such Act (20 U.S.C. 6311(b)(7)).

(3) Section 1111(c)(1) of such Act (20 U.S.C. 6311(c)(1)).

(4) Section 1111(h)(2)(A)(i) of such Act (20 U.S.C. 6311(h)(2)(A)(i)).

(5) Section 1116(b)(7)(D) of such Act (20 U.S.C. 6316(b)(7)(D)).

(6) Section 1116(c)(10)(F) of such Act (20 U.S.C. 6316(c)(10)(F)).

(7) Section 1125A(e)(3) of such Act (20 U.S.C. 6337(e)(3)).

(8) Section 3122(a)(3)(B) of such Act (20 U.S.C. 6842(a)(3)(B)).

(9) Section 5141(c) of such Act (20 U.S.C. 7217(c)).

(10) Section 7118(c)(3)(A) of such Act (20 U.S.C. 7428(c)(3)(A)).

(11) Section 9521(c) of such Act (20 U.S.C. 7901(c)).

(b) **REPORT ON WAIVERS.**—Not later than December 31, 2005, the Secretary of Education shall prepare and submit a report on the States and local educational agencies requesting a waiver of any provision under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) due to the impact of Hurricane Katrina to the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate.

**SEC. \_\_\_\_ . PROVIDING ADDITIONAL SUPPORT FOR STUDENTS AFFECTED BY HURRICANE KATRINA.**

(a) **GRANTS TO STATES AUTHORIZED.**—From amounts appropriated under subsection (g), the Secretary of Education is authorized to make grants to States for assistance to eligible local educational agencies to enable the agencies to provide services, programs, and activities as described in subsection (c).

(b) **STATE APPLICATIONS.**—A State that desires to receive a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(c) **ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES.**—A State that receives a grant under subsection (a) shall use the funds made available through the grant to provide assistance to eligible local educational agencies to enable such agencies to provide, to students displaced by Hurricane Katrina or students attending a school in an area described in subsection (f)(1)—

(1) supplemental educational services consistent with the definitions, criteria, and amounts established under section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)); or

(2) additional programs and activities under part B of title IV of the Elementary

and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.) relating to 21st century community learning centers.

(d) **LOCAL APPLICATIONS.**—An eligible local educational agency that desires to receive assistance under this section from a State shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require.

(e) **INTERACTION WITH THE ESEA.**—An eligible local educational agency providing services described in subsection (c)(1) may provide such services to a student displaced by Hurricane Katrina regardless of the status of the school under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) that such student attends.

(f) **DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.**—In this section, the term “eligible local educational agency” means—

(1) a local educational agency in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina; or

(2) a local educational agency that enrolls a student displaced from an area where a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$100,000,000 for fiscal year 2006.

**SEC. \_\_\_\_ . IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.**

(a) **PURPOSE.**—It is the purpose of this section—

(1) to provide immediate and direct assistance to local educational agencies in Louisiana, Mississippi, and Alabama that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina;

(2) to assist school district administrators and personnel of such agencies who are working to restart operations in elementary schools and secondary schools served by such agencies; and

(3) to facilitate the re-opening of elementary schools and secondary schools served by such agencies and the re-enrollment of students in such schools as soon as possible.

(b) **PAYMENTS AND GRANTS AUTHORIZED.**—From amounts appropriated to carry out this section, the Secretary of Education is authorized to make payments, not later than November 30, 2005, to State educational agencies (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.)) in Louisiana, Mississippi, and Alabama to enable such agencies to award grants to local educational agencies serving an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(c) **ELIGIBILITY AND CONSIDERATION.**—In determining whether to award a grant under this section, or the amount of the grant, the State educational agency shall consider the following:

(1) The number of school-aged children served by the local educational agency in the academic year preceding the academic year for which the grant is awarded.

(2) The severity of the impact of Hurricane Katrina on the local educational agency and the extent of the needs in each local edu-

cational agency in Louisiana, Mississippi, and Alabama that is in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(d) **APPLICATIONS.**—Each local educational agency desiring a grant under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require to ensure expedited and timely payment to the local educational agency.

(e) **USES OF FUNDS.**—

(1) **IN GENERAL.**—A local educational agency receiving a grant under this section shall use the grant funds for—

(A) recovery of student and personnel data, and other electronic information;

(B) replacement of school district information systems, including hardware and software;

(C) financial operations;

(D) reasonable transportation costs;

(E) rental of mobile educational units and leasing of neutral sites or spaces;

(F) initial replacement of instructional materials and equipment, including textbooks;

(G) redeveloping instructional plans, including curriculum development;

(H) initiating and maintaining education and support services; and

(I) such other activities related to the purpose of this section that are approved by the Secretary.

(2) **USE WITH OTHER AVAILABLE FUNDS.**—A local educational agency receiving a grant under this section may use the grant funds in coordination with other Federal, State, or local funds available for the activities described in paragraph (1).

(3) **PROHIBITIONS.**—Grant funds received under this section shall not be used for any of the following:

(A) Construction or major renovation of schools.

(B) Payments to school administrators or teachers who are not actively engaged in re-starting or re-opening schools.

(f) **SUPPLEMENT NOT SUPPLANT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), funds made available under this section shall be used to supplement, not supplant, any funds made available through the Federal Emergency Management Agency or through a State.

(2) **EXCEPTION.**—Paragraph (1) shall not prohibit the provision of Federal assistance under this section to an eligible educational agency that is or may be entitled to receive, from another source, benefits for the same purposes as under this section if—

(A) such agency has not received such other benefits by the time of application for Federal assistance under this section; and

(B) such agency agrees to repay all duplicative Federal assistance received to carry out the purposes of this section.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$900,000,000 for fiscal year 2006.

**SEC. \_\_\_\_ . HOLD HARMLESS FOR LOCAL EDUCATIONAL AGENCIES SERVING MAJOR DISASTER AREAS.**

In the case of a local educational agency that serves an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina, the amount made available for such local educational agency under each of sections 1124, 1124A, 1125, and 1125A of the Elementary and Secondary Education Act of

1965 (20 U.S.C. 6333, 6334, 6335, and 6337) for fiscal year 2006 shall be not less than the amount made available for such local educational agency under each of such sections for fiscal year 2005.

