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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

O God our rock, exalted above all blessings and praise, the host of Heaven worships You. Today we praise You for the opportunity of serving our country in the Senate. Incline our hearts to do Your will and set a guard over our lips. Help us to see the path You desire us to take as You teach us to do Your will.

Lead our Senators. Revive them so that they will face each challenge with an inexhaustible faith. Direct their steps by Your word and let no evil dominate them. May their faith have feet and hands, a voice, and a heart, that they will seek to serve You by serving others.

Help each of us to strive for truth, justice, and peace. May the lofty ideals we profess shine in our faces and be seen in our lives.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we have set aside the first 30 minutes for a period of morning business. We will then proceed to consideration of the Labor-HHS appropriations bill. Senator SPECTER has commitments from several Senators this morning to come offer their amendments. In addition to those to be offered, we already have several pending from yesterday. We will be calling rollcall votes throughout the course of today to dispose of these amendments, and we will announce when Senators can expect those votes.

I remind my colleagues that a cloture motion was filed last night on the Labor-HHS appropriations bill. That cloture vote will occur on Thursday morning. Under rule XXII, Senators have until 1 o'clock today to file their first-degree amendments at the desk. We will finish this bill this week. It is up to the Senate to decide if we are going to be here late Thursday or Friday, but we will finish the bill. If Senators are reasonable in their requests for amendments and debate times, we may well be able to finish tomorrow; if not, we will continue on Friday to finish this final appropriations bill. Again, I congratulate all of our colleagues for sticking together and systematically going through each of the appropriations bills over the last several weeks.

Mr. REID. If I could direct a question to the distinguished majority leader, it is my understanding we are not going to recess at 1:45 for Negroponte. People can go or not, and we will still continue Senate business.

Mr. FRIST. That is correct. We will continue working today. Again, I want to restate the conversation that the distinguished Democratic leader and I had yesterday regarding these votes over the course of the day. We want people to come over on time so we can proceed in a disciplined, orderly way.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader and the second half of the time under the control of the majority leader.

The Senator from Washington is recognized.

MEDICARE PRESCRIPTION DRUG PROGRAM

Mrs. MURRAY. Mr. President, I am here this morning to talk about a dangerous flaw in the Medicare prescription drug program that is about to take effect. This flaw is a ticking time bomb for more than 6 million Americans, for our communities and our health care providers. That fuse is going to detonate on January 1.

We cannot allow low-income seniors and the disabled to lose their direct coverage. We cannot leave our doctors and hospitals and nursing homes unprepared for the biggest change in decades. And we should not be pushing hundreds of thousands of people who need care onto our local communities. We can't wait. We have to fix this problem today. That is why I will be offering an amendment later this morning.

I have been working with Senators ROCKEFELLER and BINGAMAN to address the immediate crisis. I thank them for their leadership. I have also introduced my own bill to protect our most vulnerable. It is the Medicare HEALS Act, S. 1822.

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

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I have been traveling around my State. I have been meeting with people in Seattle, Lakewood, Yakima, Aberdeen, and Olympia. I want my colleagues to know, everywhere I go, people are angry and confused. And they are very worried, with good reason.

One senior told me:

Everyone I have talked to is totally confused—my doctor, my pharmacist, even the Medicare number you are supposed to call.

Another one said:

If we can't understand this, this whole [Medicare] plan is going to fail.

Everywhere I went, people were confused. There were questions that I couldn't answer. When I turned to the doctors sitting next to me, they didn't know the answer. And neither did the pharmacists or the patient advocates. If Senators and doctors and experts do not understand this, how can we expect an 80-year-old person with serious medical problems to understand this complicated new program? We can't. So we need more time and more resources to make this prescription drug plan work.

One person I met with said:

Please give us more time. Give us the chance to understand this so we don't make a mistake when we sign up.

One panelist told me:

Taking away something from those that need it the most . . . is not the American way.

I couldn't agree more. That is why I am here this morning to talk about this, and that is why I will be offering an amendment shortly after we go to the bill.

I have many concerns with the Medicare prescription drug law. I voted against it in 2003 because I believed that seniors deserve better and that America can do better than that. I am concerned about the complexity, the coverage gap, whether needed drugs will be covered. I am concerned about retirees losing the good coverage they have today. And I am concerned about the late enrollment penalty that is going to punish seniors who need more time to pick the right plan. I am working with many other Senators to address all of those concerns. But today the most urgent problem is the way the new law treats our most vulnerable people, people with low incomes, the disabled, and those facing serious medical challenges like AIDS.

This law takes away the critical drug coverage these people have today and puts them into a new program that could charge them more money in exchange for less drug coverage. If they don't sign up for a plan, they are randomly assigned one. Either way, the prescriptions they need may not be covered. Because these Americans are living on the financial brink, an interruption of their drug coverage or a new copayment could keep them from getting the drugs they need to live on. The people who are being affected don't know what is going to happen. The doctors and pharmacists, they don't understand it either. This entire mess is going to burst into the open on January 1. We need to take action to prevent this catastrophe now because it is only a few months away.

To understand this problem, let's look at how our most vulnerable get their prescription drugs today and how that is about to change. Today, about 6.4 million Americans with low incomes get help from two programs: Medicare at the Federal level and Medicaid at the State level. These individuals are sometimes what we call dual eligibles because they are eligible for assistance from both Medicare and Medicaid. What Medicare does not cover, the States usually cover. For example, the Federal program did not cover prescription drugs. The State programs filled in that gap. The State coverage is often called wraparound coverage, and it is critical for our most vulnerable families. As a result, these individuals get the drugs they need, often without copayments or deductibles.

But there is a big problem coming January 1. The new drug program prohibits States from providing the extra help they do provide today. Instead, what it does is move these people into the Medicare program alone, which will require higher out-of-pocket payments and which will most likely cover fewer drugs. To me, it doesn't make sense to take away the good coverage that vulnerable families have today, force them into a program that might not meet their needs, charge them more money in the process, and then prohibit our States from helping out these most vulnerable people. It doesn't make sense, but that is exactly what this new drug program will do unless we fix it before January 1.

In fact, the new Medicare prescription drug program changes the coverage of our most vulnerable in five ways: It imposes higher costs—those are premiums, copays and deductibles; it covers fewer drugs; it blocks States from providing extra help as they do today; it provides no transition period to ensure that these low-income residents don't face these gaps in coverage; and it penalizes people who need more time to pick the right plan for them.

These are real people we are talking about. I want to introduce two of them. Earlier this month in Seattle, I met a woman named Kathryn Cole. She is 36 years old. She is disabled, and she is living on Social Security disability. She fills about 15 prescriptions each month, and her monthly income is $757. She told me:

Even if the copay were only $5, that adds up to $75 a month. I don't have the kind of extra money to squeeze out of my budget.

Kathryn asked me:

Which week am I supposed to not eat?

People like Kathryn are living on the financial edge. They cannot afford to pay more for their medication. They need our help. In Olympia, WA, I met a man named William Havens. He is 50 years old, living with HIV/AIDS. He takes 43 pills a day. William told me:

For the first time [in my life], I realize I'm going to have to make a choice between pills and food.

It is outrageous that this new law is going to make life so much harder for people like Kathryn and William. In addition to hurting people, the new drug program is going to hurt our health care system. It is going to have a costly impact on nursing homes, doctors, pharmacists, and hospitals. Many of these dual-eligible individuals live in nursing homes. Now nursing homes are going to have to navigate all these new plans out there.

In my State of Washington, there are at least 14 of these new plans. Some States have as many as 40 or more, all with different costs and different formularies. Nursing home managers are going to have to see which plan each resident has been assigned to and if their needed drugs are covered.

In Olympia, I met with a Dr. David Fairbrook. He is in private practice, and he is also the medical director of two skilled nursing facilities which care for 150 people. He was very concerned about his patients being randomly assigned to plans that don't meet their medical needs. He said patients may be denied drugs. They may be forced to change their medications, and they could face a time-consuming, stressful appeals process. He predicts there will be ''chaos for nursing staff regarding coordination of multiple suppliers. It further duplicates paperwork and documentation requirements.''

That is a tremendous new administrative burden for understaffed and underfunded nursing homes and care providers who care for people we know—our parents, grandparents, sisters, and brothers.

That is who is going to be affected by this new law if we don't take action.

Unless we act, the new program is going to make the work of our pharmacists across the country much harder. They are literally going to be on the front lines. They may well be forced to deny coverage to seniors. And by the way, each one of these pharmacists has to go in contract with each of these new drug plans in their States.

Now CMS is telling us that pharmacists will be able to look up and see what plan someone has been assigned to. But frankly, I have to say, given the error and the mistakes CMS has made so far, I don't have a lot of confidence that this is going to be a flawless situation in transition. Remember, the people who will be hurt have no financial cushion. They are living on fixed incomes and they don't have an extra $20 or $30 for copayments or premiums. If they are turned away at the pharmacy counter, they do not have the money to pay for those drugs now and get reimbursed later when all the paperwork is sorted out.

Doctors are going to be on the front line in this, too. Doctors are going to have to know which drugs are on the formulary. They may have to help patients appeal any denials, and they will

have to treat patients who have gone without their medicine.

One doctor told me, ''Doctors don't have the information they need on this yet. If patients pick the wrong plan and their medicine is not covered, it can have serious medical harm.''

Hospitals are also going to be affected. They are going to have to navigate all of these new plans. They are going to have to deal with patients who haven't been able to get their prescriptions. In fact, for many poor families, the only place to get these medicines will be the emergency room, and that is going to increase the cost of health care for every single one of us.

So as you can see, this new drug law is going to impose an expensive and very confusing administrative burden on our doctors, on our pharmacists, on our hospitals, and our nursing homes. In this country I think we can do a lot better than that.

The amendment I will be offering today says let's fix this problem before people realize they can't get the prescriptions they need. My amendment simply provides emergency funding to prevent this disaster.

First, it ensures that our most vulnerable don't lose their current drug coverage. It will provide $2 billion in emergency funding to make sure our low-income seniors do not lose their benefits or suffer a gap in coverage. That money will allow our States to help the low-income residents they have, people who currently get help from State drug assistance programs, and people being helped by AIDS drug assistance programs.

My amendment will protect our most vulnerable, including any beneficiary with income below 150 percent of the Federal poverty level and any beneficiary currently eligible for Medicaid through ''spend down'' requirements.

It is going to give our States the flexibility to protect the people who live in those States. States could provide coverage through Medicaid or as a separate drug assistance program. And importantly, my amendment provides accountability. States will be required to notify CMS of their plan for ensuring no lapse in benefits for low-income beneficiaries.

Secondly, my amendment ensures that everyone knows about the changes that are coming. It requires States to notify those currently eligible for Medicaid and Medicare assistance. I can't tell you how many people I talked to when I was in my State who said: I have not been notified that I need to make a change. No one has told me. And yet we are 2 months away from them being assigned a plan.

States would also notify pharmacists. They would notify community health centers, rural health clinics, hospitals, critical access hospitals, doctors, and other Medicaid-eligible providers that assistance is available.

Providers will be allowed to seek reimbursement for any uncompensated costs associated with providing medically necessary drugs to these people.

In summary, my amendment simply protects our most vulnerable and makes sure that everyone involved knows what is happening.

This new Medicare prescription drug plan that has been passed has a lot of problems, but the most urgent one is what is going to happen to our most vulnerable patients and the difficulty it will cause our health care providers such as hospitals, nursing homes, doctors, and pharmacists. Time is running out. As of January 1, millions of vulnerable Americans are going to be forced into a new system they haven't been told about, they don't understand, and it will not meet their needs. We can avoid this train wreck. Senators who are concerned about the health and well-being of their own constituents but who are concerned about the costs have other options. We can support efforts on the reconciliation to provide additional time to transition into this plan and we can make changes to the Medicare Modernization Act to let the States provide coverage they have available through Medicaid during this transition.

No matter what, this is a problem. Either we spend the money now to prevent this crisis, I warn my colleagues, or we are going to have to push back the deadline so we can make this transition smoothly. People's lives are hanging in the balance.

I urge my colleagues to stand up today for those who don't have a voice, and for the doctors, hospitals, pharmacists, and nursing homes, and give them the relief and protection my amendment provides.

I will be offering this amendment in the Chamber today and I urge my colleagues' support.

I thank the Chair. I yield the floor.

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

BUDGET RECONCILIATION

Mr. CRAIG. Mr. President, I come this morning to speak about a need for fiscal responsibility. Over 200 years ago, George Washington warned that ''Government is not reason. It is not eloquence. It is force. Like fire, it can be a dangerous servant or a fearful master.'' Even when government functions properly as a servant, Washington observed, it is dangerous.

Mr. President, I rise today to talk about—and to urge a need for something to happen in this Senate and in this Congress—fiscal responsibility. While Congress has been talking about spending measure after spending measure over the past several weeks, Americans have been talking about Congress' loose spending of their tax dollars. What many lawmakers have referred to as the fiscal policy of the Government has come to mean nothing more than the Government's dangerous tendency toward fiscal recklessness.

Fiscal responsibility is premised on the simple concept that less is more. Less government spending means more freedom for individual Americans and increased levels of economic activity and rates of economic growth for the country. Several studies confirm this.

A Public Finance Review study indicated that: ''Higher total government expenditure, no matter how financed, is associated with a lower growth rate of real per capita gross state product.''

A study by the Journal of Monetary Economics found that: ''There is substantial crowding out of private spending by government spending. Permanent changes in government spending lead to a negative wealth effect.''

And an International Monetary Fund study showed that: ''Average growth for the preceding 5-year period was higher in countries with small governments both periods.''

The cumulative evidence in these studies suggests one important thing—government spending hampers the economic growth of our country. Even more than this, the growth of government spending is economically destructive.

Every dollar the government spends is one taken from an American, and is one less dollar in the productive, private sector economy.

Every dollar the government spends to fund agencies imposes large costs on the economy's productive sector, no matter how small the agency.

Every dollar the government spends on programs such as welfare and unemployment insurance encourages bad behavior by providing incentives for Americans to remain unemployed and choose leisure over work. Every dollar the government spends this way goes to making Americans passive supplicants rather than active citizens, particularly at a time when the number of those dependent on the government is growing and the number supporting it is shrinking.

We have been seeing those numbers talked about over the last good number of years—who is taxed and who is not, who is paying in to the Government versus who is not. We are now edging toward 50 percent of the American people not paying taxes, and yet we still hear this great debate in the Senate about, well, the tax cuts are only for the wealthy. The tax cuts are for people who pay taxes versus those who do not pay taxes. There is a very important reality check that has to occur out there.

When I am home visiting with folks at our town meetings and I say a family of four making $27,000 to $30,000 a year does not pay Federal taxes anymore, that is a fact. Yet somehow we get this rich versus poor debate in this Chamber. It is really those who pay taxes versus those who do not pay taxes and become the recipients of the largesse of Government.

Every dollar the Government spends to subsidize both health care and education distorts competitive processes in the marketplace and makes States increasingly more dependent, and their budgets become distorted because they are the ones that have had that historic Government responsibility. Every

dollar the Government spends to deliver services is one that should be in the private sector allowing the marketplace to choose its efficiency and its effectiveness.

There are some interesting figures. In 2005, Washington spent $2.470 trillion, raised $2.154 trillion, and ran a $317 billion budget deficit. This deficit is 2.5 percent of gross domestic product. Some will say that is the lowest ever; it doesn't mean anything. $317 billion is a lot of money.

Spending increased by 8 percent in 2005 and is up 33 percent overall since 2001.

In 2005, inflation-adjusted federal spending neared $22,000 per household, the highest level since World War II.

Federal spending has increased by 33 percent since 2001, from $1.863 trillion to $2.470 trillion. Defense and 9/11-related costs have only accounted for a smaller-than-expected portion of this:

From 2001 to 2003, spending expanded by $296 billion, 45 percent of which went to defense and 9/11-related costs, and 55 percent of which went to new Federal spending unrelated to defense and 9/11. This is an 11 percent jump in Federal spending, the fastest growth in a decade.

From 2001 to 2005, discretionary spending surged 48 percent, from $649 billion to $969 billion.

Current spending on entitlement consumes nearly 60 percent of all program spending, a record 10.8 percent of gross domestic product, and is projected to nearly double over the next decade.

Long-term trends project the cost of Social Security, Medicare, and Medicaid to jump from 8.4 percent of GDP in 2005 to 18.9 percent of GDP by 2050. Federal program spending is projected to reach 27.6 percent of GDP by 2050.

By 2050, our children and our children's children will be footing the bill for our current fiscal irresponsibility.

Nearly 200 hundred years ago, Thomas Jefferson said that ''although a republican government is slow to move, yet once in motion, its momentum becomes irresistible.'' There was a time not too long ago when Republicans stood up, made the case for smaller government, and made it happen. From 1998 to 2001, we did this by enjoying record budget surpluses.

The time for action is upon us once again.

The Federal Government's spending momentum, however, makes tax cuts, reductions in pork, and slashes in subsidies only first steps toward a real solution. The only long-term, fundamental, permanent reform that would effectively dispel the danger of current fiscal recklessness and restore fiscal responsibility is a balanced budget amendment to the Constitution like the one I reintroduced earlier this year.

Jefferson once said, ''with respect to future debt; would it not be wise and just for that nation to declare in the constitution they are forming that neither the legislature, nor the nation itself can validly contract more debt than they may pay?'' I think he's right and urge my colleagues to join me in supporting a balanced budget amendment to our Constitution to restore the past principles of fiscal responsibility envisioned by the Founding Fathers and to safeguard the future by providing a bill of economic rights for our children.

It is important we understand the impact that Federal spending has, and it is clearly time some of us come to the floor and challenge all of us to recognize what we are doing, where we are going, and the amount of money being spent. Now we recognize more than ever before, with the natural disasters hitting our country that are unprecedented in their impact on human lives, that we have a new responsibility to help those citizens who have lost everything gain a little back. Somehow we think we can go on doing that at our current level of spending, but it is time we get a little realistic about some belt tightening around here, even if it is at last year's rate of spending versus an increased level of spending for the next budget.

I think Americans want us to wake up, realize what we are doing, and the impact this kind of spending has both in the short term on our economy and in the long term on our economy both for us, our children, and our grandchildren.

I thank the Senator from Colorado for yielding.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, we are moving into an important part of our budget plan for the year. Ideally, for the Congress to operate, we need to reach an agreement between the House and the Senate. We did that this year. In the past years we have not been able to do it. It is called the budget. As a member of the Budget Committee, I was delighted to see that happen. We laid out spending parameters for all of the various agencies, and then we also laid out a plan as to how we were going to control spending. We are going to do more things to reduce the deficit.