**SEC. \_\_\_\_ . TEACHER AND PARAPROFESSIONAL RECIPROCITY; DELAY.**

(a) **TEACHER AND PARAPROFESSIONAL RECIPROCITY.**—

(1) **TEACHERS.**—

(A) **AFFECTED TEACHER.**—In this subsection, the term “affected teacher” means a teacher who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such teacher resided on August 22, 2005.

(B) **IN GENERAL.**—A local educational agency may consider an affected teacher hired by such agency who is not highly qualified in the State in which such agency is located to be highly qualified, for purposes of section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) and section 612(a)(14) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)), for a period not to exceed 1 year, if such teacher was highly qualified, consistent with section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) and section 602(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(10)), on or before August 22, 2005, in the State in which such teacher resided on August 22, 2005.

(2) **PARAPROFESSIONAL.**—

(A) **AFFECTED PARAPROFESSIONAL.**—In this subsection, the term “affected paraprofessional” means a paraprofessional who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such paraprofessional resided on August 22, 2005.

(B) **IN GENERAL.**—A local educational agency may consider an affected paraprofessional hired by such agency who does not satisfy the requirements of section 1119(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(c)) in the State in which such agency is located to satisfy such requirements, for purposes of such section, for a period not to exceed 1 year, if such paraprofessional satisfied such requirements on or before August 22, 2005, in the State in which such paraprofessional resided on August 22, 2005.

(b) **DELAY.**—The Secretary of Education may delay, for a period not to exceed 1 year, applicability of the requirements of paragraphs (2) and (3) of section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2) and (3)) and section 612(a)(14)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)(C)) with respect to the States of Alabama, Louisiana, and Mississippi (and local educational agencies within the jurisdiction of such States), if any such State or local educational agency demonstrates that a failure to comply with such requirements is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of local educational agencies within the State.

**SEC. \_\_\_\_ . ASSISTANCE FOR HOMELESS YOUTH.**

(a) **IN GENERAL.**—The Secretary of Education shall provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433), including identification, enrollment assistance, assessment and school placement assistance, transportation, coordination of school services, supplies, referrals for health, mental health, and other needs.

(b) **EXCEPTION AND DISTRIBUTION OF FUNDS.**—

(1) EXCEPTION.—For purposes of providing assistance under subsection (a), subsections (c) and (e)(1) of section 722 and subsections (b) and (c) of section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(c) and (e)(1), 11433(b) and (c)) shall not apply.

(2) DISBURSEMENT.—The Secretary of Education shall disburse funding provided under subsection (a) to State educational agencies based on demonstrated need, as determined by the Secretary, and such State educational agencies shall distribute funds available under subsection (c) to local educational agencies based on demonstrated need, for the purposes of carrying out section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$50,000,000.

**SEC. \_\_\_\_ . ALTERNATIVE EDUCATION PROGRAMS FOR DISPLACED ADOLESCENT STUDENTS.**

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE EDUCATION PROGRAM.—The term “alternative education program” means a transitional program that provides displaced adolescent students with—

(A) instruction in reading, mathematics, writing, study skills, and other relevant subjects;

(B) counseling;

(C) tutoring;

(D) activities designed to familiarize the displaced adolescent students with the range of career options available to the students;

(E) mentoring;

(F) test preparation for college entrance examinations, including the PSAT, SAT, and ACT;

(G) counseling on the financial aid available for postsecondary education; or

(H) job readiness skills and career and technical education.

(2) DISPLACED ADOLESCENT STUDENT.—The term “displaced adolescent student” means a secondary school student who—

(A) resides or resided on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina;

(B) cannot continue enrollment in a secondary school because of Hurricane Katrina; and

(C) is expected to obtain a secondary school diploma by the end of the 2006–2007 school year.

(3) ELIGIBLE ENTITY.—The term “eligible entity” means a State educational agency, local educational agency, or consortium of such agencies, located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) related to Hurricane Katrina, that—

(A) demonstrates a need for additional funds in order to provide an alternative education program to displaced adolescent students; and

(B) has the ability to administer the alternative education program and to serve displaced adolescent students.

(4) SECRETARY.—The term “Secretary” means the Secretary of Education.

(b) PROGRAM AUTHORIZED.—From amounts appropriated under this section for fiscal year 2006, the Secretary shall award grants to States for assistance to eligible entities to enable the entities to develop and carry out alternative education programs for displaced adolescent students.

(c) STATE APPLICATIONS.—A State desiring a grant under this section shall submit an application to the Secretary at such time, in

such manner, and containing such information as the Secretary may require.

(d) ASSISTANCE TO ELIGIBLE ENTITIES.—

(1) IN GENERAL.—A State that receives a grant under this section may use the funds made available through the grant to provide assistance to eligible entities to enable the eligible entities to develop and carry out alternative education programs for displaced adolescent students.

(2) PARTNERSHIPS.—An eligible entity may apply for assistance under this section in partnership with 1 or more community-based organizations or institutions of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), or both.

(e) LOCAL APPLICATIONS.—An eligible entity desiring assistance under this section from a State shall submit an application to the Governor of the State at such time, in such manner, and containing such information as the Governor may require. At a minimum, the Governor shall require an entity that desires to carry out an alternative education program in an area in which another organization is carrying out an alternative education program to provide an assurance that the entity will coordinate activities carried out under its program with the activities carried out by the organization under its program

(f) USES OF FUNDS.—An eligible entity that receives assistance under this section shall use the assistance to carry out an alternative education program that meets the needs of displaced adolescent students, including the staffing, curricular materials, and other programmatic costs needed to carry out the alternative education program.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006.

**SEC. \_\_\_\_ . GENERAL PROVISION.**

Nothing in the previous 9 sections of this title shall be construed to permit discrimination on the basis of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.)), national origin, or disability in any program funded under such sections.

**SEC. \_\_\_\_ . TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS.**

(a) TEMPORARY EMERGENCY IMPACT AID AUTHORIZED.—

(1) AID TO STATE EDUCATIONAL AGENCIES.—From amounts appropriated under subsection (o), the Secretary of Education shall provide emergency impact aid to State educational agencies to enable the State educational agencies to make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools to enable—

(A) such eligible local educational agencies and schools to provide for the instruction of displaced students served by such agencies and schools; and

(B) such eligible local educational agencies to make immediate impact aid payments to accounts established on behalf of displaced students (referred to in this section as “accounts”) who are attending eligible non-public schools located in the areas served by the eligible local educational agencies.

(2) AID TO LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.—A State educational agency shall make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools in accordance with subsection (d).

(3) STATE EDUCATIONAL AGENCIES IN CERTAIN STATES.—In the case of the States of Louisiana and Mississippi, the State educational agency shall carry out the activities of eligi-

ble local educational agencies that are unable to carry out this section, including eligible local educational agencies in such States for which the State exercises the authorities normally exercised by such local educational agencies.

(b) DEFINITIONS.—In this section:

(1) DISPLACED STUDENT.—The term “displaced student” means a student who enrolled in a school (other than the school that the student was enrolled in, or was eligible to be enrolled in, on August 22, 2005) because such student resides or resided on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The term “eligible local educational agency” means a local educational agency that serves—

(A) an elementary school or secondary school (including a charter school) in which there is enrolled a displaced student; or

(B) an area in which there is located an eligible non-public school.

(3) ELIGIBLE NON-PUBLIC SCHOOL.—The term “eligible non-public school” means a non-public school that—

(A) is accredited or licensed or otherwise operates in accordance with State law;

(B) was in existence on August 22, 2005; and

(C) serves a displaced student on behalf of whom an application for an account has been made pursuant to subsection (c)(2)(A)(ii).

(4) ELIGIBLE BIA-FUNDED SCHOOL.—In this section, the term “eligible BIA-funded school” means a school funded by the Bureau of Indian Affairs in which there is enrolled a displaced student.

(c) APPLICATION.—

(1) STATE EDUCATIONAL AGENCY.—A State educational agency that desires to receive emergency impact aid under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary of Education may reasonably require, including—

(A) information on the total displaced student child count of the State provided by eligible local educational agencies in the State and eligible BIA-funded schools in the State under paragraph (2);

(B) a description of the process for the parent or guardian of a displaced student enrolled in a non-public school to indicate to the eligible local educational agency serving the area in which such school is located that the student is enrolled in such school;

(C) a description of the procedure to be used by an eligible local educational agency in such State to provide payments to accounts;

(D) a description of the process to be used by an eligible local educational agency in such State to obtain—

(i) attestations of attendance of eligible displaced students from eligible non-public schools, in order for the local educational agency to provide payments to accounts on behalf of eligible displaced students; and

(ii) attestations from eligible non-public schools that accounts are used only for the purposes described in subsection (e)(2)(A); and

(E) the criteria, including family income, used to determine the eligibility for and the amount of assistance under this section provided on behalf of a displaced student attending an eligible non-public school.

(2) LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.—An eligible local educational agency or eligible BIA-funded school that desires an emergency impact aid payment under this section shall submit an application to the State educational agency

at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require, including documentation submitted quarterly for the 2005-2006 school year that indicates the following:

(A) In the case of an eligible local educational agency—

(i) the number of displaced students enrolled in the elementary schools and secondary schools (including charter schools and including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act) served by such agency for such quarter; and

(ii) the number of displaced students for whom the eligible local educational agency expects to provide payments to accounts under subsection (e)(2) (including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act) for such quarter who meet the following criteria:

(I) The displaced student enrolled in an eligible non-public school prior to the date of enactment of this title.

(II) The parent or guardian of the displaced student chose to enroll the student in the eligible non-public school in which the student is enrolled.

(III) The parent or guardian of the displaced student submitted an application requesting that the agency make a payment to an account on behalf of the student.

(IV) The displaced student's tuition and fees (and transportation expenses, if any) for the 2005-2006 school year is waived or reimbursed (by the eligible non-public school) in an amount that is not less than the amount of emergency impact aid payment provided on behalf of such student under this section.

(B) In the case of an eligible BIA-funded school, the number of displaced students, including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), enrolled in such school for such quarter.

(3) DETERMINATION OF NUMBER OF DISPLACED STUDENTS.—In determining the number of displaced students for a quarter under paragraph (2), an eligible local educational agency or eligible BIA-funded school shall include in such number the number of displaced students served during such quarter prior to the date of enactment of this title.

(d) AMOUNT OF EMERGENCY IMPACT AID.—

(1) AID TO STATE EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—The amount of emergency impact aid received by a State educational agency for the 2005-2006 school year shall equal the sum of—

(i) the product of the number of displaced students (who are not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)), as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), times \$6,000; and

(ii) the product of the number of displaced students who are served under part B of the Individuals with Disabilities Education Act, as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), times \$7,500.

(B) INSUFFICIENT FUNDS.—If the amount available under this section to provide emergency impact aid under this subsection is insufficient to pay the full amount that a State educational agency is eligible to receive under this section, the Secretary of Education shall ratably reduce the amount of such emergency impact aid.

(2) AID TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE BIA-FUNDED SCHOOLS.—

(A) QUARTERLY INSTALLMENTS.—

(i) IN GENERAL.—A State educational agency shall provide emergency impact aid payments under this section on a quarterly basis for the 2005-2006 school year by such dates as determined by the Secretary of Education. Such quarterly installment payments shall be based on the number of displaced students reported under subsection (c)(2) and in the amount determined under clause (ii).