The Budget Committee is going to be meeting this afternoon to put together the final steps of what we call reconciliation. We look at what we can do to reduce spending. It is called the Deficit Reduction Omnibus Reconciliation Act. The most important two words in that particular piece of legislation are ''deficit reduction.''

In the budget, we had laid out a plan to reduce the deficit by $34.7 billion. That is net now, and so we need to keep that process moving. This is going to move us into an important aspect of our debate next week where we are going to begin debating on the floor of the Senate the Deficit Reduction Act. It is important we work hard to reduce the deficit. Why is it important? Because we do not want to be passing on today's obligations to future generations and robbing their futures because of the spending.

If we look at what has been happening with deficit spending in recent years, it has been growing, and I think it concerns a lot of Members of the Senate. It is easy to express concerns, but it is difficult sometimes to get the votes we need in order to hold down deficit spending. So the Members of the Senate are going to have an opportunity to see how committed they are to reducing the deficit. This only applies to spending as was outlined in the budget resolution that we passed earlier this year.

There is another aspect to spending, emergency spending. I happen to believe we need to work harder to find offsets on emergency spending. We have ignored that aspect. Everybody wants to push for emergency spending because it gets them around the budget rules, and they do not have to worry about the spending in their programs that perhaps they could not get adopted as part of the appropriations or the budget or both.

We are going to be moving into a critical time next week. I think it is important that Members of the Senate remember we have a commitment to future generations. We may have to cast some tough votes next week to keep our plan going on reducing the deficit by $34.7 billion. I happen to think it may come out a little better than that. I guess I am an eternal optimist. But it is very important. It is a start. It is not as much as we should be doing, but it is a start. It addresses some mandatory spending programs, which seem to be the toughest for Members around here to address, and it addresses some discretionary spending.

If we look out into the future, the greatest obligations that are affecting our budget are Social Security, Medicare, and Medicaid. It is difficult to make decisions to reduce those programs. It is easier to go to discretionary spending, but that is not where we are seeing the real growth in spending. We are going to have to make more difficult decisions beyond next week.

Next week is going to be a test on just how determined we are and how committed we are to reducing deficit spending.

What the President has done in stimulating our economy with some tax reductions has proved fruitful. This year, we are seeing the results of those tax cuts with close to $100 million in revenue that was unanticipated at the first of the year, which obviously could have gone to deficit spending, but the emergency spending and what has happened with Hurricane Katrina and all the emergencies that have occurred in September has created a problem in being able to reduce the deficit as much as some of us had hoped.

Hopefully, we can hold this small amount of deficit spending that we are going to be bringing to the floor next week. It is important that we do. I urge

my colleagues in the Senate to join me and the other members of the Budget Committee when we report this bill out to hold it so at least we can reduce the deficit by $34.7 billion. It is important to the future of this country that we at least take this first step. It is something we need to work hard on if we expect a prosperous future for our children and grandchildren.

My children are now grown and have good salaries. My grandchildren are now going to school. I want to see them have the same opportunities to grow and save their money and not have to face high tax rates because we exceeded spending in our generation. It is a challenge. It is a challenge, though, that we must meet. It is a challenge that we cannot put off, and the sooner we address this challenge, the sooner we are going to reduce deficit spending.

Mr. President, I think my time is about ready to expire.

The PRESIDING OFFICER. The majority has 1½ minutes remaining in morning business.

Mr. ALLARD. I will use a little more of my time. This is really important. It is an important time. I commend the chairman of the Budget Committee for working hard to try and hold down our deficits. I know he was very frustrated when the budget resolution was before the Senate earlier this year. I know he had some real hope of holding down spending even more than what finally ended up in the budget bill. I have supported him in trying to hold down the deficit. We do that by holding down spending.

I know he seems somewhat frustrated now because he has not been able to do as much as he wanted to do to eliminate the deficit. I think it is important that we stand behind the Budget Committee members, that we stand behind the chairman of the Budget Committee in trying to reduce the deficit.

Spending should not be running on automatic pilot. To keep this economy growing and keep it strong, we are just going to have to make some tough decisions. So I urge my colleagues to join me in supporting our chairman next week in a first step towards reducing the deficit.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3010, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

Sununu amendment No. 2214, to provide for the funding of the Low-Vision Rehabilitation Services Demonstration Project.

Sununu amendment No. 2215, to increase funding for community health centers.

Reed modified amendment No. 2194, to provide for appropriations for the Low-Income Home Energy Assistance Program.

Gregg amendment No. 2253, to increase appropriations for the Low-Income Home Energy Assistance Program by $1,276,000,000, with an across-the-board reduction.

Thune modified amendment No. 2193, to provide funding for telehealth programs.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the distinguished Senator from Iowa and I have been conferring on our schedule this morning. We have a number of amendments lined up. The first amendment will be offered by Senator BYRD on title I, scheduled for 10 o'clock. We are pretty close to being on schedule. There may be some intervening business.

I want to take this opportunity to urge our colleagues to come to the floor and offer amendments. A cloture motion was filed yesterday with advance notice to all Members. It will be voted on tomorrow. Under the rule, Members have until 1 o'clock today to file amendments. At the moment, we have openings in the afternoon. So we urge our colleagues to come forward with their amendments.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I concur with my chairman in that regard. The only other observation I make, we are not encouraging a lot of amendments. We are just saying if you have amendments come over and do them this morning or this afternoon so we can finish up the bill, hopefully, by tomorrow. I know there are some important amendments—Senator BYRD certainly has one coming up on title I—that we need to address in this bill.

Again, I am hopeful, if people do have amendments, that they will come over. And, again, Members need to know amendments have to be filed by 1 p.m. today to be considered under the cloture motion.

Mr. President, I understand that the Senator from Rhode Island, Mr. REED, needs to make a modification to his amendment, and I know, also, the Senator from Washington, Mrs. MURRAY, wants to offer an amendment before we begin Senator BYRD's amendment. Senator BYRD has been kind enough to yield to them a few minutes so we can get that done before he proceeds on his amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 2194, AS MODIFIED

Mr. REED. Mr. President, I ask unanimous consent to return to amendment No. 2194, as modified.

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

AMENDMENT NO. 2194, AS FURTHER MODIFIED

Mr. REED. Mr. President, I send a modification of this amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, as modified, is as follows:

On page 158, after line 21 insert:

In addition to amounts appropriated under any other provision of this Act, for making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.), $2,920,000,000, which amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. REED. Mr. President, I ask unanimous consent that the Senator from New Jersey, Mr. CORZINE, and the Senator from Connecticut, Mr. LIEBERMAN, be added as cosponsors to my amendment.

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

The Senator from Washington.

AMENDMENT NO. 2220

Mrs. MURRAY. Mr. President, I call up amendment No. 2220 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2220.

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

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

The amendment is as follows:

(Purpose: To provide stop gap coverage for low-income Seniors and disabled individuals who may lose benefits or suffer a gap in coverage due to the implementation of the Medicare part D prescription drug benefit)

On page 153, between lines 17 and 18, insert the following:

In addition, for making payments to States for the provision of coverage for prescription drugs under State Medicaid plans (notwithstanding section 1935(d)(1) of the Social Security Act) or under separate drug assistance programs to individuals who have attained age 65 or are disabled, and whose income does not exceed 150 percent of the national poverty level or who are eligible for medical assistance under the State Medicaid plan under a ''medically needy'' or other ''spend down'' eligibility category, including such individuals who are eligible for benefits under titles XVIII and XIX of the Social Security Act, receiving assistance under a State drug assistance program, or receiving coverage under an AIDS Drug Assistance Program, to ensure that such individuals do not lose coverage for prescription drugs or suffer a gap in such coverage due to the implementation of the Medicare prescription drug benefit under part D of title XVIII of such Act, and for making payments to providers of items and services under the State Medicaid plan, including pharmacists, community health centers, rural health clinics, hospitals, critical access hospitals, and physicians, for reimbursement of uncompensated costs associated with the provision of medically necessary drugs for such individuals, $2,000,000,000: *Provided*, That a State

shall not receive such payments unless the State notifies the Centers for Medicare and Medicaid Services, not later than December 31, 2005, of the State's plan for the provision of such coverage: *Provided further*, That a State shall not receive such payments unless the State notifies such individuals and providers of the availability of such coverage: *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.

Mrs. MURRAY. Mr. President, I talked about this amendment earlier today. It provides stopgap coverage for low-income seniors and disabled individuals who may lose their benefits or suffer a gap in coverage due to the implementation of the Medicare Part D prescription drug benefit.

I ask unanimous consent that the amendment be set aside and we come back to the amendment to discuss it.

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

The Senator from Rhode Island.

Mr. REED. Mr. President, I understand Senator BYRD will now offer his amendment. I ask unanimous consent that at the conclusion of his remarks that I be recognized for up to 10 minutes to speak on amendment No. 2194.

The PRESIDING OFFICER. Is there objection? The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I have no objection if the Senator wishes to proceed at this time. Am I recognized?

The PRESIDING OFFICER. The Senator from West Virginia has been recognized.

Mr. BYRD. I yield to the Senator, as I may, without any objections, for 10 minutes, and I retain my right to the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 10 minutes.

AMENDMENT NO. 2194, AS FURTHER MODIFIED

Mr. REED. Mr. President, my colleague Senator GREGG offered an amendment to increase funding for the Low-Income Home Energy Assistance Program, LIHEAP, by $1.276 billion yesterday. He will offset the spending by an across-the-board cut of almost 1 percent to all other programs funded by this bill—cuts to programs that protect the public health of our Nation, cuts to research to cure diseases, cuts to educational programs that help children reach their potential and build bright futures, and cuts to labor programs to help our workers remain competitive in the global economy. These cuts are very difficult and, indeed, I think should be avoided at all costs.

This is the wrong level of funding for the LIHEAP bill and, second, it is the wrong way to go about paying for these costs.

First, Senator GREGG based the amount of funding in his amendment on a letter Senator COLLINS and I wrote to the appropriators in September. We were pleased to be joined by 43 of our colleagues in requesting $1.276 billion in emergency spending for LIHEAP. Since that time, 51 of our colleagues have joined us to vote for an increase in spending to $5.1 billion, the full authorized amount. At this point, a majority of the Senate is on record supporting a much higher level of funding for the State grant program.

The second point about Senator GREGG's amendment is that the $1.276 billion level of funding requested in our letter is different from the money we have been discussing and voting on in the last several days. The $1.276 billion was for emergency funding that could be used by the President at his discretion. This would give the President the ability to target assistance to the States most in need of additional funding based on increases in energy prices and weather conditions.

Senator GREGG's amendment adds the additional funding into the State block grant program, not the emergency discretionary program. Ironically, because of the formula allocation of this program, the cold-weather States that Senator GREGG and all of us are attempting to help this winter may see only slight increases in funding.

I have been provided with different analyses of the LIHEAP formula and what States will gain and lose under the Gregg amendment. This, I must say, is a rather arcane formula which produces at least two interpretations. Based on data from the Department of Health and Human Services and a preliminary analysis by CRS, States, such as Minnesota, Washington, and Wisconsin, will see no increase in funding under Senator GREGG's amendment. Iowa will see an increase of under 3 percent. Oregon will see less than a 7.5-percent increase, and Maine less than 10 percent, hardly the targeting we need to ensure these States are prepared for the cold weather that is upon us and the high energy prices.

Under a second scenario, another analysis—and this is according to the Economic Opportunity Study also based on data from Health and Human Services—States, such as Maine, New Hampshire, Iowa, Minnesota, South Dakota, Alaska, Nebraska, Wyoming, and Montana, may receive only a slight increase under the Gregg amendment and less funding than they received last year when these States received both their block grant allocation and emergency funds. This will be less funding when energy bills are rising 50 percent, and the Gregg amendment is proposing $1 billion in increased spending.

The reason there are at least two different scenarios is because of the complex nature of this formula. The current LIHEAP formula favors funding to cold-weather States up to $1.97 billion in appropriations. For funds above that level, a new formula determines the allocation of funding. This new formula directs funding to warm-weather States in the South and Southwest. Therefore, cold weather States in New England, the Midwest, and the North will see fewer additional dollars despite the increase offered by Senator GREGG. Cold weather States that need a substantial increase in assistance now to address rising energy prices will not get the funding they need under the amendment of Senator GREGG.

The amendment Senator COLLINS and I offered adds $2.92 billion to the State LIHEAP block grant program. This funding, coupled with the money currently provided in the Labor-HHS appropriations bill, will provide a total of $5.1 billion for LIHEAP, the level authorized in the Energy Policy Act of 2005. This law was passed by this Congress and signed into law by the President just 3 months ago. The $5.1 billion level of funding acknowledges the program needs and would fully satisfy the demands caused by this winter and rising energy prices or at least go a substantial way to satisfy all the demands throughout the country. Our amendment adds the $2.92 billion to the block grant program which provides direct assistance to the States. Our funding level is sufficient to ensure both cold weather and warm weather States get the funding they need.

The other problem that the $1.276 billion level raises is, because of income data, because of cold weather, because of the number of Americans who qualify, we need every dollar we can get to help Americans this winter, particularly seniors. There are 32 million households eligible for LIHEAP assistance under the law, and yet we are serving only 5 million. So this is a situation where demand far exceeds needs even at robust funding levels, and at the $19.9 billion level, it is dramatically unsatisfactory. Seniors just received a $65 adjustment, but this is totally inadequate to deal with the soaring energy prices in all the cold States of this Nation. So I believe we have to do much more. In fact, the majority of the Senate believes that, in supporting a higher level of $5.1 billion total appropriation level for LIHEAP.

The other point I think is disturbing about the approach of the Senator is it would pay for this by cutting programs across the board, cutting very important programs that are necessary for all of us.

As the chairman, Senator SPECTER, pointed out, this is a barebones bill. It does not even have increases for inflation, and we are literally robbing Peter to pay Paul if, in fact, we support the approach of the Senator from New Hampshire. This support for across-the-board cuts will leave behind 37,000 needy students who could be served by title I and will reduce IDEA funding for special education by $98 million. It would drop the Federal share of excess special education costs from 18.6 percent in fiscal year 2005 to 17.8 percent in fiscal year 2006. It would mean a $63 million cut in the level for Head Start, $32 million below the level of last year, and here we have a program that would be serving, as a result, 4,400 fewer children.

We face a challenge this year, a particular challenge after Katrina, of ensuring that the second surge from that disaster, the surge of high energy prices and cold weather, does not leave families vulnerable. That is why I am so pleased that the majority of the Senate supports our approach of $5.1 total appropriation, and we hope, as the votes come, that we will reach the 60-vote margin we need to prevail. I hope we can, in fact, reach that margin.

I will join, again, Senator COLLINS in urging all our colleagues to support our amendment.

Mr. President, I also commend and thank Senator BYRD, first for his kindness in yielding to me and second because his title I amendment will increase funding. I thank the Senator for his valiant work in this regard and his concern for those who need that type of funding for their education and their future.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

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

AMENDMENT NO. 2275

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report,

The assistant legislative clerk read as follows:

The Senator from West Virginia [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, proposes an amendment numbered 2275.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

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

The amendment is as follows:

(Purpose: To provide additional funding for title I of the Elementary and Secondary Education Act of 1965)

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.

Mr. BYRD. Mr. President, I have offered an amendment on behalf of the Nation's disadvantaged students and the schools that are struggling to educate these disadvantaged students.

Hear me, I have offered an amendment on behalf of the Nation's disadvantaged students and the schools that are struggling to educate them. When Congress passed the No Child Left Behind Act 4 years ago—how short are our memories—it promised—get this—we promised to give schools the funding they would need to help every young person in this country to succeed in the classroom. I wish I had that when I was starting out in a two-room schoolhouse 80 years ago. That promise has not been kept. We have not even come close, and there is no better example of that broken promise than the title I program.

Title I is the most important Federal education program we have. Did you hear, Senators? Title I is the most important Federal education program we have. It helps the students who need help the most—who need help.

When Caesar was about to drown, Caesar said:

Help me, Cassius, or I sink!

Here is a program that is not well. It needs help or it will sink—help for the millions of children who are being left behind.

It is also the program that, under the No Child Left Behind Act, will hold schools accountable—yes, hold schools accountable for improving student performance. They should be held accountable. That is why when Congress wrote the No Child Left Behind Act it authorized specific funding levels for title I for every year through fiscal year 2007. But every year—now get this—every year when it is time to appropriate the money, we have come up short.

This chart here beside me tells the story. Focus your eyes on this chart. Here is the title to the chart, ''Falling Behind On 'No Child Left Behind.'''' How about that? ''Falling Behind On 'No Child Left Behind.'''' The numbers are in billions, billions of dollars. Take a good look at this chart, I say. This chart tells the story, a pretty sordid story. The first year of the law, fiscal year 2002—this bar right here—the No Child Left Behind Act authorized $13.5 billion. There it is, the first year: $13.5 billion authorized. How much did Congress appropriate? Congress appropriated just $10.3 billion. The blue shows $13.5 billion authorized. The red shows we fell short. We only appropriated $10.3 billion.

In fiscal year 2003, watch this gap. The gap grew wider. The blue line shows that Congress authorized $16 billion, the blue bar, but Congress appropriated just $11.7 billion. There was $16 billion authorized, $11.7 billion appropriated.

Each year, as one can see on this chart, Congress has fallen further and further behind, behind in its promise to America's most needy students.

The authorized amount for fiscal year 2006—that is where we are now—appropriating moneys for fiscal year 2006, the authorized amount is $22.75, way over here on the chart, $22.75 billion. But the amount in this bill is just $12.8. Look at it. That is $10 billion less than the law promised to these disadvantaged students and to the schools in which they study. What a shame, $10 billion less—$22.75 was authorized, $12.8 billion was appropriated.

What a gap, $10 billion. That is $10 for every minute since Jesus Christ was born—$10 billion. That is $10 for every minute since Jesus Christ was born. What a gap. What a gap, $10 billion. That is enough to provide the full range of title I services to more than 3 million needy students who are currently being left behind by our Nation's schools. And at the current funding level in the Senate bill, they will continue to be left behind.

We got a hard look at some of those disadvantaged students during Hurricanes Katrina and Rita. Those disasters cast a bright light on a part of America that many people would like to pretend does not exist—a part of America where the school buildings are crumbling, where there are not enough good teachers, and students are afraid for their own safety. These are real live people, live students who have a future, who have a horizon out there, who have a vision, and yet we are not keeping our promise to them. They are being left behind.

I took a piece of plastic clay
And idly fashioned it one day
And as my fingers pressed it still
It moved and yielded to my will.

I came again when days were past,
The bit of clay was hard at last.
The form I gave it, it still bore
And I could change that form no more.

I took a piece of living clay
And gently formed it day by day
And molded with my power and art
A young child's soft and yielding heart.

I came again when years were gone,
He was a man I looked upon.
He still that early impress wore
And I can change him never more.

Never more, never more.

That is what we are talking about, a piece of human clay, human clay.

We are leaving those children behind.

Those are exactly the kinds of students who are being left behind today and they are exactly the kinds of students who can be helped by title I.

America can do better. I say America can do better for these students. That is why I am offering this amendment to increase funding for title I. I wish I could increase this program by the entire $10 billion to fulfill this commitment, our commitment, the commitment we made when Congress passed the No Child Left Behind Act. However, I know I wouldn't get enough votes from the other side of the aisle, I have to say. They are all good people over on the other side. They are all patriotic people. They are good citizens and they are dedicated to the service of the people. But I realize I can be wrong sometimes. I think they are wrong. I don't think some of them will vote for this. We will see.

I am proposing instead that we get halfway there. We are just going halfway—$10 billion shortage—$10 billion shortage in our promise for the children, the disadvantaged children of this country, $10 billion short. I am going to ask for half of that, at least try to close half the gap, half of it.

I am proposing that we get half the way there, that we close the gap over 2

years: $5 billion now, $5 billion the following year. I am proposing we get halfway there, that we close the gap over 2 years by adding $5 billion.

That is enough to fully serve more than 1.5 million disadvantaged students who the administration would leave behind, and we would leave behind. These children will be taught by highly qualified teachers and receive the complete range of instructional services called for under the No Child Left Behind Act. States will benefit from this amendment—your State, Mr. President, your State, my State.

In my own State of West Virginia, schools would receive a total increase of just $800,000 for title I if the bill is passed as it is now. Under my amendment, those students in West Virginia would receive an additional $39 million above the bill. Tennessee would receive an additional $78 million.

Do you hear me? The people of Tennessee—are you listening? Are you listening? Tennessee would receive an additional $78 million.

Pennsylvania—are you listening? Pennsylvania is the State of which Benjamin Franklin was once president. Yes. Old Ben Franklin. Pennsylvania would receive an additional $185 million.

Louisiana would receive an additional $111 million; Mississippi, an additional $62 million.

I offered a similar amendment 2 years ago and those who opposed my amendment argued then that Congress is under no obligation to fund title I at the authorizing level because authorizations are only guidelines. Title I is not your average authorization program. Most educational authorizations don't put requirements on States and local school districts, but the title I program in the No Child Left Behind Act puts more requirements on our Nation's schools than any law in the past 35 years.

This law requires every State to develop a plan for helping all students reach a proficient or advanced level of achievement within 12 years. That is all students. That is all students, not just those in the affluent suburbs. No, not just those in the affluent suburbs, but poor students in Appalachia. That is where I come from, you see. When I was a boy I would have been included, ROBERT BYRD. And the gulf coast includes children with disabilities. Do you hear me? Hear, listen. That includes children with disabilities. And it includes students of all races. How about that? And ethnicity. How about that? All races, all ethnicities.

Schools must leave no child behind—not your child, not my great-grandchild. And if schools that receive title I funds fall short of this goal, they face serious consequences. Schools that fail to make adequate yearly progress in raising student performance for 2 consecutive years—listen to this—have to give students the option of transferring to another public school. Yes. That means the school has to redirect money it would have spent for instruction and use it—for what?—for transportation instead.

This past school year, almost 11,000 schools and districts in the country failed to make adequate yearly progress for at least 2 straight years.

Did you hear that? Almost 11,000—11,000—schools and districts in this country failed this past year to make adequate yearly progress for at least 2 straight years.

The penalties get more severe the longer the school fails to make adequate yearly progress. Ultimately, if a title I school falls short for 5 years in a row, it can be taken over—get this—the school can be taken over by the State, or the entire staff can be fired.

Help me, Cassius, or I sink.

These are serious penalties. The entire staff can be fired. There is the door. There is the door. The entire staff can be fired and replaced. That gets pretty tough. That hits close to home.

These are serious penalties, and I support them. I believe it is high time that we hold schools accountable for their performance and getting their act together. I believe it is high time we hold schools accountable for their performance. But—here is the conjunction ''but''—I also believe that if we in the Congress are going to demand that schools raise student achievement, we, I, you, Senators, all Senators, all Members of the other body, if we are going to demand that schools raise student achievement, we have a responsibility to provide those schools with the additional resources that they need to improve.

That is what we are talking about on this chart. We are falling short. We are falling behind in the No Child Left Behind Act. Unfortunately, as I say, we are not keeping our promise. In fact, for most school districts, Federal funds are moving in the opposite direction. In fiscal year 2004, more than half of the Nation's school districts received less title I funding than they did the year before. What a shame. How about that. Look at that.

Listen. Hear me. I will say that again.

In fiscal year 2004, more than half of the Nation's school districts received less title I funding than they did the year before. In fiscal 2005, two-thirds of school districts took a cut in title I funding.

If Congress passes the Senate bill as it stands now, most districts will receive less title I funding for the third year in a row. That is not what Congress promised. That is not what Congress intended when it passed the No Child Left Behind Act.

The funding level for title I in this bill is a betrayal of the law and it is unfair to all people in this country who are working so hard to implement the law. Parents and teachers want their schools to be held accountable. They want every child—not just this one or that one but every child—to succeed. They are holding up their end of the bargain. Are we? Are we holding up our end of the bargain? It is time for the Congress to do the same.

I voted for the No Child Left Behind Act. I support the reforms in that law. But schools need more funding if we are truly going to leave no child behind. What is more important than our children? What is more important than the education of our children?

I urge my fellow Senators to approve this amendment. We gave our word to the people, didn't we? Yes, we gave our word to the people when we passed the No Child Left Behind Act. Let us keep our word.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have listened with great interest to the comments by the very distinguished Senator from West Virginia. It is always a treat to listen to Senator BYRD, hear a little Roman history, hear a tune from time to time, and hear the lengthy experience that Senator BYRD brings to this august body.

He was elected to the House of Representatives in 1952. Before that he had been a legislator for the State of West Virginia. He was elected to the Senate in 1958. We were reminiscing the other day about his having served with President Truman, only for a few days, because President Truman did not run in 1952. President Eisenhower did. And Senator BYRD always very carefully denominates the service ''with'' as opposed to ''under.'' That is exactly correct. I share his insistence on parity.

When they wrote the Constitution, Congress was article I, not the executive branch. It did not come in until article II, and the judiciary, not until article III. But the Supreme Court has sort of rewritten the Constitution more than once.

Now, if we were to rewrite the Constitution, they would be article I. I don't know where the Congress would be, they have taken away so much of our authority. We have lost our authority under the commerce clause.

The Supreme Court wrote an opinion in a case called United States v. Morrison involving the legislation on protecting women against violence; notwithstanding a mountain of evidence, a voluminous record, they said it was insufficient, and they disagreed with our ''method of reasoning.''

It surprised me, in preparation for the hearings from Chief Justice Roberts, to know that Congress had a defective method of reasoning. I didn't know that until I read that in the Supreme Court opinion. Somehow when you move from the columns of Congress, the Senate, lined up directly with the columns of the Supreme Court, you lose some reasoning capacity in the interim—which I doubt very much. Then when they interpreted the Americans with Disabilities Act, Justice Scalia said they were tasking the

Congress, getting us to do our homework, that we had not made a sufficient record.

So when I listen to Senator BYRD talk about the Constitution and about our duties, it is with great interest. I recollect a few years back when Senator BYRD chaired the Committee on Appropriations and I had the audacity to challenge his mark. It was not done by any Senator. I thought I had that standing. I looked at my Commission of Elections, and I had that standing. I got 3 votes out of 29: Senator D'Amato, Senator Kasten voted with me. Senator Kasten was not here at the 1992 elections, so it was a long time ago that Senator BYRD looked across the table in S–128, the appropriations room, and said: Someday you may be chairman, you may set the mark.

I am not too far away and have not gotten there yet to be chairman of the Committee on Appropriations.

We wrestle with these appropriations budgets. It is really a tough job. This subcommittee of the bill we have today for $145 billion has to fund education and health, which are our two major capital assets. If you do not have good health, you cannot do anything. If you cannot have a good education, you cannot move ahead in this world. Senator BYRD and I have both benefited from a good education. I didn't come from a school quite as small as his. I went to high school in a town of 5,000, Russell, KS, where Bob Dole had gone to high school. However, education is the key to the future and I know that, and I appreciate that.

We have struggled mightily to make the best allocation we can with the priorities ahead. As I listened to Senator BYRD talk about title I of No Child Left Behind, I would like to see the funding increased on No Child Left Behind. I would see our priorities on a budget of $2.6 trillion arranged differently if I set the priorities.

Maybe someday I will get to be chairman of the Committee on Appropriations and can set the priorities. But even as I say that, there is so little of that money in discretionary spending that so much of the authority of the Committee on Appropriations is taken away. We have to do the best we can. We labored mightily to craft the best priorities we could.

There will be a number of amendments. There was an amendment offered yesterday by the Senator from Massachusetts, Mr. KENNEDY, on Pell grants. I would like to have had more money for Pell grants. I said if Senator KENNEDY can show the priorities of what could be cut, I would be glad to consider that.

As I listened to Senator BYRD today, I would like to have $5 billion more and accept his amendment and see more money go to title I and No Child Left Behind, but the money simply is not there.

I have to disagree with my distinguished colleague when he says there has been a betrayal of the promise. I don't think the authorization constitutes a proposition. The authorization is always higher than the appropriation. In the dark ages of the past, my colleague—Senator HARKIN is returning to the Senate—the dark ages of the past when Senator HARKIN was chairman of this subcommittee, Democrats took control in that fateful time, the spring of 2001, and controlled the budget process 2001 and 2002 for about a 17-month period. I took a look at what the figures were at that time. I noted the authorization on title I for fiscal year 2002 was $13.5 billion, and the appropriation was $10.35 billion. I understood that because we crafted that bill together.

When I say the ''dark ages'' I say it only in jest. Senator HARKIN and I have worked coordinately. With all the bickering that exists in this Senate—and it is a lot—there is a deep trench here that crosses the aisle on many days in the Senate but not when TOM HARKIN and ARLEN SPECTER or BOB BYRD and THAD COCHRAN or TED STEVENS work on a bill. We cross the partisan line.

Senator HARKIN and the Democrat-controlled Congress could not fund it all the way up to the authorization. And in 2003, again, when Senator HARKIN was chairman of the subcommittee, the authorization was $16 billion and the appropriation was $11.689 billion.

I took a look at the funding for the 5 years of the Bush administration and compared it to funding in the 5 years of President Clinton's administration. As to title I, under the Bush administration, the budget request for fiscal year 2006 is $13.342 billion; President Clinton's last year at $8.357 billion. There was an increase during the Bush years of $4.985 billion.

With President Clinton, I compared from 1997 to 2001. In 1997, the budget request by the President was $7.165 billion, and President Clinton's last year it was $8.357 billion. So there was an increase during President Clinton's watch of $1.192 billion.

I cite those figures only to point out President Bush has not done too badly by comparison to President Clinton. They both struggled as well.

When we look at the total funding on education, President Bush's budget for 2006 is $56.219 billion, going back to 2001 as a base, $40.088 billion, the education budget request by President Clinton has increased $16.131 billion.

If you take a comparable period for President Clinton and use the fiscal year 2001 figures of $40.088 billion contrasted with fiscal year 1997, $25.829 billion, there was an increase of $14.259 billion.

Now, these figures are subject to differences of inflation. They are not exact. But it ought to be understood, or at least the point I seek to make is that it is not a political matter. When it comes to education there is recognition by both parties that it is a very high priority item.

On the comparison, I find fault with neither party. Both Presidents have tried to do what they could with a lot of conflicting problems. Certainly, when Senator HARKIN was the chairman of the subcommittee, he did his best. We worked together. When I had an idea, I would bring it to him and we would try to work it out. When he had an idea, he would bring it to me and I would try to work it out.

We have been talking about the avian flu issue, which we will talk about later. I was in my hideaway—that is a small Senate office for somebody watching on C–SPAN2, where you go to hide to try to get some work done, instead of your office where you are surrounded by many assistants who want answers to their specific problems which are the most pressing of the day.

The phone rang. It was Senator HARKIN trying to prepare an opening statement for the Harriet Miers confirmation hearings. We have other work to do besides this big appropriations bill. It was quiet until the phone rang. It was Senator HARKIN. Would I take a call from Senator HARKIN? Of course, I will take a call from Senator HARKIN, put him through.

We talked about avian flu and what we are going to do. He had some good ideas on avian flu, and we will discuss that in some detail a little later today.

Wherever he has an idea, and I am the chairman, I am all ears. If I can accommodate Senator HARKIN, I am going to do so. He was hard to get off the phone this morning. That happens from time to time. He was giving me a very heavy pitch. I tried to interrupt him at one point and said: TOM, I hate to say this, but I think you are right.

It didn't stop him, he kept going, kept going. About 30 seconds after I said that, he stopped, and said: Yes, you said I was right.

I said: That's right, TOM. Can we finish this conversation and continue it in the Senate when we have the issue before the Senate?

In conclusion—the two most popular words of any speech—while I would like to agree with Senator BYRD and I would like to see $5 billion more, we do not have the money under the allocation. If anybody has any ideas about how to rearrange the priorities, I am willing to listen.

It is customary for the allocation, the appropriation, to be under the authorization. That happens whether Democrat or Republican. You do not put on a villain's hat necessarily because you are in one party or the other. We will continue the struggle and continue to try to do our best on education.

I thank the distinguished Senator from West Virginia for his contributions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, as always, it is a joy and interesting to listen to my friend and colleague, my chairman, talk about the past and what we have done together. He is

right, we have worked together closely. I followed his lead on a lot of things, such as when ARLEN SPECTER, back in the mid-1990s, wanted to do double funding for NIH. He took the lead on that. I did what I could to help. And we got the job done under his great leadership.

So we have worked together on a lot of different things. And where we have had differences, we have had differences, but we have always been, I think, upfront and open about those differences. While I love ARLEN SPECTER dearly, and respect him greatly, he is not my twin, he is not my clone, so we do have different ways of approaching things once in a while. And that is the way it ought to be around here. There should not be, as he said, this big gulf between us, but there ought to be an honest airing of differences of views on how we ought to approach things.

Take the Byrd amendment, for example. I stated earlier, when we first brought the bill to the floor, that Senator SPECTER had done a superb job, and he was always open with my staff and me in crafting and putting together this bill. I said when you are dealt a bad hand, you have to do the best you can. And Senator SPECTER did. So in terms of the bill itself and how it is crafted, I do not have problems.

What I have problems with is our allocation. That is where I have problems. Since I did not support the budget, I said at the time we laid the bill down the other day: Look, if people are going to come here with amendments that offset and jiggle things around in the bill, I will not support it because we worked very hard, Senator SPECTER worked very hard, to craft a bill that was fair in terms of what we had to deal with. So I would not support amendments which jiggle things around. But if someone has an amendment they want to offer which would not jiggle things around, but add money—which I understand takes 60 votes to waive the Budget Act—I am going to be for that because I don't agree with the Budget Act. I don't agree with what the budget calls for.

Mr. BYRD. I don't either.

Mr. HARKIN. So I will support the Byrd amendment because he is not trying to take money from one pot and move it to another; he is saying the budget was wrong. We ought to waive it and put the money in.

Now, with all due respect, again, to my friend from Pennsylvania, in going back over the history of this, I wish to point out that the Byrd amendment only closes 50 percent of the gap between the authorization level and what is in the Senate bill.

I have here a chart that shows the authorization and the appropriations levels going back to fiscal year 2002. Senator SPECTER made mention there was an interim period there when our party was in charge for about a year, so we were in charge of the budget and the appropriations at that time.

I point out that at that point our appropriations were a little over 70 percent, maybe about 75 percent of the authorization level. Today, we are less than 40 percent of the authorization level. So what Senator BYRD has said is the authorization level is going up, our appropriations are staying flat. We now have this huge gap. We are trying to close this gap. It is not 100 percent. It is about 50 percent of closing that gap, and that would tend to bring us back to about where we were 3 or 4 years ago, in terms of the difference between the authorization level and the appropriations level.

Now, there is one other thing that happened during this period of time. The Congress passed something called No Child Left Behind, a new mandate on the States, a new mandate that States had to do in education. Now, I am on the authorizing committee for education. At that time, Senator KENNEDY was our chairman. I can remember sitting at the White House, and I can remember sitting up here in meetings discussing No Child Left Behind, I say to my friend from West Virginia, and about what it was going to cost.

The White House, through their representatives, agreed on what level we would fund No Child Left Behind. Now, that was only authorization because it was an authorization bill. But we were told by the White House that they would meet these authorization levels. One of the reasons I voted for the bill, not that I was enamored with it, but I felt the White House had made a commitment they would fund No Child Left Behind at the levels we agreed to. We agreed with the White House: These levels? OK, yes, we agree at these levels.

Here they are. This level, right here, $22.75 billion for fiscal year 2006. That is what we agreed upon. Yet our appropriation for this year is $12.8 billion. That is why I said it is about—well, I said 40 percent. I made a mistake. It is a little over 50 percent. But in fiscal year 2002, we were at about 75 percent of funding, and that was at the beginning of No Child Left Behind.

So what Senator BYRD is trying to do is make us live up to what we had agreed to do, with both the White House and the States. I dare say, any Senator here who goes home and talks to their State government, talks to their school districts—go out and talk to your school districts and find out what they are saying about No Child Left Behind. They are saying: Wait a minute. You put all of these mandates on us. You said you were going to fund it. Now you are not, and now we are being penalized because we can't meet the goals of No Child Left Behind.

We have put them in kind of what they call a catch-22 situation: Darned if you do; darned if you don't. Either way, you lose.

So that is why I am supporting Senator BYRD's amendment. The budget needs to be waived. We need to meet our commitments on this.

Mr. DODD. Mr. President, will the Senator yield?

Mr. HARKIN. Mr. President, I will yield to the Senator from Connecticut.

Mr. DODD. Mr. President, I wish to ask a question of my colleague from Iowa, in support of the amendment being offered by the Senator from West Virginia. It was only a few years ago that I offered an amendment, during the authorizing bill, to fully fund title I. That amendment carried with over 70 votes to fully fund title I in this Chamber. It was only a matter of months ago. That was an authorization bill. It was not the appropriations bill. All of us are certainly adults, and we know the authorizing levels do not always meet with the appropriations. But we have gone on record supporting this.