(ii) PAYMENT AMOUNT.—Each quarterly installment payment under clause (i) shall equal 25 percent of the sum of—

(I) the number of displaced students (who are not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)) reported by the eligible local educational agency or eligible BIA-funded school for such quarter (as determined under subsection (c)(2)) times \$6,000; and

(II) the number of displaced students who are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) reported by the eligible local educational agency or eligible BIA-funded school for such quarter (as determined under subsection (c)(2)) times \$7,500.

(iii) TIMELINE.—The Secretary of Education shall establish a timeline for quarterly reporting on the number of displaced students in order to make the appropriate disbursements in a timely manner.

(iv) INSUFFICIENT FUNDS.—If, for any quarter, the amount available under this section to make payments under this subsection is insufficient to pay the full amount that an eligible local educational agency or eligible BIA-funded school is eligible to receive under this section, the State educational agency shall ratably reduce the amount of such payments.

(B) MAXIMUM PAYMENT TO ACCOUNT.—In providing quarterly payments to an account for the 2005-2006 school year on behalf of a displaced student for each quarter that such student is enrolled in a non-public school in the area served by the agency under subsection (e)(2), an eligible local educational agency may provide not more than 4 quarterly payments to such account, and the aggregate amount of such payments shall not exceed the lesser of—

(i) (I) in the case of a displaced student who is not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), \$6,000; or

(II) in the case of a displaced student who is served under part B of the Individuals with Disabilities Education Act, \$7,500; or

(ii) the cost of tuition and fees (and transportation expenses, if any) at the non-public school for the 2005-2006 school year.

(e) USE OF FUNDS.—

(1) DISPLACED STUDENTS IN PUBLIC SCHOOLS.—An eligible local educational agency or eligible BIA-funded school receiving emergency impact aid payments under this section shall use the payments to provide instructional opportunities for displaced students who enroll in elementary schools and secondary schools (including charter schools) served by such agency or in such a school, and for other expenses incurred as a result of the agency or school serving displaced students, which uses may include—

(A) paying the compensation of personnel, including teacher aides, in schools enrolling displaced students;

(B) identifying and acquiring curricular material, including the costs of providing additional classroom supplies, and mobile educational units and leasing sites or spaces;

(C) basic instructional services for such students, including tutoring, mentoring, or academic counseling;

(D) reasonable transportation costs;

(E) health services (including counseling and mental health services); and

(F) education and support services.

(2) DISPLACED STUDENTS IN NON-PUBLIC SCHOOLS.—

(A) IN GENERAL.—An eligible local educational agency that receives emergency impact aid payments under this section and that serves an area in which there is located an eligible non-public school shall, at the request of the parent or guardian of a displaced student who meets the criteria described in subsection (c)(2)(A)(ii) and who enrolled in a non-public school in an area served by the agency, use such emergency impact aid payment to provide payment on a quarterly basis (but not to exceed the total amount specified in subsection (d)(2)(B) for the 2005-2006 school year) to an account on behalf of such displaced student, which payment shall be used to assist in paying for any of the following:

(i) Paying the compensation of personnel, including teacher aides, in the non-public school, which funds shall not be used for religious instruction, proselytization, or worship.

(ii) Identifying and acquiring curricular material, including the costs of providing additional classroom supplies (which shall be secular, neutral, and shall not have a religious component), and mobile educational units and leasing sites or spaces, which shall not be used for religious instruction, proselytization, or worship.

(iii) Basic instructional services, including tutoring, mentoring, or academic counseling, which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(iv) Reasonable transportation costs.

(v) Health services (including counseling and mental health services), which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(vi) Education and support services, which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(B) VERIFICATION OF ENROLLMENT.—Before providing a quarterly payment to an account under subparagraph (A), the eligible local educational agency shall verify with the parent or guardian of a displaced student that such displaced student is enrolled in the non-public school.

(3) PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES.—

(A) IN GENERAL.—In the case of a displaced student who is served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), any payment made on behalf of such student to an eligible local educational agency or any payment available in an account for such student, shall be used to pay the cost of providing the student with special education and related services consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) SPECIAL RULE.—

(i) RETENTION.—Notwithstanding any other provision of this section, if an eligible local educational agency provides services to a displaced student attending an eligible non-public school under section 612(a)(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)), the eligible local educational agency may retain a portion of the assistance received under this section for such student to pay the cost of providing such services.

(ii) DETERMINATION OF PORTION.—

(I) GUIDELINES.—Each State shall issue guidelines that specify the portion of the assistance that an eligible local educational agency in the State may retain under this subparagraph. Each State shall apply such

guidelines in a consistent manner throughout the State.

(II) DETERMINATION OF PORTION.—The portion specified in the guidelines shall be based on customary costs of providing services under such section 612(a)(10) for the local educational agency.

(C) DEFINITIONS.—In this paragraph:

(i) SPECIAL EDUCATION; RELATED SERVICES.—The terms “special education” and “related services” have the meaning given such terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(ii) INDIVIDUALIZED EDUCATION PROGRAM.—The term “individualized education program” has the meaning given the term in section 614(d)(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(2)).

(f) RETURN OF AID.—

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY OR ELIGIBLE BIA-FUNDED SCHOOL.—An eligible local educational agency or eligible BIA-funded school that receives an emergency impact aid payment under this section shall return to the State educational agency any payment provided to the eligible local educational agency or school under this section that the eligible local educational agency or school has not obligated by the end of the 2005–2006 school year in accordance with this section.

(2) STATE EDUCATIONAL AGENCY.—A State educational agency that receives emergency impact aid under this section, shall return to the Secretary of Education—

(A) any aid provided to the agency under this section that the agency has not obligated by the end of the 2005–2006 school year in accordance with this section; and

(B) any payment funds returned to the State educational agency under paragraph (1).

(g) LIMITATION ON USE OF AID AND PAYMENTS.—Aid and payments provided under this section shall only be used for expenses incurred during the 2005–2006 school year.

(h) ADMINISTRATIVE EXPENSES.—A State educational agency that receives emergency impact aid under this section may use not more than 1 percent of such aid for administrative expenses. An eligible local educational agency or eligible BIA-funded school that receives emergency impact aid payments under this section may use not more than 2 percent of such payments for administrative expenses.