I wish to underscore the point the Senator is making and the Senator from West Virginia made; and that is, I hear it. My State, in fact, has filed a lawsuit on the No Child Left Behind Act because of restrictions being required of them.

Now, again, similar to the Senator from Iowa and the Senator from West Virginia, I have great respect for this law because it is a civil rights bill, in my view. It says we should no longer tolerate social promotions of children. We ought to be insisting there ought to be accountability at every single level.

The essence of the bill Senator KENNEDY and others drafted, that we were a part of, I think is sound. I think history will prove it to be such. The great shortcoming is not the failure of the law. The law is sound. It is sensible. It makes sense. The failure is as the Senator from Iowa and the Senator from West Virginia pointed out; and that is, we have not lived up to the commitment we made.

Mr. HARKIN. That is right.

Mr. DODD. We turned around and voted overwhelmingly for that law. President Bush wanted it. The Department of Education wanted it. The Congress wanted it. We said: This is what we will do. Yet month after month, since enactment of that legislation, we have failed to meet that obligation. That is the great tragedy in all of this, not the No Child Left Behind law, but the failure of the Congress and the President to say to the people of our respective States: This is what you must do. And by the way, we will be here to see to it the funding is there to support those efforts. We have gone on record in this body, and we are now denying our own record if we turn down this amendment offered by Senator BYRD.

I wish to reinforce the point made by the Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my colleague from Connecticut. He was also on the education committee and was involved in those discussions during No Child Left Behind. The Senator from Connecticut chaired the education subcommittee there, so he knows full well the commitments that were made at that time by the White

House and the Congress to fund it. Senator KENNEDY was absolutely right, we are not doing what we agreed to do in this regard.

Mr. President, prior to yielding the floor, might I ask, what is the pending business before the Senate?

The PRESIDING OFFICER (Mr. GRAHAM). The Byrd amendment is the pending amendment.

AMENDMENT NO. 2283

Mr. HARKIN. Mr. President, I ask unanimous consent that the Byrd amendment be temporarily set aside. I have an amendment I send to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. KENNEDY, Mr. REID, Mr. DURBIN, Mr. BAYH, and Mr. JOHNSON, proposes an amendment numbered 2283.

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

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

The amendment is as follows:

(Purpose: To make available funds for pandemic flu preparedness)

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.

AMENDMENT NO. 2275

Mr. HARKIN. Mr. President, I ask unanimous consent that we now return to the Byrd amendment and that it be the pending business of the Senate.

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

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

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished Senator from Massachusetts, Mr. KENNEDY, wishes to speak for 5 minutes. If I may take 5 seconds.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank our leaders on education: Senator BYRD on Title I, Senator DODD on the Head Start program, and Senator CLINTON on IDEA. As I did yesterday, I pay tribute to the chairman of the subcommittee, Senator SPECTER, because when education issues have been before the Senate, he has voted for increases in funding.

But the Senator from West Virginia will remember, during the budget consideration, this body asked for $5 billion more in education funding. The budget went to conference. We did not get $5 billion. We did not get $4 billion. We did not get $3 billion. We did not get $2 billion. We did not get $1 billion. We got zero.

Now we have the opportunity, with the amendment offered by the Senator from West Virginia, to do something for the neediest children in this country. Those are Title I children.

In the early 1960s, this Nation made a commitment and said: For the poorest of the poor children in this Nation, we are going to recognize a national responsibility. Those were Title I children. We have, over a long period of time, tried to focus on improving opportunities for the most disadvantaged students. But as my friends and colleagues on our Education Committee said, we heard the President of the United States say: We are going to do even more for those children with the No Child Left Behind Act. Instead what we have seen is a failure to meet that commitment.

One of the most important reasons for supporting the Senator from West Virginia, the Senator from Connecticut, and the Senator from New York on their amendments is that we find, when we provide this help and assistance, it works. You have positive results.

I refer you to what has happened in my own State of Massachusetts. Today, in my State of Massachusetts, we are No. 1 in the country for fourth graders and tied for first for eight graders on the Nation's Report Card because we did a real No Child Left Behind, the Education Reform Act, 8 years before the No Child Left Behind Act was signed into law. The reforms included smaller class sizes, better trained teachers, and supplementary services. Parents were involved in decisionmaking. This is what the Senator from West Virginia wants to do. He wants to make sure the whole country can catch up and make sure we keep the commitment we made when this President signed the No Child Left Behind Act and said we were going to have proficiency guaranteed to all the children in this country. The Senator from West Virginia says: Well, we are not going to leave the more than 3 million children behind who will be left behind without his particular amendment. I thank the Senator from West Virginia for offering the amendment. I hope the Senate will adopt it.

Finally, Mr. President, I am a strong supporter of and pay tribute to our leader on Head Start, the Senator from Connecticut, who used to be the chairman of our children's caucus. He has been the battler and fighter for the program. Every study shows that the money invested in children at the earliest age is the most productive and useful in education. Head Start children are less likely to repeat a grade, less likely to need special education services, and more likely to complete school. I also applaud the work of the Senator from New York on IDEA. We are far behind in meeting our responsibility to many of the children who have faced some of the most difficult challenges—those who have both physical and mental disabilities. The amendment offered by the Senator will go a long way to providing the resources needed to ensure that students with disabilities receive the resources they need to succeed. I applaud her efforts.

With these amendments on Title I, Head Start and IDEA, we have an opportunity to speak about the future. Education is about opportunity. It is about fairness. It is about competitiveness. And it is about national security. Hopefully, the Senate will go on record and support these three measures. Our children and our schools need our help. They need it now more than ever, and so does the Nation. I urge my colleagues to approve all three of these amendments.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I hope the Senate will vote quickly. But before it does, I thank the Senators who have just spoken, particularly the manager of the bill, Mr. SPECTER. He is an outstanding Senator. I have seen this Senate turn over more than 3 times, complete turnover of 100 Senators more than 3 times. I tell you, my friends, I have never seen a more eloquent, more dedicated Senator to his State, to his people, to the people of this country, to his work here, than Senator SPECTER. I admire him. Some day when he runs for reelection, I may make a little contribution to him. I will leave that for another time.

I also thank my colleagues. What splendid colleagues they are. Senator DODD, traveling in the wake of the Senator from Connecticut who signed the Constitution of the United States. What a man, Roger Sherman. And then

the Senator from Massachusetts, TED KENNEDY. What a great State that was and is. Read your history on the Revolutionary War, those times. Someone talked recently about the people of my generation who saw World War I, who lived through World War II and the Vietnam War, the other wars we have participated in, the Great Depression. My, these are great Senators. I can see their pictures out there on the medallions in the room just outside this Chamber. And the chairman and ranking member of this committee, my, what Senators they are. They are right, and they are right to oppose it in saying we don't have the money. I know they are right. But Congress could shift those priorities.

How about the big tax cuts for the wealthy? How about the war in Iraq? How much are we spending there in treasure, to say nothing of the blood that is being spilled? Yes, we could do better, but we are doing the best we can under the circumstances now. I don't fault the Senator from Pennsylvania. I admire him. If I were in his position, I would understand his responsibility.

My responsibility is to try. We can do better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act that the amendment provides budget authority and outlays in excess of the subcommittee's 302(b) allocation for fiscal year 2006 and, therefore, is not in order.

Mr. BYRD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, for which I voted, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, it would be my preference to stack the votes, unless the Senator from West Virginia would like to have a vote now.

Mr. BYRD. Mr. President, I prefer to have the vote now.

Mr. SPECTER. All right. In deference to the Senator from West Virginia, we will accede to his request. It would be my hope—I talked to Senator HARKIN about this—that to the extent we can, while we have people here ready to offer amendments—we have just worked out a time agreement with Senator DODD, 45 minutes equally divided for his amendment—while we have Senators in the Chamber ready to proceed, we do so to the extent we can, unless there is a circumstance which requires a different outcome.

I understand Senator ALEXANDER may have a related issue. I have just been informed about that. May I suggest to the Chair that we hear from Senator ALEXANDER to see how it impacts on the vote before we move ahead with the vote?

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, it would be my purpose to introduce an amendment that would increase funding for title I to the level President Bush has recommended. I propose that we set aside the pending amendment so that I may introduce that amendment. Perhaps we could vote on those two amendments.

Mr. SPECTER. Mr. President, I ask the Senator from Tennessee if he would be agreeable to a time limit of, say, 30 minutes equally divided?

Mr. ALEXANDER. Certainly.

Mr. BYRD. Mr. President, I propose that we vote on this amendment. The Senator can still offer an amendment if he wishes to do so after this vote. Let's go. I ask for the vote. I object to any request to set this amendment aside.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. SPECTER. Under the regular order, we will then proceed to a vote, objection having been heard. We will entertain Senator ALEXANDER's amendment at the earliest time the managers can. May I remind my colleagues that this is going to be a 15-minute rollcall vote, with 5 additional minutes. We had an 18½-minute vote yesterday. Let's see if we can beat that record. I know we are going to proceed. I will talk to my colleagues, and we will work out the sequence.

Mr. DODD. Mr. President, I hope that will be the case. We have been trying to be responsive by being here to offer amendments when we have been asked to be here. It sort of throws off our schedule for the day. But I am happy to talk to my colleague.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I think we have worked out a procedure where there will not be either a side-by-side or second-degree amendment offered. The Senator from Tennessee would like an opportunity to speak for 10 minutes on it, and we will hear Senator ALEXANDER for 10 minutes and then proceed to a vote on the Byrd amendment. So I ask unanimous consent at this time that Senator ALEXANDER be recognized for 10 minutes, that we then proceed to a vote on the Byrd amendment, and then we proceed to take up the Dodd amendment and seek to proceed with the order we have established.

Mr. DODD. Reserving the right to object, Mr. President, may I also suggest the amendment offered by the Senator from New York be able to follow the Dodd amendment? Can we lock these in?

Mr. SPECTER. Let us hold off on this. There may be some amendment on the Republican side. I doubt there will be, but I don't want to have a series of amendments on both sides.

I think that would be agreeable, but I would not want to be bound to it at this moment.

Mr. HARKIN. Mr. President, I ask unanimous consent that following the vote on the Byrd amendment, Senator DODD be recognized to offer his amendment, after which point there would be a vote on the Dodd amendment, after which point if there is a Republican amendment that is to be brought up and disposed of; if there is not, the Senator from New York be recognized at that point to offer her amendment, followed by a vote.

Mr. SPECTER. Mr. President, reserving the right to object, and I do not intend to press this issue if we can't get agreement, but I would like to stack the Dodd amendment, say, behind the Clinton amendment so we can save time.

Let me restate the understanding. There will be 10 minutes for Senator ALEXANDER, and there will be a vote on the Byrd amendment. We will then proceed to a Dodd amendment. If there is no intervening Republican seeking recognition to offer an amendment, we will proceed to the Clinton amendment, and we will discuss at a later time the sequence of votes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, and I have no intention to object, Mr. President, as I understand it, 10 minutes will be utilized by the Senator from Tennessee for remarks only.

Mr. SPECTER. Mr. President, that is correct. The Senator from Tennessee will speak in opposition to the Byrd amendment and in support of the budget point of order, but he will just make a statement. Nothing will be offered.

Mr. BYRD. I have no objection.

The PRESIDING OFFICER. Is there further objection? If not, the Senator from Tennessee is recognized for 10 minutes.

Mr. ALEXANDER. I thank the Chair. I thank the Senator from Pennsylvania. I thank the Senator from West Virginia for his courtesy of allowing me—and the Senator from Iowa and the Senator from Connecticut—allowing me 10 minutes to speak.

Mr. President, I am here in support of the budget point of order of the Senator from Pennsylvania to the Byrd amendment. Let me see if I can say in just a few minutes why I support that.

I would like to ask the Chair if he will let me know when I have 1 minute remaining.

The PRESIDING OFFICER. Absolutely.

Mr. ALEXANDER. Mr. President, the question is funding for the title I program, Federal funding for our public

schools across the country that helps disadvantaged children. It is a very important program. I heard the Senator from West Virginia describe the importance of it. I agree with him about the importance of the program, but to try to put things into perspective, let me make a few points.

First, the Senator from West Virginia, if I am not mistaken, is suggesting we spend $5 billion more, $2.5 billion a year on this important program. But he has not found some other place in the budget to reduce the spending. So this is $5 billion beyond the budget, and this comes at a time when all of the committees of the Senate have been working hard on deficit reduction. In the agriculture committee, in the education committee, in almost every committee, we are working at deficit reduction. Because we are at war, because we have had three terrible hurricanes, because we have new homeland security needs, and because entitlement spending—mandatory spending—is growing out of control, we are all trying to do a good job of living better within our means. So we are working to have a deficit reduction of $35 billion, and this would add another $5 billion in the opposite direction.

The second point I would like to make to put this into perspective is that, as important as this program is, the Federal Government is not the principal source of funding for K–12 education. We only spend 7 or 8 percent. States don't spend money for national defense by and large, and we don't spend much money for K–12. We spend 7 or 8 percent. The State and local governments have the major responsibility for our elementary and secondary schools.

The third thing I would like to mention to put things in perspective is that money isn't everything. The top five State spenders in terms of dollars, total dollars for kindergarten through the 12th grade, have the widest achievement gaps between White students and Minority students, Hispanic students and African-American students. For example, in Massachusetts, a State which spends about $9,500 per student, there is a 33-percent gap between White and Minority students. In Connecticut, which spends even more, more than $10,000 per student, there is also a significant gap between White and Minority students. So even the States that spend the most money do not get the best results. Money is not everything.

Another point to put this in perspective: we are spending more on education in our country today than at any time in history—more than we did when we had a surplus, more than we did when we were not at war, more than we did when we didn't have big hurricanes and a terrorist attack and homeland security concerns. And Federal increases for K–12, even though they are a smaller part of the pie, have gone up more rapidly than State increases over the last several years.

For example, in Tennessee, my home State, there is $50 million a year, $25 million of it new money, for teacher training, to help teachers become highly qualified.

Now, that is a lot of money. Those are Federal dollars. It would be enough money to give every teacher about an $858 pay increase a year. So the State could choose to use that money to help all of those teachers go to the community college or some other program to become better trained teachers, or the State could use those Federal dollars to give every Tennessee teacher an $800 pay raise based on some merit program. So there is a lot of new Federal money.

The other argument that I heard a great deal about was that we are not funding up to the level of authorization. Mr. President, that is a convenient political argument, but let us think about what we mean by that. I do not have the figures—I wish I did—of how much money we have authorized to be spent for all the programs of the federal government. But if we spent all the way up to that authorization, which thankfully we don't, there would not be enough printing presses in Washington, DC, to print that much money. We almost never spend up to the authorization for every defense program or for health or for HIV/AIDS or for any other part of the Federal budget. We have set an authorization level as sort of a top, a maximum, and then we appropriate every year what we can afford to spend based upon the needs that we see.

So the idea that we are not appropriating to the authorization level is not a valid basis upon which to cast this vote. Also, I think it is important to note that there is a lot of money already appropriated by the Federal Government that is unspent. The Department of Education has some figures on that. The most conservative estimate is that prior to this year, so not even counting money appropriated in this fiscal year, there is 1.7 billion Federal dollars that we have appropriated to State and local governments for schools that is waiting to be spent, which raises the question: Shouldn't we be cautious about how much more we spend?

Now, the budget that we are acting on would add $100 million to title I, bringing the number up to 12.8 billion Federal dollars, or a 47-percent increase since the last year of President Clinton. That is a big increase, and just to put this in perspective again, I have this chart. I think to be fair about it we would have to say President Bush, this President, and the Congress with which he has served in the last 2 years, have been good friends to title I.

During President Clinton's time in office, 8 years, the increase was $2.4 billion. President Clinton cared about education. I know that; I served with him when he was Governor. We worked together on those things with other Governors, too. And he felt it was important over his 8 years to increase title I by $2.4 billion. I salute him and those past Congresses for having done that. But if we are going to salute him and those past Congresses, I think we ought to pat ourselves on the back a little bit, and this President, because in this President's first 4 years he increased funding by $4 billion. And so did the Congress. So it is $4 billion for the first 4 years of Bush, $2.4 billion for the 8 years of Clinton.

Now, one may say, well, this was after No Child Left Behind was enacted; it should have gone up. And that is correct, it should have gone up. I was not here when that happened, but the Congress looked at that and said we made a new commitment. We need additional dollars for title I. We need additional funds for IDEA. We need additional funds for teacher training. We need additional funds for some of the things we have asked the States to do. So we have increased funding for title I over 4 years by 47 percent—over 5 years.

So including this budget, title I would be up to $12.8 billion, or 47 percent since the last year of President Clinton.

I am here today agreeing with the distinguished Senator from West Virginia that title I is an immensely important program. I am proud of the fact that the Congress and President Bush have over the last 4 years increased it by $4 billion. That builds on significant increases in title I that have been approved by Congress during the time of President Clinton and even before that. It may be that as time goes on and we see the need, and we are not in the middle of a war and we don't have three hurricanes of Titanic proportion and homeland security becomes less of a risk, we will have more money available. But in these times I believe the proper thing to do is to devote this amount of money to title I and support the budget point of order of the Senator from Pennsylvania.

I thank the Chair, and I thank the Senators for giving me this opportunity to speak before the vote.

Mr. KOHL. Mr. President, I rise today as a proud cosponsor of the Byrd amendment. This amendment would increase funding for title I by $5 billion. The No Child Left Behind Act authorized $22.7 billion in fiscal year 2006 for title I, which serves low-income, disadvantaged students and schools across the Nation. Unfortunately, this bill falls $9.9 billion short. This modest $5 billion increase is only half of the difference between the authorized amount in NCLB and the Senate bill level.

I strongly believe that one of the Federal Government's primary roles is to improve education for disadvantaged students. Without adequate funding, we will put States, school districts, teachers and ultimately, students, at an even greater disadvantage as many will be unable to meet the requirements in the new law and it will be the students who will suffer. I hope

my colleagues will support this important amendment.

The PRESIDING OFFICER. All time has expired. Under the unanimous consent agreement it is now appropriate to have a rollcall vote.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, one more reminder. This is a 20-minute vote.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to amendment No. 2275. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Florida (Mr. MARTINEZ) and the Senator from Virginia (Mr. WARNER).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON), and the Senator from Florida (Mr. NELSON) are necessarily absent.

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

The yeas and nays resulted—yeas 44, nays 51, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—44

Akaka	Feinstein	Mikulski
Baucus	Harkin	Murray
Bayh	Inouye	Nelson (NE)
Biden	Jeffords	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Byrd	Kerry	Reid
Cantwell	Kohl	Rockefeller
Carper	Landrieu	Salazar
Clinton	Lautenberg	Sarbanes
Collins	Leahy	Schumer
Dodd	Levin	Snowe
Dorgan	Lieberman	Stabenow
Durbin	Lincoln	Wyden
Feingold	Lugar	

NAYS—51

Alexander	Crapo	Lott
Allard	DeMint	McCain
Allen	DeWine	McConnell
Bennett	Dole	Murkowski
Bond	Domenici	Roberts
Brownback	Ensign	Santorum
Bunning	Enzi	Sessions
Burns	Frist	Shelby
Burr	Graham	Smith
Chafee	Grassley	Specter
Chambliss	Gregg	Stevens
Coburn	Hagel	Sununu
Cochran	Hatch	Talent
Coleman	Hutchison	Thomas
Conrad	Inhofe	Thune
Cornyn	Isakson	Vitter
Craig	Kyl	Voinovich

NOT VOTING—5

Corzine	Martinez	Warner
Dayton	Nelson (FL)	

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. SPECTER. Madam President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. We are now prepared to proceed with the Dodd amendment. I ask unanimous consent that we limit the time on this amendment to 45 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa.

AMENDMENT NO. 2283, AS MODIFIED

Mr. HARKIN. Madam President, before we proceed to the Dodd amendment, I believe the pending amendment is my amendment. I have a modification at the desk. I ask for its consideration.

The PRESIDING OFFICER. The Senator has a right to modify the amendment. The amendment is so modified.

The amendment (No. 2283), as modified, is as follows:

(Purpose: To make available funds for pandemic flu preparedness)

On page 169, line 18, strike ''$183,589,000: *Provided*, That 120,000,000'' and replace with ''$8,158,589,000: *Provided*, That 8,095,000,000''

Mr. HARKIN. I further ask unanimous consent that no second-degree amendments be in order on the Dodd amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Connecticut.

AMENDMENT NO. 2254

Mr. DODD. Madam President, I understand that we have a 45-minute time agreement on this amendment. Is that correct?

Mr. SPECTER. Madam President, that is correct.

Mr. DODD. Madam President, I call up amendment No. 2254 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. KENNEDY, Mrs. CLINTON, Mrs. MURRAY, Mr. KERRY, Mr. LAUTENBERG, Mr. CORZINE, Mr. DURBIN, Mr. LIEBERMAN, Ms. STABENOW and Mr. DAYTON proposes an amendment numbered 2254.

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

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

The amendment is as follows:

(Purpose: To increase appropriations for Head Start programs)

On page 162, line 1, strike ''$9,000,832,000'' and insert ''$9,153,832,000''.

On page 162, line 7, strike ''$6,874,314,000'' and insert ''$7,027, 314,000''.

Mr. DODD. Madam President, the Head Start Program, which is what this amendment is about, is, of course, very familiar to all Members. The Head Start Program began some 40 years ago. Ed Zigler from the State of Connecticut, who hails from Yale University, was the father of the Head Start concept and idea. I think it goes without saying that with the reforms that have been instituted over the last number of years, Head Start has been a very successful program during the past 40 years.

There have been modifications to the program that I think have even strengthened it over the years. Literally thousands of American children, who would otherwise not get a good start in their educational process, have been benefitting as a result of Head Start.

Annually, there are some 900,000 children in the United States who are involved in some 18,000 programs across the country. That is serving about one in four of the eligible children under Head Start.

Over the years, there have been various amendments that have been offered to fully fund Head Start or to raise the amounts considerably to increase the number of eligible children who could receive a Head Start Program. That is not my amendment today.

I should have begun these remarks by thanking my colleague from Pennsylvania. He has been recognized already by the Senator from West Virginia and the Senator from Iowa for his support of these programs and ideas over the years. In fact, some 24 years ago, when he and I arrived as newly minted Senators in January of 1981, we formed together something called the Children's Caucus in the Senate. Senator SPECTER and I were the chair and co-chair of that caucus, to raise the level of awareness about issues affecting one in four Americans who are children. We had a variety of ad hoc hearings. We did not have any funding. We did not have the means to actually go out and solicit public support for our efforts to highlight some of these issues.

The very first ad hoc hearing Senator SPECTER and I ever held dealt with latchkey children, afterschool programs, childcare, the related issues for single parents or both parents working. We were trying to get those children to have a good start to provide some resources and support for them. We went on to hold a variety of different hearings over the number of years thereafter. He was a great advocate and a great supporter of those programs. He continues to be today.

Today I recognize that in fact the committee has had a modest increase in the Head Start Program of some $31.2 million. I am appreciative of that. My amendment merely raises that amount by $153 million to make sure we do not have a decline or loss in services for the 900,000 children being served. This amendment is designed to protect about 20,000 children who would fall out of the Head Start Program if we were not able to keep pace with the rising costs of administering these programs.

Also, I ask unanimous consent that Senators KENNEDY, CLINTON, DURBIN, KERRY, MURRAY, CORZINE, LAUTENBERG, LIEBERMAN, STABENOW, and DAYTON be listed as cosponsors of this amendment.

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

Mr. DODD. Madam President, I said about $100 million. The idea is just, if we can, to get these levels of support and funding up because of the rising costs of running these programs.

Energy costs are going up on the average in Head Start Programs by 15 percent. Transportation costs are going up 16 percent. Health insurance in some places has gone up as high as 25 percent. Training for staff is up 4 percent. Facility maintenance is up 9 percent. Services for children with special needs, of course, continues to rise.

This amendment does not expand the program. It is not going to add 100,000 children to the Head Start Program. It is just designed to make sure that we do not see the program deteriorate, that we do not force children presently in the program to be dropped because we are unable to meet the predictable inflationary costs of about 2.7 percent in Head Start Programs across the country. That is the rationale for it. It is not an excessive amendment at all. It is a realistic effort to try to do what we can to see to it that these children are going to get the kind of start they deserve.

To make my case, I want to point out two studies. One was done a number of years ago. It was a survey done of kindergarten teachers throughout the United States. These were asked, How ready are children when they come to kindergarten? How ready are they to learn? Over 50 percent of kindergarten teachers in the United States, when surveyed and asked that question, responded that the majority of children were not ready to learn when they entered kindergarten.

There are a variety of reasons for that. We are not going to solve the problem overnight. But we do know now, after 40 years, that children who are in a Head Start Program clearly benefit and have a much higher degree of success than children in similar circumstances who do not participate in programs.

We know, for instance, that Head Start children are more likely to maintain grade level performance in elementary schools and on into secondary schools. We know that Head Start children stay out of the juvenile justice system to a far higher degree than children who are not in those programs. We know that children in the Head Start Program are less likely to become abusers of substances, either alcohol or drugs. We know these children, who are involved in Head Start Programs are less likely to become teen mothers.

In statistic after statistic, we find these children who get the benefit and advantages of a Head Start Program have a greater likelihood of success. It is not a guarantee of success. There are obviously children who do not make it. But we know after 40 years this program works pretty well.

Again, I am not suggesting today we expand the program. I have tried that in the past. All I am asking my colleagues today is to say for the coming fiscal year can we do what is possible to avoid some 20,000 children who are presently in the program from falling out of it?

The second study I want to point out has just come out in the last several days. I do not know if my colleagues have yet received these in their offices. My colleagues, Senator LAMAR ALEXANDER and JEFF BINGAMAN of New Mexico, went to the National Academy of Sciences a couple of months ago. If I can paraphrase their request, they said to the National Academy of Sciences: Would you mind telling us, over the next number of years, what are the 10 things we ought to better prepare to handle the math, the science, and the technology demands of our Nation?

I am not going to recite the full study here, which is entitled ''Rising Above the Gathering Storm.'' I will just list some of the authors. The chair is Norman Augustine, the retired chair of Lockheed Martin; Craig Barrett, chairman of the board of Intel Corporation; Rick Levin, the president of Yale University; the president of MIT, the president of DuPont company, the president of Rensselaer Polytechnic Institute—it is just an incredible list of distinguished Americans and academicians who worked over a period of time, I think 3 or 4 months, to come out with a series of recommendations.

I will not go through all of their report. You will get it and it is worth looking at. There were some very dramatic recommendations and ones we should take very seriously.

Their findings come in this smaller pamphlet entitled ''Rising Above the Gathering Storm.'' In the first paragraph, these distinguished Americans say:

> We are worried about the future prosperity of the United States. Although many people assume the United States will always be a world leader in science and technology, this may not continue to be the case inasmuch as great minds and ideas exist throughout the world. We fear the abruptness with which a lead in science and technology can be lost, and the difficulty of recovering a lead once lost if, indeed, it can be regained at all. This Nation must prepare with great urgency to preserve its strategic and economic security.

It continues, but I think that language directly bears on the amendment I am offering today. The No. 1 suggestion they make—I don't think they necessarily prioritize it, but the first suggestion is to train and put into the field 10,000 teachers a year in math and the sciences. The goal is that each one of these teachers might educate 1,000 students over a career, so that over time a million students in our country would benefit from a tremendous education in science and math and engineering.

If America is going to avoid exactly what these distinguished Americans have warned us against we must prepare teachers and children. Let me go back to the statistic I mentioned a moment ago, that if the kindergarten teachers of America are right, half of children entering kindergarten today are not ready to learn. It is one thing to have teachers, but what if you don't have the students who are ready to learn? If we know that Head Start kids are more likely to be prepared for school, stay in school, stay out of trouble, avoid substance abuse, don't become teen parents, then we ought to be doing what we can to keep those 900,000 kids in the program. We know full well that Head Start, after 40 years, does make a difference.

We can do a lot better. We can do so much better if we start making these modest investments. We know the modest investments in these programs pay huge dividends. Should we not try to stop some erosion in this program? That is all I am offering today, a modest 2.7-percent increase, a little more than $150 million to just keep the number of children in the program there for the coming fiscal year. Then, I hope, in the coming years when our fiscal condition is much stronger and better certainly than it is today, we can do more to see that these children have a chance to go on.

Someday I want to come back and offer an amendment again, as I did years ago, to make sure every eligible child can get in a good program like Head Start and Early Head Start. I wouldn't try that today. I know my colleagues cannot accept that. I understand the budget realities. But can we not find $153 million? We are spending $6 billion a month in Iraq. That doesn't include Afghanistan. My colleague from Tennessee and I and Senator ENZI and Senator KENNEDY recently worked on a package for 1 year to help out some 400,000 students who have lost their schools as a result of Katrina and Rita—mostly Katrina. It was a great idea. Let's put aside our differences. Let's make sure these kids can get going so they do not miss a year because the schools have been washed away or destroyed.

But there are not hurricanes and natural disasters all over our country, thank the Lord. But these children in Head Start, in many ways, live in a disastrous situation every day. They live in chaos, many of them. They live in families and neighborhoods where it is amazing that anyone can come out of them intact. Head Start has reached into these communities and provided a safe place, a harbor for children with talents and abilities. If you go to a Head Start Program you see the children are bright and they want to learn and they overcome obstacles, as their parents do every day, to give them a chance to get going. I don't want some kid in a Head Start Program to be dropped out this year who could have become that engineer or that scientist who becomes that CEO of Intel or who becomes the head of Lockheed Martin or becomes the president of RPI or Yale University. And they are there. These kids are not just in the private

schools. They are not just in the affluent neighborhoods. Talented Americans are in every neighborhood in America, and we ought to be able to do better for these children. We ought to be able to say: This year things are tough, we can't expand the program. But we are not going to lose any kids. We are not going to leave any child behind in a Head Start Program.

Listen to the warnings of this report. It can happen with abruptness, and once lost, very difficult to regain. So while we expand the pool of teachers, while we do everything we can to give kids a chance to learn, we have to make sure these kids are ready to learn. Head Start, for 40 years has done that.

It has made it possible for kids to become ready to learn. Not that they make it in every case, again, but we know without any question today that the difference between a child who is in an Early Head Start or Head Start Program and a child who is not is the likelihood the Head Start participant will avoid the obvious pitfalls that can happen so quickly in a young person's life. There is a greater likelihood they will go through it.

I am offering this amendment today, pleading with my colleagues, let's not lose 20,000 kids. We have not yet even begun to discuss this ''Rising Storm'' report. I like big ideas, and one of the reasons I am so fond of my colleague from Tennessee is because he likes big ideas. He wanted to come to the Senate to grapple with a big idea, and this is a big idea. I am sure he has not, nor am I, endorsing every dotted I or crossed t here. But it is a very big idea. Head Start is a big idea that Ed Zigler had 40 years ago, and today there are some 900,000 children in this country who benefit from it, less than 50% of those who are eligible. It is a big idea that needs to be protected. We need to be thinking about both parts of the equation—we need teachers and we need students. We can do a lot better, in my view, if we try to do both. We are not going to deal with this report this year. But it seems to me we know Head Start works and the success we have had with it, and knowing the costs that the nearly 19,000 programs across the country are facing—energy, transportation, health insurance, training for staff; all of these increases ranging from 15 percent to 25 percent in the next year. Just to try to keep these programs whole, to hold them harmless, is something I think is worth doing.

Therefore, I offer this amendment on behalf of myself and my colleagues with the hopes that there will be enough votes maybe to overcome the budget considerations. Again, I say to my colleague from Pennsylvania and my colleague from Iowa, you have a thankless job. I know it is not easy to have Members like myself coming over, making these cases to you. But my hope would be in some instances, particularly this one, that we would undertake the responsibility of trying to at least keep the program alive.

Barbara Tuchman wrote a wonderful book years ago. She is no longer with us. She wrote a number, but one of them is called ''The March of Folly,'' and it mostly dealt with strategic military questions, going throughout past history. Her point was that nations commit folly when they engage in behavior they know is unwise yet they pursue it anyway. This is a different kind of problem than a mistake you make when you didn't know it was a mistake until later. But the follies, according to Barbara Tuchman, were when you knew you were making a mistake and you went ahead and did it anyway.

In a sense, for us not to keep these programs whole is the ''March of Folly'' when it comes to America's future. We know, we know it as well as we know anything in this body, that the key to America's success has been based, throughout its 220-year history on an educated population. I have said this maybe 1,000 times; 201 years ago, Thomas Jefferson said:

> Any nation that ever expects to be ignorant and free
>
> Expects what never was and never possibly can be.

If that was true in the beginning of the 19th century, here we are in the beginning of the 21st century with all the explosions of advances around the globe. If we don't make these investments, if we don't do everything possible to educate our children, knowing that the failure to do so puts this Nation at risk on every level, is in fact the ''March of Folly.''

It could be a new chapter for Barbara Tuchman were she alive today and writing the sequel to her own book. To not support these efforts, I think, leads us on a path that these distinguished academicians and others have strongly identified in their report.

Again, read their words on the opening page, if you will, of ''Rising Above the Gathering Storm.''

> We are worried about the future prosperity of the United States. Although many people assume the United States will always be a world leader in science and technology, this may not continue to be the case. Inasmuch as great minds and ideas exist throughout the world, we fear the abruptness with which the lead in science and technology can be lost and the difficulty of recovering a lead once lost, if indeed it can be regained at all. This Nation must prepare with great urgency to preserve the strategic and economic security.

Those words are about as clear as they could be. Head Start is an integral part of that, in my view. There is a sense of urgency that ought to be about it.

My hope is again that my colleagues will see their way through to supporting this amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, listening to the passionate presentation by the Senator from Connecticut, I agree with virtually everything he said but nothing more than when he said that Senator HARKIN and I have thankless tasks.

It is very hard to reply to what the Senator from Connecticut has had to say about the importance of Head Start without agreeing with him, and his reminiscences back to January following the 1980 election when 18 new Senators came to the Senate—16 Republicans and 2 Democrats. I was one of 16, and Senator DODD was one of 2. His class has maintained 50 percent representation. Our class is down to one-eighth, 12½ percent. Senator DODD and I formed the Children's Caucus. He wasn't a chairman anywhere because he was in the minority. He wanted to have a gavel—at least half a gavel. I chaired the Juvenile Justice Subcommittee. We talked and formed a caucus. I think we did very good work. I think some of the work we did has followed its way into Head Start and very important juvenile programs.

As Senator DODD has said, it is a thankless job to manage this bill, to make allocations of $145 billion among education, health care, and labor and work safety. We have done the very best we could in our allocations. It has been crafted, as I said, jointly by Senator HARKIN and myself.

Over the years, I have been and still am a steadfast supporter of Head Start. We have in this budget almost $7 billion for Head Start, a very substantial sum of money. Between fiscal year 1994 and fiscal year 2004, we have doubled Head Start.

Nothing would please me more than to be able to accede to the request by the Senator from Connecticut, which is, as he accurately stated, a moderate request. Yesterday, the Senator from Massachusetts, Senator KENNEDY, offered an amendment on Pell grants which I thought was a good amendment. We had Senator BYRD's amendment this morning for increased funding on education title I, which is a good amendment. It is difficult not to be able to support these amendments. But in my job, it is necessary to take the allocation which the budget resolution gives us and make the allocations as best we can.

If Senator DODD had some suggestion as to an offset—that is, where we could move some money from one account to another on the basis of priority—I would be glad to consider whatever he had to say. But I am constrained to stay within the limits which the budget resolution has provided. That requires, much as I dislike to, raising a budget point of order.

Much as I dislike doing so, I raise a point of order under 302(f) of the Congressional Budget Act that the amendment would put the authority and outlays in excess of the subcommittee's 302(b) allocation and, therefore, is out of order.

Mr. DODD. Madam President, much as I regret, I move to waive the appropriate sections of the Congressional

Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Madam President, may I inquire how much time remains on this amendment?

The PRESIDING OFFICER. The sponsor's time has expired, and 17 minutes 20 seconds remains on the other side.

Mr. SPECTER. Madam President, I yield back my time.

Mr. DODD. Madam President, it is my understanding that the Senator from New York is going to offer an amendment.

Mr. SPECTER. Madam President, we are going to move to the amendment by the Senator from New York.

Mr. DODD. I thank the Senator. I thank the Chair.

Mr. SPECTER. Madam President, I ask unanimous consent that the pending amendment be set aside temporarily and the vote in relation to this amendment be determined by the majority leader after consultation with the Democratic leader and that we move ahead to the amendment to be offered by the Senator from New York, Mrs. CLINTON.

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

The Senator from New York.

Mrs. CLINTON. Madam President, I appreciate the chairman's kindness in arranging this. As I understand, we have by unanimous consent set aside the pending amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2292

Mrs. CLINTON. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself, Mr. DODD, Mr. KENNEDY, Mr. JEFFORDS, Ms. STABENOW, Mr. DAYTON, Mr. LIEBERMAN, Mr. REID, Mr. LAUTENBERG, Mr. KOHL, Mr. CORZINE, and Ms. MIKULSKI, proposes an amendment numbered 2292.