(i) SPECIAL FUNDING RULE.—In calculating funding under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) for an eligible local educational agency that receives an emergency impact aid payment under this section, the Secretary of Education shall not count displaced students served by such agency for whom an emergency impact aid payment is received under this section, nor shall such students be counted for the purpose of calculating the total number of children in average daily attendance at the schools served by such agency as provided in section 8003(b)(3)(B)(i) of such Act (20 U.S.C. 7703(b)(3)(B)(i)).

(j) TERMINATION OF AUTHORITY.—The authority provided by this section shall terminate on August 1, 2006.

(k) NOTICE OF OPTION OF PUBLIC SCHOOL OR NON-PUBLIC SCHOOL ENROLLMENT.—Each State receiving emergency impact aid under this section shall provide, to the parent or guardian of each displaced student for whom a payment is made under this section to an account who resides in such State, notification that such parent or guardian has the option of enrolling such student in a public school or a non-public school.

(l) BY-PASS.—If a State educational agency or eligible local educational agency is unable to carry out this section, the Secretary of

Education may make such arrangements with the State as the Secretary determines appropriate to carry out this section on behalf of displaced students attending an eligible non-public school in the area served by such agency. For a State in which State law prohibits the State from using Federal funds to directly provide services on behalf of students attending non-public schools and provides that another entity shall provide such services, the Secretary of Education shall make such arrangements with that entity.

(m) NONDISCRIMINATION.—

(1) IN GENERAL.—A school that enrolls a displaced student under this section shall not discriminate against students on the basis of race, color, national origin, religion, disability, or sex.

(2) APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(A) IN GENERAL.—To the extent consistent with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the prohibition of sex discrimination in paragraph (1) shall not apply to a non-public school that is controlled by a religious organization if the application of paragraph (1) would not be consistent with the religious tenets of such organization.

(B) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding paragraph (1) and to the extent consistent with title IX of the Education Amendments of 1972, a parent or guardian may choose and a non-public school may offer a single sex school, class, or activity.

(C) ENROLLMENT.—The prohibition of religious discrimination in paragraph (1) shall not apply with regard to enrollment for a non-public school that is controlled by a religious organization, except in the case of the enrollment of displaced students assisted under this section.

(3) GENERAL PROVISION.—Nothing in this section may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(4) OPT-IN.—A displaced student assisted under this section who is enrolled in a non-public school shall not participate in religious worship or religious classes at such school unless such student's parent or guardian chooses to opt-in such student for such religious worship or religious classes.

(5) RULE OF CONSTRUCTION.—The amount of any payment (or other form of support provided on behalf of a displaced student) under this section shall not be treated as income of a parent or guardian of the student for purposes of Federal tax laws or for determining eligibility for any other Federal program.

(n) TREATMENT OF STATE AID.—A State shall not take into consideration emergency impact aid payments received under this section by a local educational agency in the State in determining the eligibility of such local educational agency for State aid, or the amount of State aid, with respect to free public education of children.

(o) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,400,000,000 for fiscal year 2006.

SEC. . SUNSET PROVISION.

Except as otherwise provided in this title, the provisions of this title shall be effective for the period beginning on the date of enactment of this title and ending on August 1, 2006.

SA 2304. Mr. HAGEL (for himself, Mr. ALEXANDER, Mr. ROBERTS, Mr. WARNER,

and Ms. MURKOWSKI) 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 end of title III (before the short title), add the following:

SEC. .(a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$408,000,000 to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(b) Notwithstanding any other provision of this Act, amounts appropriated under this Act for discretionary programs (other than programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)) shall be reduced, on a pro rata basis, by \$408,000,000.

SA 2305. Mr. ALEXANDER 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 end of title III (before the short title), add the following:

SEC. .(a) There are appropriated, out of any money in the Treasury not otherwise appropriated, \$7,000,000 to the National Assessment Governing Board for the purposes of implementing a National Assessment of Educational Progress test in United States history.

(b) Notwithstanding any other provision of this Act, amounts appropriated under title I under the heading “SALARIES AND EXPENSES” under the heading “DEPARTMENTAL MANAGEMENT” shall be reduced by \$7,000,000.

SA 2306. Mr. ALEXANDER 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 end of title III (before the short title), add the following:

SEC. .(a) There are appropriated, out of any money in the Treasury not otherwise appropriated, \$7,000,000 to the National Assessment Governing Board for the purposes of implementing a National Assessment of Educational Progress test in United States history.

(b) Notwithstanding any other provision of this Act, amounts appropriated under title I for the State Unemployment Insurance and Employment Service Operations shall be reduced by \$7,000,000.

SA 2307. Mr. ALEXANDER 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 end of title III (before the short title), add the following:

SEC. \_\_\_\_.(a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$502,738,000 for targeted grants under section 1125 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6335) and education finance incentive grants under section 1125A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6337).

(b) Notwithstanding any other provision of this Act, amounts appropriated under this Act for discretionary programs (other than programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)) shall be reduced, on a pro rata basis, by \$502,738,000.

**SA 2308.** Mr. ALEXANDER 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 end of title III (before the short title), add the following:

SEC. \_\_\_\_.(a) There are appropriated, out of any money in the Treasury not otherwise appropriated, \$7,000,000 to the National Assessment Governing Board for the purposes of implementing a National Assessment of Educational Progress test in United States history.

(b) Notwithstanding any other provision of this Act, amounts appropriated under title I for the Job Corps: Operations shall be reduced by \$7,000,000.

**SA 2309.** Ms. COLLINS (for herself and Mr. REED) 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. \_\_\_\_ . It is the sense of the Senate that the additional \$2,920,000,000 in new budget authority provided in this Act to the Low-Income Home Energy Assistance Program should be offset by the reconciliation bill pursuant to subsection (b) of section 202 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, by scaling back or eliminating certain tax deductions, exemptions, preferences, subsidies, or other tax expenditures provided under current law to the oil and gas industry, to provide savings totaling \$2,920,000,000 over the period of fiscal years 2006 through 2010.

**SA 2310.** Mr. STEVENS (for himself and Mrs. MURRAY) 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:

1. At the appropriate place insert the following:

**SEC. —. PROHIBITION OF THE USE OF FUNDS FOR RELIANCE ON STUDENT INTEREST SURVEYS IN DETERMINING COMPLIANCE WITH TITLE IX.**

None of the funds provided under this Act shall be used—

(1) for any educational, compliance, or enforcement activities that are based on the Department of Education's March 17, 2005 policy guidance entitled "Additional Clarification of Intercollegiate Athletics Policy: Three Part Test—Part Three," or on the principles governing the interpretation of surveys set forth in that guidance, regarding compliance with the Patsy Takemoto Mink Equal Opportunity in Education Act (20 U.S.C. 1681 et seq.) (commonly referred to as "title IX"); or

(2) to rely on the results of any survey of student interest as a basis for presuming that an educational institution has complied with such title IX.

**SA 2311.** Mr. SUNUNU 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 community health center programs under section 330 of the Public Health Service Act (42 U.S.C. 254b) shall be increased by \$198,560,000. Notwithstanding any other provision of this Act, amounts appropriated under this Act shall be reduced by 0.14 percent.

**SA 2312.** Ms. SNOWE 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 end of title III (before the short title), insert the following:

**SEC. \_\_\_\_ . FUNDING INCREASE FOR EVEN START.**

(a) INCREASE.—In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional \$200,000,000 for carrying out subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.).

(b) OFFSET.—Notwithstanding any other provision of this Act, each amount appropriated under this Act for salaries and expenses at the Occupational Safety and Health Administration and the Employment Standards Administration is reduced by a uniform percentage necessary to reduce the total amounts so appropriated by \$200,000,000.

**SA 2313.** Mrs. CLINTON (for herself and Mr. SCHUMER) 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:

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.

On page 116, line 10, strike "\$3,326,000,000" and insert "\$3,201,000,000" in lieu thereof.

**SA 2314.** Mr. CONRAD 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 end of title III (before the short title), add the following:

SEC. \_\_\_\_.(a) In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$29,376,000 for the Rural Education Achievement Program under part B of title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7341 et seq.).

(b) Notwithstanding any other provision of this Act, the amount appropriated under this title under the heading "PROGRAM ADMINISTRATION" under the heading "DEPARTMENTAL MANAGEMENT" shall be reduced by \$29,376,000.

**SA 2315.** 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; as follows:

On page 222, after line 8, insert the following:

SEC. 517. Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, MidAmerica St. Louis Airport in Mascoutah, Illinois, shall be designated as a port of entry.

**SA 2316.** Mr. SCHUMER 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. \_\_\_\_\_. Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall transmit to the Congress a report on the formula used to determine trade adjustment assistance funding levels for States. The report shall examine the formula and determine if State funding levels are in proportion to the amount of eligible displaced workers in each State, or if other factors affect the overall funding levels that States receive. The report shall include information on States that have had to request funding from the reserve because the formula did not provide enough base funding to immediately assist all workers who are eligible, the length and incidence of waiting lists established because of lack of base funding, the effect of waiting lists on displaced workers and communities, and the burden that is placed on States when funding is dispersed late due to a delayed appropriations process. The report shall examine whether or not the rigorous and complicated timelines and deadlines that citizens are required to meet affects the overall number of people who are able to successfully apply for assistance and the overall funding level that States will be able to receive in the future. The report shall include recommendations on how to make the process of meeting the rigorous timelines and deadlines easier to understand, less complicated, and easier for States to administer. The report shall also address the overall level of funding needed to provide assistance to firms and workers affected by the Dominican Republic-Central America-United States Free Trade Agreement.

**SA 2317.** Mr. SCHUMER 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) The amount appropriated under title I for trade adjustment assistance under the heading "FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES" is hereby increased by \$90,900,000.

(b) Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall transmit to the Congress a report on the formula used to determine trade adjustment assistance funding levels for States. The report shall examine the formula and determine if State funding levels are in proportion to the amount of eligible displaced workers in each State, or if other factors affect the overall funding levels that States receive. The report shall include information on States that have had to request funding from the reserve because the formula did not provide enough base funding to immediately assist all workers who are eligible, the length and incidence of waiting lists established because of lack of base funding, the effect of waiting lists on displaced workers and communities, and the

burden that is placed on States when funding is dispersed late due to a delayed appropriations process. The report shall examine whether or not the rigorous and complicated timelines and deadlines that citizens are required to meet affects the overall number of people who are able to successfully apply for assistance and the overall funding level that States will be able to receive in the future. The report shall include recommendations on how to make the process of meeting the rigorous timelines and deadlines easier to understand, less complicated, and easier for States to administer. The report shall also address the overall level of funding needed to provide assistance to firms and workers affected by the Dominican Republic-Central America-United States Free Trade Agreement.

**SA 2318.** Mr. SCHUMER 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 I, insert the following:

SEC. \_\_\_\_\_. The Secretary of Labor, in consultation with the Secretary of Health and Human Services and the Secretary of Energy, shall investigate, and submit to Congress a report on, whether the coverage dates for uranium rolling activities at the Bethlehem Steel atomic weapons employer facility in Lackawana, New York (which is detailed in the Department of Energy's list of facilities covered under the Energy Employees Occupational Illness Compensation Program Act (42 U.S.C. 7384 et seq.)) is accurate and complete. In making such determination, the Secretary of Labor shall undertake diligent measures and apply the full array of investigative tools available to the Department of Labor, including on-site inspection and review records at Bethlehem Steel records facilities, in order to determine whether the records of Bethlehem Steel, and its successor, contain shipping, receiving, contracting, or production-related information pertaining to activities on behalf of the Atomic Energy Commission or its contractors or subcontractors in processing radioactive materials extended beyond the time periods of 1949 through 1952. The Secretary of Labor, in consultation with the Secretary of Energy, shall also review uranium shipping and receipt records at the Hanford and Savannah River facilities and provide a list of dates and shipments involving Bethlehem Steel.