Mrs. CLINTON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide additional funding for part B of the Individuals with Disabilities Education Act)

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.).

Mrs. CLINTON. Madam President, I come to the Chamber today to offer an amendment to provide much-needed resources to help educate the most needy of our students in New York and across America.

At the outset, I would like to recognize some of my colleagues who have been extraordinary leaders on behalf of children with special needs, starting with my colleague from Connecticut who is still here on the floor, Senator DODD. He has been a longtime leader in the fight to increase Federal funding for special education. In that fight for years have also been Senators HARKIN, KENNEDY, JEFFORDS, HAGEL, and others who have come to this Chamber repeatedly championing the right of those with special needs and reminding us that the noble effort we undertook as a nation to require that children with disabilities and special needs be given the education they deserve, to have as a mandate that has been placed upon our local school districts. It is a noble and worthy undertaking to require that no child literally be left behind, but it is a burden that we should recognize that our local districts struggle with every school year.

I began working on special education issues as a very young lawyer literally just out of law school many years ago working for the Children's Defense Fund. I worked on a project where I walked door to door in communities, knocking on doors and asking people if they had school-age children. We had realized when looking at census data compared to school enrollment data that we were missing hundreds and thousands and on a national basis millions of children. They were not in our schools. What I found as I went from home to home was alarming: Children with disabilities back in 1973 and 1974 were not being sent to school. They were being kept at home because the schools were unable to care for them, to meet their needs. Many of them were thought to be uneducable.

I remember going into an apartment on the second floor of a wooden house in New Bedford, MA, to meet a lovely young girl of about 12 in a wheelchair, just as bright and smart and curious as you could imagine any child could be, who had never been to school. There were no accommodations in those days for children or adults in wheelchairs. She was at home day after day. I remember meeting another child who was blind, and her parents didn't want to send her over to the State school for blind children which was some distance away, so she was at home.

We recorded all of these children with their needs, and we presented a report by the Children's Defense Fund which was used by leaders in this body to argue for and eventually pass the 1975 Education for All Handicapped Children Act. That is today known as IDEA, Individuals with Disabilities Education Act.

This watershed act—no country had ever tried to open the doors of its education system to children with special needs—was an extraordinary accomplishment for our Nation. It promised every child the right to a free, appropriate public education. Senator JEFFORDS and Senator KENNEDY actually helped to author that bill, and Senators DODD, HARKIN, and others have been fighting to make sure it lives up to its promise ever since.

Today, Senator DODD and I are seeking to honor that original promise, the pledge to provide up to 40 percent of the per-pupil expenditure for students with disabilities. Today, the Federal Government provides less than 25 percent, which makes it very difficult for schools to provide a high-quality education to students with disabilities.

In short, after 30 years, the Federal Government still fails to live up to the promise we made in 1975 to every child, to that child's family, and to the school districts of America.

This amendment will provide close to $4 billion. That is the difference between the amount appropriated in the Senate bill and the amount promised in IDEA. For New York, that would mean $243 million extra.

Lack of funding for this mandated program, as important as it is, has serious implications for local communities. School districts do not have a choice about whether they comply. They are legally required to do so, and they should be. They have to provide the necessary services that ensure every child with special needs receives that free, appropriate public education.

Throughout New York, I have spoken with many educators, teachers, principals, and superintendents who work hard every single day to make IDEA a reality for the children in their care. But the other reality in today's difficult budget times is that it is increasingly difficult for our schools to meet the mandate of IDEA without cutting other educational services for all the other children in the school district. I am talking about essential services such as teachers' salaries, programs that enrich the curriculum, and after-school programs. Oftentimes the cost of special education is the driving force as to why school districts seek increases in property taxes.

I will give an example from my own home county. In Westchester County we just learned the Children's Rehabilitation Center, a wonderful program that serves children with disabilities such as cerebral palsy, spina bifida, Down's syndrome, is closing. That leaves parents scrambling to find other arrangements. The parents are understandably concerned about the impact of this closure on their children.

Our local newspaper, the Journal News, in a recent op-ed about the situation, said the following:

Hearts of compassionate people, of course, go out to the [parents]. But there are public-policy implications also at play here that many, if not most, taxpayers may not realize.

The paper went on:

The reality is this. All children have a right to an education, one that is in the home district or as close as possible. Public

education, and transportation to it, are paid for by a combination of local, state, and federal funding. When a desperately needed program like Children's Rehabilitation Center scales down, and even if accommodations are made for those affected, the impact is well beyond an individual family and employees—it affects the entire community and, quickly, local school districts. And, yes, that means higher property taxes.

A similar situation is occurring in Bethlehem, NY, where property owners are facing a 7.9-percent increase in their tax rate for the coming school year, in part, to pay for increased special education costs. Under the new rate, a homeowner whose property is assessed at $100,000 will be charged $203 more this year than last year.

According to a recent article in the Pittsburgh Post-Gazette, Pennsylvania is considering a proposal for additional funding for special education that would enable property taxes to be cut in half.

I know many of my colleagues on the other side of the aisle will come to the Senate and argue this amendment breaks the budget, raises the deficit, and could increase Federal expenditures. The truth is, quite simply, this amendment would lower taxes for New Yorkers and for all Americans who pay property taxes because it will relieve some of the pressure on local communities. The choice before the Senate today is not between this amendment and lower taxes for Americans. The choice, as it impacts many communities, is between this amendment and higher local property taxes. The total tax burden for American families will stay roughly the same. We will succeed only in shifting the responsibility for raising revenue to overburdened localities and homeowners, struggling to meet the mandates of No Child Left Behind and the 30-year-old mandate of IDEA.

This amendment is particularly critical today because the cost of special education has increased substantially in both absolute and relative terms. Today, 15.3 structures in New York public schools have special needs. The National Center for Education Statistics reports New York's demand for IDEA has consistently increased over the last decade and a half. Since 1991, the percentage of children between ages 3 and 21 served by IDEA has increased by over 43 percent. We have, at the same time, increased by 61 percent the number of children receiving these services. Nationwide, the upward trajectory has been even more dramatic. Our country has experienced a 73-percent increase in the number of students in IDEA between 1976 and 2002. According to CRS, the Congressional Research Service, the cost of ''regular'' education has increased 4 percent in constant dollars since 1985, while the cost of special education has increased 10 percent.

Part of the reason is because we have also witnessed dramatic increases in the rates of diagnoses of particular types of disabilities. Before 1985, for instance, only 4 to 6 of every 10,000 children were diagnosed with autism. Today, 1 in 1,000 is considered a conservative estimate. We should not be discouraged by this increasing need for services. Part of the reason more children are being identified is as a result of our paying more attention to children with disabilities. One of the programs we have turned to over the last several years, the Preschool Grants and Infants and Toddlers With Disabilities Program, helps identify children earlier, which in turn helps them get better educated and learn how to deal with their particular disability. It goes hand in hand. It is a good news and challenging news story. The good news is we are reaching out and finding out about what disabilities children suffer from. But the challenge is, how we are going to take care of their needs?

We still have a lot of work to do on student assessments. We know from State assessments there is a large gap between the performance of students receiving special education services and their nondisabled peers. Wide gaps also exist in the performance of students with disabilities who attend high-need school districts compared to school districts with greater resources. And a great percentage of minority students are identified as having disabilities. Once identified, a greater percentage are placed in more restrictive special education settings.

We must remain accountable for the promises we made these children. Under No Child Left Behind, we are testing these children. We are publishing the results. We are telling school districts, you cannot come to us and say you have to discard the scores of our children with Down's syndrome or cerebral palsy. We are saying, we expect you to educate all of your children. I am very supportive of that. However, in order to do that, we have to be fair to the school districts and give them the resources they need to fulfill this mandate.

We are in the year 2005. We cannot blame the economy. We cannot blame the war in Iraq. We cannot blame Katrina and Rita in failing to make good on our promise for special education funding. This has been going on for 30 years, through good times and challenging times. Now more than ever we need to invest in the education of children with special needs. I hope we will do just that. It is time we step up and put the Federal Government on record to fulfill its promise and provide the resources, help districts keep down property taxes, help them meet the needs of these children.

I hope if there is a budget point of order, which I fully expect there to be, that my colleagues will vote in favor of fulfilling the promise of IDEA and opposing the budget point of order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I concur with the Senator from New York about the tremendous importance of special education. That has been a priority of mine since becoming chairman of the subcommittee.

In the 1996 fiscal year, the Federal contribution was 7.3 percent. Since that time, through fiscal year 2005, we have raised it to 18.5 percent. We are still a good bit shy of approximating a 40-percent figure, but when we look at the funding for IDEA, there have been very marked increases as we have moved along, with an increase one year of $1.3 billion, another year $1.1 billion. We are now at a position where the total funding for IDEA has come up very dramatically but candidly is not as far as I would like to see it. We now stand in a range of funding of $10.7 billion.

The amendment offered by the Senator from New York increases funding by $3.959 billion, almost $4 billion. Like the amendment offered by Senator DODD for Head Start, I would like to see the money for IDEA. Last year, Senator DAYTON offered an amendment for $11 billion which—even that draws a smile from my colleague from Connecticut. Or the amendment offered by Senator BYRD for $5 billion, or the one yesterday for Head Start.

A few years ago, after managing this bill for some time, I made a determined effort to become chairman of the Subcommittee on Foreign Operations. It seems to me a good place to be so when these votes came up I would be free to cast a vote to exceed the budget limitations, since it takes 60 votes. That means if you take 44 Democrats and Senator JEFFORDS and 14 votes possible, you can be with the good guys and still not bust the budget. That luxury is not enjoyed by the manager, however. It is one of the footnotes in the manager's book, you cannot raise a point of order and vote against a point of order. It presents a very difficult voting record for reelection to vote against Head Start, against education funding, against Pell grants, and against special education.

I have stayed with this Subcommittee on Labor, Health, and Education because it is important. Senator HARKIN and I have led the way on funding for NIH. We have some very important funding for the Centers for Disease Control. But I think we have done a great deal with this budget, to the maximum extent possible. Each year it becomes much more difficult. The increase of $100 million for special education this year is insufficient. I wish there were more money that could be advanced. I am well aware that the education for special education, disabled, and handicapped puts people in the mainstream of American life and improves the quality of their life. It is important.

But when we have a budget resolution that is thought out—and I voted for the $5 billion Senator KENNEDY wanted to add to education which would have given money. It was a 51-

to-49 vote. I was importuned by the Republican cloakroom with great pressure to change my vote and make it 50 to 50 so that amendment would go down. I stayed with Senator KENNEDY's amendment. If we had had $5 billion more, we could have accommodated what Senator CLINTON wants and what Senator DODD wants and some of Senator BYRD's request, but we do not have the money.

My duties require me to raise a point of order, which I now do formally, but I will desist because I see Senator DODD on his feet for a short speech.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Connecticut.

Mr. DODD. I will wait until you make the point of order.

Mr. SPECTER. Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act that the amendment provides budget authority and outlays in excess of the subcommittee's 302(b) allocation under fiscal year 2006 concurrent resolution and therefore is not in order.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will, if I may, take a few minutes in support of the amendment by my colleague from New York. I am a cosponsor of this amendment. As she very graciously pointed out, over a number of years, a number of us have worked on this issue. But my colleague is much too humble. The fact that she has only been in this Chamber a little short of her first term belies her interest in this subject matter, which goes back years.

As she pointed out, she was a lawyer working with the Children's Defense Fund. I know our mutual friend, Marion Wright Edelman, has had this issue on the agenda for years and years and years. While the Senator from New York is a relatively new Member of this Chamber, she is not a newcomer to this issue. I am delighted she is taking the lead on this issue this year to highlight the importance of this issue.

She made all the important arguments. Again, I think the Senator from New York and I both agree, saying to our friend from Pennsylvania: We don't want you to go anywhere. We like the fact you are the chair. You won't mind if the Senator from New York and I might prefer that Senator HARKIN were the chairman of the committee and you were the ranking member of that committee. You will appreciate our desire to be in the majority, not in the minority, on these issues. But we appreciate immensely the deep commitment of the Senator from Pennsylvania on these issues, not just intellectually but passionately as well. And that is understood.

But, certainly, as you understand and we understand the situation you are in, you must understand, as well, the position we feel so strongly about; and that is, the people who rely and count on us to come up here and raise these issues to try to see if we can't do a bit better.

I know within the Budget Act the restraints are there. But we all know as well that we can make choices here in this Chamber. We can make choices about revenue raising, about different priorities within our overall budget. I don't want to leave anyone with the impression that it is impossible for us to do this. It is not impossible for us to do this. If the will of a majority here exists—or in this case a supermajority to overcome the Budget Act—we can do this.

It is a matter of choices we all get asked to make every single day. They are not easy choices—I understand that—from time to time, although I think the case for special education is so profoundly clear that it ought not be that difficult. We all appreciate the position the manager of the bill is in when he offers, as he must, a point of order because what we are suggesting does break the ceiling. But that should not be a restraint on anyone else who has the opportunity to make a choice about whether they think this issue has merit.

The Senator from New York has pointed out there has been a number of people over the years—Republicans and Democrats—who have supported increasing funds for special education. The Senator from New York rightly goes back and talks about a not too distant history—this is not ancient history—when millions of our fellow citizens, merely because they were confined to a wheelchair, because they had a physical disability, had a learning disability, were deprived the opportunity to receive an education in our country.

It was only 30 years ago we decided it was important we provide an opportunity for every child—every child—to reach his or her potential and that our educational system ought to be able to accommodate those children, and to see to it they have the opportunity to become as independent and as successful as their God-given talents would provide them. That has been a great success in our country.

Back not that many years ago, only 20 percent of children with disabilities ever got an education. Imagine that. It is not that long ago. The Senator from New York has pointed out how she met children, when she was doing her work early on, who were in wheelchairs, children who were blind.

My oldest sister Carolyn—whom many of my colleagues have met; I know my colleague from New York has met—was born legally blind. She just retired after 41 years of teaching. She holds two masters degrees in early childhood development. She ran and taught in Montessori schools, and taught, in the late 1950s, in the Whitby School in Greenwich, CT, with Nancy Rambusch, for those who follow Montessori and educational issues.

But for the financial situation of my family and my parents, who could go out and provide an opportunity for my sister Carolyn who was born in the 1930s, I would hate to think what might have happened to my sister under different economic circumstances. What I also regret, as well, is what those children over those 41 years would have lost from a remarkable human being who taught them.

Today, many of these children across our country who have a physical disability, a learning disability, can go out and achieve great success. I know, for instance, a great new airline in the country—JetBlue, I think it is called—the man who started that company lives in my State of Connecticut. He has nine children. He is dyslexic. Nelson Rockefeller, who presided over this Chamber as Vice President of the United States, who was a former Governor of the State of New York, which my colleague who has offered this amendment represents, was dyslexic. He had a difficult time reading a speech. Yet think of the achievements he reached. Again, economic circumstances gave him opportunities.

What we are saying today is we do not want to deprive these families, these individuals, of the opportunity to achieve their potential and to serve our country, not just themselves because we have all benefited as a result of the last 30 years of educational opportunities.

My colleague from New York makes a very good point. I have often said if you go back to any community, any county in the United States today and ask them: What could we possibly do to be of help to you?—now, there are unique circumstances. There may be a road or a bridge or a dam or some special project. But I promise you, I don't care whether you go from New Hampshire to Pennsylvania to South Dakota to New York, walk into a county or small town and ask, What are the things we can help out with, and you will hear about No Child Left Behind. That may come first. But I will tell you what is either first or second, unless there is some special need that exists in that community. It is special education, and particularly if you go to rural communities, small towns.

I know in my own State, if you go to meet with the first selectman or selectwoman and ask, What is the cost, you may find that you have one or two special needs children whose educational costs distort the local budget. And it can throw their budget all out of whack. What it does, unfortunately, as well, is it sort of singles out these families and children as if somehow they are culpable for creating financial difficulty to their community or their county.

We made a promise 30 years ago. We made a promise that we would pick up the cost of 40 percent of the special educational costs. We are now at about 18 percent. What the Senator from New York offers us would get us to a little more than 24 percent, for 1 year, by the way. This is not an amendment that provides the funding in the succeeding years. It would result, without any question, I can tell you, in rural communities in my State, in lowering property taxes, without any question whatsoever. I suspect that would be true in larger communities as well, but certainly in smaller communities, in rural areas in the country, if we could begin to meet our obligation.

We are not creating an obligation here. We are merely fulfilling one. We could actually make a huge difference in a tax that is very onerous to most people in the country—rising property taxes. That occurs because of, primarily, education costs, in most areas. It is the education budget that drives the property tax increases more than anything else.

So if you are interested in reducing some of the taxes on our people, particularly on one that affects middle-income and lower income people, who could really use the break, then you ought to be supporting the amendment offered by the Senator from New York; not to mention, of course, the advantage and the benefit that our country receives because we are providing an opportunity for children who can make such a difference in our society.

The other day I was talking with my colleague, Senator ISAKSON. I think Senator ISAKSON made this point. If he didn't then I stand corrected. But I believe it was Senator ISAKSON. We were talking about special education and the importance of these programs, and I was recalling that not that long ago I went to a program in Connecticut where there is an effort to integrate special needs children with mainstream children. Part of the day these children are also in special classes. Seeing special needs children interacting with their peers was a wonderful thing to see.

I wish all of my colleagues could have been with me that morning to see the children who are not special needs children and what an education they are getting sitting in a classroom with children who have learning disabilities or other special needs. You can see these children defend, understand, help, reach out, and recognize the talents of their fellow classmates—in a wheelchair or having a learning disability because of some mental retardation—and see how proud they are to be in a classroom with these kids, how proud they are of their accomplishments and what they can do, even under limited circumstances.

I cannot put a line item in the budget for you on that one. There is no way I can calculate the cost of what it means for a child to understand that a fellow classmate of theirs—in an elementary school, by the way—is learning and doing their best. What a better citizen, what a better person that child without those needs is because of that experience. It is an incredible thing to see, to watch children caring for each other. What better adults they are going to be when they are grown up in society, understanding that not everyone who is a part of this country—with all the great success we attribute to our own Nation—are without problems.

This amendment is designed to do what we can to see to it that we provide more help to these communities and to these families and these children whom we all agree and understand deserve our support. We don't want to go back, obviously, to the days when we excluded as many as 80 percent of the children in this country with disabilities from receiving an education. We are not doing that, but we have a choice now, in the next few hours.

We have a choice to make on Head Start. We have a choice to make on special education. It can be done. Don't go home to constituents and say it was impossible for us to do it. It is not impossible. It is possible. It is a question of whether you want to make the choice to make it possible. That is the difference. That is what we are asking here to do.

Again, I commend my colleague from New York and thank her immensely for offering this amendment. I look forward to someday getting some real success in all of this. But this is a major step forward, and I commend her for it.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I thank my colleague, who has been such a great leader on this issue, for his eloquent, passionate explanation as to why this amendment is so important. I also thank the chairman for his very eloquent and moving statement and appreciate his leadership on this and so many other issues over the years.

AMENDMENT NO. 2313

Mr. President, I ask unanimous consent that the pending amendment be set aside to call up amendment No. 2313.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself, and Mr. SCHUMER, proposes an amendment numbered 2313.

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

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

The amendment is as follows:

(Purpose: To provide for payments to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001, and payments to the Centers for Disease Control and Prevention for treatment for emergency services personnel and rescue and recovery personnel)

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.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the amendment be temporarily set aside.

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

Mrs. CLINTON. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2215, AS MODIFIED

Mr. SUNUNU. Mr. President, I have a technical modification to one of my amendments that has been pending. It is amendment No. 2215. I ask unanimous consent that the pending amendments be set aside, that amendment be called up, and I be allowed to submit the modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To increase funding for community health centers)

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.

Mr. SUNUNU. I yield the floor.

Mr. SPECTER. Mr. President, in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, we have a request from Senator DEMINT for 15 minutes of morning business. This would be a good time to accommodate that request.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2228

Mr. DURBIN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2228 already filed at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. BINGAMAN, and Mr. KENNEDY, proposes an amendment numbered 2228.

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

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

The amendment is as follows:

(Purpose: To ensure the scientific integrity of Federally-funded scientific advisory committees and their findings)

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.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

Mr. DURBIN. I ask unanimous consent that Senators LAUTENBERG, FEINGOLD, BINGAMAN, and KENNEDY be added as cosponsors.

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

Mr. DURBIN. Mr. President, all of us benefit from scientific information and advice provided by many Federal agencies. When we go to the Centers for Disease Control Web site to read about infectious disease threats or turn to the National Cancer Institute to learn about the latest in cancer treatment, we have confidence that we are being provided with honest, accurate, and objective information. We rely on scientists and medical experts serving the National Institutes of Health to make wise decisions based on real science, not politics, to ensure that our investments in medical research will improve the health of Americans for generations to come.

The amendment I offer seeks to ensure that the American people will continue to benefit from the best possible scientific advice and information from the Government's scientific advisers and from the Federal agencies themselves. First, the amendment prohibits the use of Federal funds to ask candidates for appointment to scientific advisory committees to disclose their voting history, their political affiliation, or their opinions on unrelated political topics. When the Federal Government seeks expert medical and technical advice, it should look for the very best experts. It should not limit itself to only those experts who voted for a particular political candidate or who agree with any President's policies or who support the death penalty. That is not how we, in our personal lives, would go about choosing a doctor. It should not be the way our Government seeks out expert scientific advice.

It appears this is exactly what has happened in a number of instances. In the year 2002, Dr. William Miller, professor of psychology and psychiatry at the University of New Mexico, was denied a position on the National Advisory Council on Drug Abuse after he admitted that he had not voted for the President. Dr. Miller was also asked for his views on abortion rights and the death penalty. This was for an appointment to the National Advisory Council on Drug Abuse.

In March 2004, the White House screened a nominee to the Arctic Research Commission, an advisory panel on issues that include Arctic drilling. According to the candidate, Dr. Sharon Smith, a professor of marine ecology at the University of Miami:

The first and only question was, ''do you support the President?''

Following incidents such as these, the National Academies of Science convened a committee to study how the Government should select its science advisers. Earlier this year it issued a report that said candidates for scientific advisory positions should find it inappropriate to be asked to provide nonrelevant information such as their voting record, political party affiliation, or their position on particular policies. The report goes on to compare these types of questions to asking candidates about their hair color or their height.

My amendment would prohibit the use of Federal funds to ask these inappropriate political questions of medical and scientific experts. My amendment also prohibits the use of funds to disseminate scientific information that is false or misleading. This ensures that Americans can continue to have full confidence and trust that scientific information provided by the Federal Government is honest, accurate, and objective.

There is reason to be concerned. In one notorious incident, the key findings section of a 2003 report on health care disparities was rewritten and edited to leave out conclusions about the seriousness and pervasiveness of racial and ethnic disparities in health care. In fact, the word ''disparity'' itself was edited out. The word appears 30 times in the original draft, only twice in the edited version.

Joseph Betancourt, a Harvard professor who served on two Institute of Medicine panels on inequity in health care, said:

I admire the Administration's ability to look at the positive, but it shouldn't come at the expense of the truth.

Eventually, the Department of Health and Human Services admitted it made a mistake and agreed to release the original, more honest version. This kind of incident should not happen again. My amendment prohibits the use of funds to disseminate scientific information that is deliberately false or misleading. This amendment makes sure that all of us can continue to have full faith and confidence in the scientific information that is being provided by our Federal Government.

I urge my colleagues to support scientific integrity in Federal agencies by voting for the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DEMINT. I ask unanimous consent to speak for 15 minutes in morning business.

The PRESIDING OFFICER. That authority has already been granted.

Mr. DEMINT. If I may, I ask the Chair to notify me when I have 1 minute remaining.

The PRESIDING OFFICER. The Senator will be notified when he has a minute remaining.

FISCAL CONCERNS

Mr. DEMINT. Mr. President, yesterday I spoke on the floor about the need for fiscal responsibility and the need to pass a deficit reduction bill to get our fiscal house in order. These are serious times, difficult for our country and for many of our citizens. Americans are demanding bold and immediate action.

The Senator from Oklahoma, Dr. COBURN, made some important remarks on the floor last week. I want to associate myself with them. Senator

COBURN talked about a distant rumble, a rumble at the grassroots level, the sound of hard-working Americans who are getting increasingly angry with out-of-control Government spending, waste, fraud, and abuse.

This rumble is becoming a roar, and it is the sound of the growing frustration of the American people. It is a sense of increasing disgust about blatant overspending, our inability to make the tough budget choices the American people make every day, and our unwillingness to make priorities rather than spending our children and grandchildren's future.

I am very pleased the Senate Republicans are developing a deficit reduction package that will cut Government waste and reduce Federal spending. The fiscal discipline comes at a critical time. There are many wasteful practices of Government, and I will look at one of them today in Medicaid.

In New York, there was a dentist who overbilled Medicaid, claiming to perform as many as 991 procedures in a single day. It was also reported that school officials in New York have enrolled tens of thousands of low-income students in speech therapy without the required evaluation. This created more than $1 billion in questionable Medicaid payments for their districts. In fact, one Buffalo school sent over 4,000 students into speech therapy in a single day without talking to them or reviewing their records.

In Illinois, another dentist cheated Medicaid out of more than $200,000 in bogus payments. This man falsely claimed to treat abused children in the care of the State's child welfare agency for 7 years.

In California, a Medicaid fraud scheme involved more than 15 clinical laboratories that illegally billed over $20 million for tests that were never authorized by physicians.

In Florida, an ophthalmologist wrote prescriptions for a single drug worth over $2 million over a 2-year period.

The list goes on and on. We are talking about Medicaid fraud and abuse, not medical care for the poor. The Government Accountability Office reports that perhaps 10 percent of all Medicaid spending is questionable or fraudulent.

We must stop this waste. The Republican deficit reduction package will create some needed accountability to this program.

I have heard objections to these savings from those who believe that these savings will fall on the poor. This is absurd. We are trying to catch a thief, not hurt the poor. If we let billions and billions continue to be wasted, stolen, or embezzled, that will hurt the poor. This is a small amount compared to the overall budget. This plan, this total deficit reduction plan we are talking about, which includes the changes in Medicaid, will reduce mandatory spending by only $35 billion over 5 years, which is less than one-half of 1 percent of total spending this year.

These spending reductions represent only about one-third of the reductions Congress passed in 1993 and 1997. In 1993, Congress passed a reduction package that trimmed about $78 billion. That is 2.6 times greater than what we are talking about today. Unfortunately and curiously, many Democrats who supported this larger effort in 1993 are opposing our modest downpayment today.

In 1997, Congress passed a reduction package that trimmed about $89 billion. That is over three times greater than what we are talking about today. Unfortunately and curiously, many Democrats who supported this larger effort in 1997 are opposing our modest downpayment today.

This plan, this $35 billion reduction, is a small amount to ask in the context of our total budget, and it is only a downpayment on our future deficit. We need to do much more.

I cannot understand why some of my Democratic colleagues will not support this modest effort, given all the waste, fraud, and abuse we have in Government today. I find this opposition intriguing because many of these same Senators supported similar measures that were far more substantial. In fact, in 1993, they thought $78 billion in savings was not big enough. Here is a quote from Senator KERRY from Massachusetts:

> My own personal view is we have not cut enough where we could have and should have cut more.

And Senator DORGAN from North Dakota:

> I favored a more robust deficit reduction by cutting another $100 billion in wasteful or low-priority spending.

Senator BIDEN from Delaware:

> Specifically I want more spending cuts.

In 1997, when Congress cut $114 billion, my Democratic colleagues applauded it and some wanted more. Senator BYRD of West Virginia said:

> If the budget resolution included only the aforementioned spending reductions, I would likely be standing on the floor today declaring my unequivocal support for its passage.

Senator CONRAD from North Dakota:

> I rise to support the budget agreement. I believe it is a modest step—I want to emphasize ''modest''—in the right direction.

And Senator DURBIN from Illinois:

> This budget package cuts 115 billion over 5 years, without excessive new burdens on seniors . . . This budget cuts only $13 billion from Medicaid over 5 years . . . On balance . . . the spending package . . . [is] worthy of support.

I think it is important to note that 33 of my current Democratic colleagues were in the Senate at the time and supported the deficit reduction package. I am deeply troubled by the apparent flip-flopping around here. We hear a lot of talk from my Democratic friends about the need to keep our fiscal house in order, but then they offer amendment after amendment to increase spending.

Mr. President, I know this is difficult to read from where you sit, but these are the amendments to add to the budget this year by Democrats which totaled $460 billion.

During the debate on the budget resolution, they tried to increase spending by $192 billion—here on our Democratic ''spendometer.'' During debate on the emergency supplemental, they offered amendments to increase spending by another $10 billion. During the debate on the various appropriations bills, they tried to increase spending by another $253 billion. I think all of this shows us something, something the American people understand very well: Democrats are not for keeping our fiscal house in order. They are for higher spending and higher taxes. Rather than making modest reductions today, they prefer to spend, spend, spend. This new spending sets them up to tax, tax, tax. We need to wake up. We cannot keep spending and taxing, taxing and spending.

There is no problem too big for America to solve if we have the commitment and the strength to do it. The time for excuses and obstruction is over. I am here today to appeal to every Senator to support our deficit reduction package that will help cut the cost of Government so we have all of our strength to secure America's future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I came here to speak on another subject, but I have to comment on the statements made by my distinguished colleague.

The American people are smart enough to understand what is going on in this country. The House of Representatives and the Senate are controlled by Republicans. The White House is controlled by a Republican. All the agencies of Government are headed by individuals appointed by this President. For someone to come and lecture us on spending when both Houses of Congress are controlled by Republicans and the President is a Republican takes a lot of nerve.

Of course, we are all opposed to Medicaid fraud and abuse. Of course, there are programs that need to be implemented. But I say to my distinguished friend from South Carolina, the President has the tools to do that right now, without any new laws. The tools are there. Have his Justice Department do something about it. In fact, some time could be spent on that, for sure.

My friend spoke about some of the things going wrong in the State of New York. I would suggest that my friend look at this White House as to what is going wrong. The person who was in charge of procurement at the Office of Management and Budget was led away in handcuffs because of alleged corruption. When this President took office 5 years ago, the 10-year surplus was expected to be about $5 to $6 trillion. This has been squandered in 5 years; squandered. In 5 years of this President we have a debt now—not over 10 years but right now—of $8 trillion. So don't lecture us on a spendometer.

This Government is controlled by Republicans. What happened when we had

a Democrat in the White House? Some of the time we had a Democratic-controlled Senate, 2 years during President Clinton's administration we had Democratic control of the House of Representatives. What happened? In 1993 his Budget Deficit Reduction Act passed. How did it pass? Without a single vote by the Republicans in the House and without a single vote by the Republicans in the Senate. A tie had to be broken by Al Gore, Vice President of the United States. What happened after that, this country went on the most prolonged economic boom in the history of the country. In the last 3 years of the Clinton administration the debt was being paid down by some half a trillion dollars. We were spending less money than we were taking in.

So don't lecture us on how money is to be spent. This White House has squandered trillions of taxpayers' dollars.

I did not come up with the verbiage describing the budget that is now going to be reconciled in the next couple weeks. I didn't come up with the verbiage. The leading Protestant churches in America came up with the verbiage that the budget is immoral. And that was before Katrina hit us. If this budget was immoral then, it is really immoral now.

What are we going to do? What do the Republicans want to do? I say to the American public, they want to cut more. What do they want to cut it from? Not the elite of America, but the poorest of the poor, starting with Medicaid, programs for the poorest of the poor. The people suffering the most from Katrina are still suffering. I was with some of them in the House of Representatives yesterday. They came and met with us. One woman lost her job. She was a janitor. The school is gone. She has applied for Medicaid. They turned her down because we can't get our bill out of this Senate. In the House, they apparently want to cut student aid as part of reconciliation. And to top it off, Republicans in the House and Senate want to give more tax cuts to the rich. If they want to have a better looking program around here, wash out some of that.

So I want everyone to know that when someone comes to the floor and makes statements that are basically without foundation, we are going to respond to them. We don't have to stand and be lectured to about the White House, the House, and the Senate squandering the legacy of this last administration—namely, the Clinton administration—without our ability to respond. Don't give me a spendometer. Give me the ability to get the spending of this country in order. For 5 years, we have seen it go out of whack.

I want to say one other thing about the statement made by my friend from South Carolina. He talks about amendments offered by Democratic colleagues on different pieces of legislation. With rare exception, those all had offsets. So what that means to the American public is it wold not have cost the American public any more because it was offset by spending cuts in other places.

Again, I want everyone to understand, when statements are made that I think are without foundation, keeping in mind we have a Republican President, a Republican House of Representatives, and a Republican Senate, either this Senator or someone on this side will be available to answer those statements.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I will be calling up a series of amendments. Before I do that, I visited with the chairman of this subcommittee. I have four amendments to offer. I ask unanimous consent that we not exceed 45 minutes on them, equally divided between myself and those opposing this amendment. I think a couple of these amendments will probably be accepted. One of them will have some significant debate; the other one probably will not.

The PRESIDING OFFICER. Is there objection?

The Senator from Pennsylvania.

Mr. SPECTER. I thank the Senator from Oklahoma.

Mr. REID. Reserving the right to object, what was the request? Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

AMENDMENT NO. 2231

Mr. COBURN. Mr. President, I call up amendment No. 2231.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2231.

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

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

The amendment is as follows:

(Purpose: To require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress)

At the appropriate place, insert the following:

SEC. ____. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 3010 shall also be included in the conference report or joint statement accompanying H.R. 3010 in order to be considered as having been approved by both Houses of Congress.

Mr. COBURN. Mr. President, this is an amendment that has been accepted on four appropriations bills thus far. When it was last voted on, it was accepted 55 to 39 by the Senate.

It simply is an amendment that says we ought to know what we are voting on. We call it the sunshine amendment. The procedure is oftentimes on conference reports that come back to the Senate, we know what we have in there, we know what is in the conference report, but we are not aware of what the House earmarks are in those appropriations conference reports.

This is simply an amendment that says those conference earmarks ought to be made available to Members of the Senate so they can, in fact, know what they are voting on in an appropriations conference report.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I think the idea offered by the Senator from Oklahoma, that all of the earmarks be specified in the conference report, is a very sound idea. The earmarks from this bill have traditionally and always have been properly identified.

I am very pleased to accept the amendment.

Mr. COBURN. I thank the Senator from Pennsylvania.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment No. 2231.

The amendment (No. 2231) was agreed to.

AMENDMENT NO. 2233

(Purpose: To prohibit the use of funds for HIV Vaccine Awareness Day activities)

Mr. COBURN. Mr. President, I call up amendment No. 2233.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2233.

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds appropriated in this Act may be used for any activities associated with HIV Vaccine Awareness Day.

Mr. COBURN. Mr. President, all this amendment does is say that money spent for HIV vaccine research ought to be spent on HIV vaccine research. There has been $5.2 million spent in the last 4 years to create an HIV Vaccine Awareness Day. It is not used for recruitment of candidates. It is not used for recruitment for anything other than to celebrate the fact that we are working on an HIV vaccine.

I believe it is very important that dollars for research on HIV go to research on HIV and a vaccine, in particular. The hope is that sometime in the next 5 to 10 years, we will have a vaccine. We do not have a cure for HIV, no matter how hard we work, how many hundreds of millions of dollars we are putting into that. And for us to have spent $5.2 million over the last 4 years and another million dollars over the next year in promotional activity to make Americans aware that we are working on an HIV vaccine is an improper placement of the dollars being spent.

I believe the dollars will be better spent toward HIV vaccine efforts rather than an effort to make people aware of that fact.

I hope the Senator from Iowa and the Senator from Pennsylvania will accept this amendment.

The PRESIDING OFFICER. Is there further debate?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the purpose of the advertisements, I have one in my hand, is to set the stage for recruiting people, as represented to me, to use the vaccine when it is developed. This ad, for example, pictures a man which says:

I'm fighting to stop a killer. HIV is a killer. I'm a witness. I have buried babies, I have buried old people and young people, people like me, people like you. HIV is serious. So my life's work is helping others learn about it and prevent it. Today, thousands of research, medical professionals, and volunteers are committed to discovering a vaccine that prevents HIV and stopping this epidemic. To them I say, I'm with you.

This ad tries to stimulate awareness of what is being done, an ultimate tool in finding people who will be volunteers.

NIH has run this ad. What I suggest to the Senator from Oklahoma is that we set the amendment aside and take a closer look at the purposes NIH has in mind in using it. Then we can revisit it and decide whether to accept it or whether to contest it and have a vote on it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I will be happy to set the amendment aside, but I have to let you know we have looked at all the ads. There has never been recruitment of anybody for vaccine trials in any of the ads they have ever run. The American people ought to be asking, why would we be spending $1 million a year? Everybody in this country knows HIV is deadly. There is no lack of knowledge on that issue. To spend $1 million on HIV Vaccine Awareness Day is $1 million to help people with HIV through the ADAP program, $1 million to fund an extra research model or it is $1 million to fund three researchers on an HIV vaccine a year.