**SA 2319.** Mrs. CLINTON 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. \_\_\_\_\_. **SURVIVORS OF SEXUAL ASSAULT; PROVISION BY HOSPITALS OF EMERGENCY CONTRACEPTIVES.**

(a) IN GENERAL.—No Federal funds appropriated in this Act may be provided to a hospital under any health-related program, unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual as-

sault, or is accompanied by someone who states she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) ASSISTANCE FOR VICTIMS.—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency contraception, including information explaining that—

(A) emergency contraception does not cause an abortion; and

(B) emergency contraception is effective in most cases in preventing pregnancy after unprotected sex.

(2) The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her on her request.

(3) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(4) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman or her family to pay for the services.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "emergency contraception" means a drug, drug regimen, or device that—

(A) is used postcoitally;

(B) prevents pregnancy by delaying ovulation, preventing fertilization of an egg, or preventing implantation of an egg in a uterus; and

(C) is approved by the Food and Drug Administration.

(2) The term "hospital" has the meanings given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title.

(3) The term "Secretary" means the Secretary of Health and Human Services.

(4) The term "sexual assault" means coitus in which the woman involved does not consent or lacks the legal capacity to consent.

(d) EFFECTIVE DATE; AGENCY CRITERIA.—This section takes effect upon the expiration of the 180-day period beginning on the date of enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary shall publish in the Federal Register criteria for carrying out this section.

**SA 2320.** Mr. OBAMA 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 Act to carry out 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 by \$9,000,000, such increased amounts to be used to maintain critical health promotion and disease prevention activities in States.

**SA 2321.** Mr. BINGAMAN 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. \_\_\_\_ (a) IN GENERAL.—No amounts appropriated under this title for the Office of the Secretary of Health and Human Services shall be expended for travel during the period that begins on January 2, 2006, and ends on the date regulations implementing the amendments made by section 506(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173, 117 Stat. 2294) are promulgated.

(b) NONAPPLICATION.—This Act shall be applied without regard to subsection (a) if, not later than January 1, 2006, the Secretary of Health and Human Services promulgates regulations implementing the amendments made by section 506(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173, 117 Stat. 2294).

**SA 2322.** Mr. HARKIN 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; as follows:

At the appropriate place in title II, insert the following:

SEC. \_\_\_\_ (a) IN GENERAL.—None of the funds made available in this Act may be used for Federal matching payments under section 1903(a)(7) of the Social Security Act (42 U.S.C. 1396b(a)(7)) for reimbursement of amounts expended for the proper and efficient administration of a State Medicaid plan under title XIX of such Act to a State agency if more than—

(1) 15 percent of the applications for medical assistance under the State Medicaid plan in any fiscal year quarter are received or initially processed;

(2) 15 percent of eligibility redeterminations for such medical assistance are initially processed; or

(3) 15 percent of change reports are received and initially processed, by individuals who are not State employees meeting the personnel standards required under section 1902(a)(4)(A) of the Social Security Act (42 U.S.C. 1396a(a)(4)(A)).

(b) EXCLUSION OF APPLICATIONS RECEIVED AND PROCESSED ON AN OUTSTATION BASIS.—The percentages described in subsection (a) shall be determined without regard to applications received and processed by the Health Resources Services Administration.

**SA 2323.** Mr. HARKIN 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. \_\_\_\_ Notwithstanding section 403(a)(1) of the Social Security Act (42 U.S.C. 603(a)(1)), the Secretary of Health and Human Services shall reduce the State family assistance grant payable to a State under

the Temporary Assistance for Needy Families Program established under part A of title IV of the Social Security Act for a fiscal year quarter by the amount of administrative expenditures incurred for the preceding quarter if more than 10 percent of applications for assistance under the State program funded under such part that are received or initially processed in the preceding quarter are received or initially processed by individuals who are not State employees meeting personnel standards that are established and maintained on a merit basis.

**SA 2324.** 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.(a) FINDINGS.—The Senate makes the following findings:

(1) Hospitals cannot provide patient care without physicians.

(2) It is particularly difficult for hospitals to provide patient care to uninsured patients.

(3) Medicaid disproportionate share hospital (DSH) payments provide payments to hospitals to provide care to uninsured patients.

(4) Hospitals that provide a large volume of care to uninsured patients incur significant costs.

(5) Since there is no other source of reimbursement for hospitals related to these costs, some States have permitted reimbursement of these physician costs through Medicaid DSH.

(6) The State of Virginia has approved the inclusion of physician services costs as hospital costs for Medicaid DSH purposes.

(7) Fifty percent of all indigent care in the State of Virginia is provided by its 2 academic medical centers.

(8) The financial viability of these academic medical centers is threatened if these costs cannot be included in Medicaid DSH reimbursement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate is aware of an issue regarding the definition of “hospital costs” incurred by the State of Virginia for purposes of Medicaid reimbursement to that State and urges the Administrator of the Centers for Medicare & Medicaid Services to work with the State to resolve the pending issue.

**SA 2325.** 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:

At the appropriate place, insert the following:

SEC. \_\_\_\_ None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

**SA 2326.** 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:

At the appropriate place, insert the following:

SEC. \_\_\_\_ (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

**SA 2327.** Mr. COLEMAN (for himself and Mr. BINGAMAN) 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 191, line 2, strike “may be used”

and all that follows through “dissemination activities:” on line 4 of such page and insert “may be used for program evaluation, national outreach, and information dissemination activities, and shall be used by the Secretary of Education to develop, through consultation with the Secretaries of State, Commerce, Homeland Security, and Energy, institutions of higher education in the United States, organizations that participate in international exchange programs, and other appropriate groups, a strategic plan for enhancing the access of foreign students, scholars, scientists, and exchange visitors to institutions of higher education of the United States for study and exchange activities: *Provided further*, That the strategic plan described in the preceding proviso shall make use of the Internet and other media resources, establish a clear division of responsibility and a mechanism of institutionalized cooperation between the Departments of Education, State, Commerce, Homeland Security, and Energy, and include streamlined procedures to facilitate international exchanges of foreign students, scholars, scientists, and exchange visitors:”

**SA 2328.** Mr. LANDRIEU 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 end of title III (before the short title), add the following:

SEC. \_\_\_\_ **FEDERAL TRIO PROGRAMS FOR HURRICANE AFFECTED STUDENTS.**

(a) **ADDITIONAL AMOUNTS FOR FEDERAL TRIO PROGRAMS.**—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$5,000,000 for carrying out title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) which amount shall be available to carry out the Federal TRIO programs under chapter 1 of subpart 2 of part A of such title.

(b) **OFFSET FROM DEPARTMENTAL MANAGEMENT FUNDS.**—Notwithstanding any other provision of this Act, amounts made available under this title under the heading “PROGRAM ADMINISTRATION” under the heading

“DEPARTMENTAL MANAGEMENT” shall be reduced by \$5,000,000.

**SA 2329.** Mr. INHOFE 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:

“Beginning with fiscal year 2007 and thereafter, all non-defense, non-trust-fund, discretionary spending shall not exceed the previous fiscal year’s levels, for purposes of the congressional budget process (Section 302 et al of the Congressional Budget Act of 1974), without a 2/3 vote of Members duly chosen and sworn.”

**SA 2330.** Mr. WARNER (for himself and Mr. LEAHY) proposed an amendment to the bill S. 1285, to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the “Rosa Parks Federal Building”; as follows:

At the appropriate place, insert the following:

SEC. . (a) The annex, located on the 200 block of 3rd Street Northwest in the District of Columbia, to the E. Barrett Prettyman Federal Building and United States Courthouse located at Constitution Avenue Northwest in the District of Columbia shall be known and designated as the “William B. Bryant Annex”.

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex referred to in section 1 shall be deemed to be a reference to the “William B. Bryant Annex”.

**SA 2331.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2283 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, Mr. REID, Mr. DURBIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. MIKULSKI, Mrs. CLINTON, Mr. JOHNSON, and Mr. DAYTON) 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 1 of the amendment, insert “(such amounts shall be in lieu of amounts appropriated for such purposes under the Department of Defense Appropriations Act, 2006)” after “\$8,158,589,000”.

**SA 2332.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2283 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, Mr. REID, Mr. DURBIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. MIKULSKI, Mrs. CLINTON, Mr. JOHNSON, and Mr. DAYTON) 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 1 of the amendment, insert “(such amounts shall be in lieu of amounts appropriated for such purposes under the Department of Defense Appropriations Act, 2006

and, notwithstanding any other provision of this Act, shall be used for newly emerging pandemic infectious diseases, which may include pandemic influenza)” after “\$8,158,589,000”.

**SA 2333.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2283 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, Mr. REID, Mr. DURBIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. MIKULSKI, Mrs. CLINTON, Mr. JOHNSON, and Mr. DAYTON) 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 1 of the amendment, insert “(notwithstanding any other provision of this Act, such amounts shall be used for newly emerging pandemic infectious diseases, which may include pandemic influenza)” after “\$8,158,589,000”.

**SA 2334.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2288 submitted by Ms. STABENOW (for herself and Ms. SNOWE) and intended to be proposed 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 end of the amendment add the following: “The additional amounts provided for the Office of the National Coordinator for Health Information Technology under this section shall not be made available unless and until Congress approves legislation that authorizes appropriations for such Office.”

#### NOTICES OF INTENT

Mr. NELSON of Nebraska. Mr. President, I intend to move to suspend rule XVI with respect to legislating on an appropriations bill for consideration of my amendment to increase funding for the Low-Income Home Energy Assistance Program, LIHEAP

Mr. NELSON of Nebraska. Mr. President, I intend to move to suspend rule XVII with respect to germaneness for consideration of my amendment to increase funding for the Low-Income Home Energy Assistance Program, LIHEAP.

Mr. NELSON of Nebraska. Mr. President, I intend to move to suspend rule XVI with respect to legislating on an appropriations bill for consideration of my amendment which expresses the Sense of the Senate that the Secretary of the Treasury should ensure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other disabled persons are carried forward as a part of any tax collection contract program.

Mr. NELSON of Nebraska. Mr. President, I intend to move to suspend rule XXII with respect to germaneness for consideration of my amendment which

expresses the Sense of the Senate that the Secretary of the Treasury should ensure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other disabled persons are carried forward as a part of any tax collection contract program.

#### NOTICES OF HEARINGS/MEETINGS

##### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that S. 405, a bill to provide for the conveyance of certain public land in Clark County, NV, for use as a heliport, has been added to the agenda of the hearing scheduled before the Subcommittee on Public Lands and Forests scheduled for Wednesday, November 2 at 2 p.m. in Room SD-366.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Frank Gladics (202-224-2878), Dick Bouts (202-224-7545), or Kristina Rolph (202-224-8276) of the Committee staff.

#### AUTHORITIES FOR COMMITTEES TO MEET

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SPECTER. Mr. President, I ask unanimous consent that the committee on energy and natural resources be authorized to meet during the session of the Senate on Wednesday, October 26 at 2 p.m. The purpose of this hearing is to receive testimony on the implementation of the Federal Lands Recreation Enhancement Act, P.L. 108-447 by the Forest Service and the Department of the Interior.

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

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on October 26, 2005, at 9:30 a.m. to conduct a business meeting on the following agenda:

S. 1772, The Gas Price Act;  
S. 1869, To reauthorize the Coastal Barrier Resources Act, and for other purposes; and

S. Res. 255, A resolution recognizing the achievements of the United States Fish and Wildlife Service and the Waterfowl Population Survey.

Resolutions: Committee resolution on the Beneficial Use of Dredged Material on the Delaware River, Delaware, New Jersey, and Pennsylvania; and

Two Committee resolutions on additional items in GSA’s FY06 Capital Investment and Leasing Program.