I believe we would be well advised to prioritize the money that is going there. I would be happy to set this amendment aside, as per the chairman's request.

I am adamant that I think that we are not spending the money properly.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Pennsylvania.

Mr. SPECTER. I ask to set it aside and move on to the next amendment.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The Senator from Oklahoma.

AMENDMENT NO. 2230

Mr. COBURN. I call up amendment No. 2230.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2230.

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

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

The amendment is as follows:

(Purpose: To limit funding for conferences)

On page 222, between lines 5 and 6, insert the following:

SEC. 517. LIMITATION ON FUNDING FOR CONFERENCES.

(a) DEPARTMENT OF LABOR.—Of the funds made available for the Department of Labor under the heading ''Departmental Management, Salaries and Expenses'' in title I, not to exceed $2,000,000 shall be available for expenses related to conferences, including for conference programs, staff time, travel costs, and related expenses.

(b) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Of the funds made available for the Department of Health and Human Services under the heading ''Office of the Secretary, General Departmental Management'' in title II, not to exceed $25,000,000 shall be available for expenses related to conferences, including for conference programs, staff time, travel costs, and related expenses.

(c) DEPARTMENT OF EDUCATION.—Of the funds made available for the Department of Education under the heading ''Departmental Management, Program Administration'' in title III, not to exceed $2,000,000 shall be available for expenses related to conferences, including for conference programs, staff time, travel costs, and related expenses.

Mr. COBURN. This is a very straightforward amendment. Growth in conferences in the Federal Government has exploded in the last 6 years in this country. Over the past 5 years, the Department of HHS has spent $300 million on conferences.

The idea of conferences and using communication to put forward ideas, to promote health, to promote programs is a good idea, but the expanded growth of these programs through each of these departments, Labor and Health and Human Services, has grown exponentially at the same time that technology has grown even greater. There is a lack of utilization of those technologies in a time of budget duress, in a time of tremendous debt, in a time where last year we added $546 billion to our children's debt, and we are struggling with Katrina.

This amendment caps the conference costs for each of these departments so that the other moneys can be used in more productive ways. It forces creativity through conferences. It promotes videoconferencing. It saves millions of dollars in travel and hotel costs and still allows the flexibility of the Departments for conferences, but does it with the technology we have today, a smarter, more current, and more effective means of accomplishing communication with which each of these agencies is charged.

I will limit my comments to that and respond should the chairman and ranking member have questions.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Department of Health and Human Services opposes this amendment saying that they are important for their work and best practices. I note that a similar amendment was offered on the Transportation, Treasury, and HUD appropriations bill and that it was agreed upon by a voice vote.

Before taking a definitive position, I would like to conduct a further inquiry with HHS. In preparation for this bill being on the floor, we have an idea of the amendments which are going to be offered, and we have information provided by the administrative agency. I understand the logic of the position of the Senator from Oklahoma. I do not want to abandon the agency without giving them an opportunity to present in a fuller way their ideas. We will consult with them and come back to the Senator from Oklahoma.

Mr. COBURN. Will the Senator yield for a question?

Mr. SPECTER. I do.

Mr. COBURN. My only request is that the Senator would allow my staff to be there as they make this presentation. We have done significant research on their expenditures on these conferences, and we would love to have the opportunity, if the Senator so allowed it, for us to participate as they make their presentation.

Mr. SPECTER. I would think it mandatory that the Senator's staff be present.

Mr. COBURN. I thank the chairman.

Mr. SPECTER. Of course. The Senator and his staff are welcome to whatever information we have. We want the Senator to know what it is every step of the way. I believe in full disclosure. Let us find out what the facts are. It has always been a point of mine that if one comes to an agreement on the facts, they can almost always come to an agreement on policy that flows from the facts. We will set up a meeting jointly.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask that the pending amendment be set aside.

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

AMENDMENT NO. 2232

Mr. COBURN. I call up amendment No. 2232.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2232.

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

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

The amendment is as follows:

(Purpose: To increase funding for the AIDS drug assistance program)

On page 139, line 16, insert after the colon the following: ''*Provided further*, That in addition to amounts otherwise made available for State AIDS Drug Assistance Programs

authorized by such section 2616, the Secretary shall transfer $60,000,000 from the amount appropriated under this Act for the construction and renovation of the facilities of the Centers for Disease Control and Prevention to carry out such Drug Assistance Programs:''.

Mr. COBURN. Mr. President, this amendment does not save us any money but saves hundreds of lives. Some 5 years ago, we embarked on making major changes at the CDC through a construction program, through advancing the facilities there by increasing the capabilities of the CDC. At the end of this fiscal year, September 30, they had unspent moneys in excess of $240 million going toward this construction budget. This year, the President asked for $30 million to be in that construction budget. The House passed $30 million in the construction budget. I believe we have in this bill $225 million for additional construction moneys, making available almost $500 million for expenditure in the next 12 months.

This amendment is a simple amendment. It is backed by thousands of groups in the country, and it says while people are dying from HIV, they cannot get medicines under the ADAP program because we cannot fund it significantly. We have multiple States with people on waiting lists. We have multiple States that cap the available benefits. It is a death sentence to those people with HIV today. This moves $60 million from that account into the AIDS Drug Assistance Program, a vital program to keep people working, to keep people active, and to make the lifesaving drugs available to those people with an infection of HIV who have no other access to lifesaving drugs.

I believe priorities ought to be directed toward the emerging disease program at the CDC. As a matter of fact, that building is complete. It is in the works. We are working to finalize all of that. This $60 million, which still brings us down to $165 million plus the $240 million that is in the account, will put us at $400 million still for CDC to move forward, and we will do something that has never yet been done since ADAP started: We will have enough funding to make sure everybody with HIV in this country has the medicine they need to stay alive.

I know it is a controversial question for my fellow Senators from Georgia. The CDC happens to be there. This puts no risk to the CDC expansion in Colorado, as it is directed in the budget. It puts no risk to that whatsoever. I believe we ought to be thinking about people, not buildings.

We have moved on the emerging diseases portion of this. This will not slow down any of that construction. It will, however, maybe slow down the Japanese gardens and the tremendous waterfalls and all of the gardens that are going to be there.

One other thing, the CDC has just completed a $62 million visitors center. I am asking for $60 million for people who have HIV, who are never going to get to visit the visitors center. I do not know how we spent $62 million on a visitors center for the CDC, but I believe that priority is wrong when people are dying from HIV and do not have the available medicines.

I yield until a further time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. INHOFE. Mr. President, would the Senator from Pennsylvania yield just for an announcement?

Mr. SPECTER. Mr. President, I do.

The PRESIDING OFFICER. Without objection, the Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Senator from Pennsylvania.

I have been trying for some time to get an amendment in, and it is at the desk. I am not going to ask that it be brought up right now, but I am going to announce that regardless of the procedure that is used, I am going to get a vote on it between now and the passage of this bill. It is a one-sentence amendment that says: Beginning with fiscal year 2007 and thereafter, all nondefense, nontrust fund discretionary spending shall not exceed the previous fiscal years without a two-thirds vote of the Members.

It is very simple and straightforward. I am not going to do it right now, but I will do it before final passage.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. We would be glad to accommodate the senior Senator from Oklahoma. We can handle that amendment.

Mr. INHOFE. I appreciate that. The reason I cannot stay, I chair the Environment and Public Works Committee. We have a very large hearing. I will be there for the rest of the afternoon.

Mr. SPECTER. Mr. President, we will find a time which is convenient to the senior Senator from Oklahoma.

On to the pending amendment, it is always difficult in the floor debate when we talk about facts to know what the facts are. My training is that we want to find out the facts, so we have a trial and present witnesses, the witnesses testify, and then we find out what the facts are.

I do know this about CDC because I visited the facility about 5 years ago and found it in shambles. I have seen a lot of Federal installations. I have never seen one as ramshackle as the Centers for Disease Control. We saw premier scientists with their desks in the corridors. We were advised that there were many toxic substances which were not properly secured. It was a mess. I then consulted with the Secretary of Health and Human Services—this goes back a few years, as I say—and no attention had been paid to it.

Senator HARKIN later made a similar visit, and that year, on an immediate basis, my recollection is we appropriated $175 million. Then we took a look at their plans for very extensive renovation when we had appropriated seriatim substantial sums of money.

When the Senator from Oklahoma says that monies have not been spent, it is represented to me that contractors will not contract with the Federal Government unless they know the money is in hand. Understandably, unless there is authorization and appropriation, nobody wants to do business with some Federal employee who makes representations without having the cash in hand. That is the advice which is coming to me.

The landscaping is said to be very modest, which would not include a Japanese garden. I would like to inquire more to find out about it. From what I have seen of the officials at the Centers for Disease Control, Dr. Julie Gerberding is an extraordinary public servant. I know that when I have wanted some information on the problems of pandemic flu, I had to find her in Bangkok, where she was making an international survey. I know when we had a deadly botulism in western Pennsylvania a couple of years ago, I called her up and she came on a weekend to Beaver County, Pennsylvania. I do not think it was just because the chairman of the appropriations subcommittee was calling; that is the kind of service they perform.

They wrestle with HIV, SARS, and hurricanes, and now they are wrestling with pandemic flu. Among the many people in the Federal Government whom I have dealt with—and there have been quite a few in the course of my time—I would rate Dr. Gerberding, who is the head of it, very highly.

Having mentioned Japanese gardens, I have just been handed a note from my staff that says it does have a Japanese garden. Well, I wish to inquire further. Maybe there could be a less expensive exotic garden than a Japanese garden.

I do, at my risk, commend the Senator from Oklahoma for his tenacity and for his sharpness in digging up wasteful spending. I do believe that on this one, he is on the wrong track, but the Senators from Georgia are present, and I know they want to be heard. I think the distinguished ranking member wants to be heard. So I will yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I join my chairman and support his views on this amendment. He correctly stated a lot of the history of how this has come about. Between the two of us, as we have alternated as chairmen of this subcommittee, it has been a strong bipartisan effort, not just between the two of us but on both sides of the aisle for a long time, to bring the Centers for Disease Control and Prevention in Atlanta's facilities up to the 21st century.

I remember having gone down in the 1990s. I had seen this movie ''Outbreak'' starring Dustin Hoffman. It supposedly had taken place at the Centers for Disease Control and Prevention in Atlanta. I was quite taken by all of the containment facilities and how

modern it was in this movie, and I wanted to go down and see all this. Imagine my surprise when I went down to the Centers for Disease Control and Prevention and I asked to see these wonderful facilities that were in this movie and I was told the movie producers had come down to film the movie there, saw the facilities, and said no one would ever believe these ramshackle buildings are our Centers for Disease Control, so they went out and built their own movie set to make the movie.

I went around and looked at their buildings, some predating World War II, in which the most virulent specimens of viruses and other things were being dealt with. There was a tremendous concern about safety. We perhaps didn't think about it in terms we are thinking about it now, but in terms of terrorist activity, about someone being able to abscond with some of those very lethal strains, plus the environment for scientists to be able to work down there.

After looking at this and consulting with one another, and others, and with probably three administrations, Republican and Democratic, it was decided we needed to bring these buildings up to the 21st century. We embarked on that and we are about through bringing them up. They are state of the art, as they should be.

We have always prided ourselves in America of being on the leading edge—not on the edge, being way out in front of everyone in our medical research, but also in terms of the Centers for Disease Control. I don't know that there is any institution in America dealing with health and safety that is called upon more around the globe to do something than the Centers for Disease Control and Prevention. Whether it was SARS a few years ago—think about it. We prevented SARS from coming to America. We did. The Centers for Disease Control and Prevention did. They are called upon all over the globe, whether it is for Ebola, swine flu, of course now the avian flu, a pandemic that may be confronting us shortly.

These buildings need to be finished. We have the plan. We have gone through. We have had our oversight hearings and we found they came through on time and under budget, so I think we ought to finish it.

I would say the AIDS Drug Assistance Program the Senator is talking about is a good program. I have no problems putting money into those programs if they are good programs. But to take it from the Centers for Disease Control for that is—talk about robbing Peter to pay Paul, you are invading one entity that goes to control and prevent diseases and illnesses in America and putting it into another one. It doesn't make much sense. I think we ought to finish our projects, be proud of the buildings that are built there, be proud of the Centers for Disease Control and Prevention and what they do for America and for the world.

I am opposed to this amendment. We ought to finish the job we started on. I don't know about Japanese gardens. I don't know that much about gardens and stuff such as that. But, you know, if I might make a minor observation, I remember traveling through the Soviet Union years ago and looking at all the government buildings built in Moscow and places such as that, East Germany. They were stark, sterile, concrete block buildings. Who would ever want to work there? They were ugly; depressing. Is that what we want to build here?

As I said, I don't know much about Japanese gardens, but this is the premier facility in the world regarding health and disease prevention.

I understand that the building in question where this garden is—in fact, I went down and saw it. It is designed to emphasize healthy living. The stairs are located on exterior walls to increase daylight and to encourage daily physical activity. We talked about that with Dr. Gerberding. The green space around the building includes a stream fed by water runoff collected from the building to make the area inviting for exercise. I remember seeing that. I didn't think it was a Japanese garden; I thought it was a green space. But it is to get people out, exercise, walk more. As far as I am concerned, the more green space and the more daylight and the more exercise people get there, the better off we are. That is what they are preaching, right? They are preaching to us to do more exercise to stay healthy. I guess they are going to start doing that more on their own at the Centers for Disease Control and Prevention.

I understand what the Senator from Oklahoma wants to do here. If he wants to increase money for the AIDS Drug Assistance Program, that is all well and good, but not at the expense of taking it away from the Centers for Disease Control and Prevention.

Mr. COBURN. Mr. President, I have to leave the floor to chair a subcommittee hearing. I want to spend 2 or 3 minutes.

No. 1, the head of the CDC, Dr. Gerberding, I know very well as the former head of the President's Commission on HIV/AIDS in this country.

No. 2, her submission to Congress for building funds this year was $30 million.

No. 3, the total budget for CDC is $4.5 billion. We are asking that we take $60 million in construction money and slow it down and save the lives of thousands of people in this country by making available drugs to them.

We need the facilities at CDC; I am not debating that. This is about saving lives and the priorities of putting that money in a place where it will save lives.

I yield the floor, and I thank the chairman and the Senator from Georgia for their collegiality in working on this amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in opposition to the amendment of my good friend from Oklahoma. He and I were elected to the House together and we fought many battles over there, not unlike what he has brought to the Senate, and I wound up voting with him a number of times. But in this case I must oppose him, mainly because I think he has the facts wrong.

I want to say to the chairman and ranking member, since my days on the House side when I had to go to the then-chairman of the Appropriations Committee over there, who has jurisdiction of CDC, after I would talk with him I would come over here and visit with Senators because this has been such an important project that we have embarked on. Both Senator SPECTER and Senator HARKIN have been very supportive of the work down at CDC, not just the construction program, which I want to talk a little bit about but also of the ongoing work down there.

Nobody, even my friend from Oklahoma, would disagree that the work being done at CDC is unparalleled anywhere else in the world. Were it not for the great support of Senator HARKIN and Senator SPECTER, I am not sure we would be in this position today. I can only emphasize how important that work is by telling the American people, as we talk about this issue and talk about CDC, that on September 11, after the terrorists struck New York City, there were two planes that were authorized to be in the air. One was Air Force One. The other was an airplane commissioned by the CDC to carry CDC medical workers to New York City. That is how important a priority it is in our country. That is why it is important that we make sure the employees at CDC have the availability of working in first-class facilities.

Most of the laboratory facilities at the Chamblee, GA location of CDC are in a state of extreme disrepair and require immediate repair or modernization. Perhaps the laboratories in the worst condition are 60-year-old wooden former temporary military barracks from the World War II era and previous to that, that are on the verge of collapse and could be repaired only at an expense greater than the value of the facilities. I want to show you a couple of examples of what it looks like at the CDC if we take money away from the CDC building program to put it towards the ADAP program, as this amendment calls for. These are some of the facilities that will go lacking and the construction project will be delayed for the buildings which will house these facilities.

Here is a main environmental health lab at Chamblee, in a World War II barrack. If you will notice, there appears to be a shield of some sort here. This shows the roof above this shield that extends all the way up to the roof. The reason it is there is because there is a leak in the roof. When the water comes through, it leaks into this funnel,

which is this shield, and you will see a pipe connected to that shield and it takes the water to the outside.

Here is a typical infectious disease lab at the Roybal Campus adjacent to Emory University. This shows not just the crowded conditions in which the most sophisticated scientists in the world operate, but it also shows you it is not adequate for the type of work that needs to be carried out to prevent every kind of infectious disease that exists in the world today. That is because the CDC is not called on by simply other States in America; it is called on by every country around the world when illness occurs.

This is a pretty typical facility. These are not facilities that have been replaced. These are facilities that exist today.

A quick personal anecdote. I will never forget the first time I went to the Chamblee campus a few years before we embarked on this building program. I walked into what then was a World War II barrack. It now has been replaced. There was a shower curtain, and it wasn't one of those $540 shower curtains. This had been purchased by the individual scientist working in that building. That shower curtain was put over a piece of equipment and it was about 5 feet, I guess, above the equipment itself. When I asked what that was for, they pointed to a hole in the roof and said, The roof leaks and there is nothing we can do about it. Here we have a piece of equipment worth about $1.5 million that sits right under there. It has to be there because of the design of the lab inside the building. That shower curtain was purchased by the individual scientist to make sure that not only the equipment was not damaged but, obviously, that the working papers on that scientist's desk were not destroyed by water coming in and leaking on it. But we have since torn that building down and we have replaced it.

Expensive and sensitive equipment has literally fallen through the floors at some of these facilities. In addition, most of the remainder of the CDC's laboratories are more than 40 years old and are incapable of handling the dangerous viruses encountered over the last 25 years, such as Ebola virus, hantavirus, and Dengue fever. This raises concerns that these facilities will be severely outmatched in the future by undiscovered biological threats, which we have most recently experienced with the threat of anthrax in the past years, and the disasters that occurred on September 11. The Asian bird flu or any other highly pathogenic avian influenza is currently an issue for agricultural health and animal disease experts, but should this virus mutate to allow for human-to-human transfer, the control and efforts to limit its spread will fall squarely under the purview of the very entity that this amendment would seek to cut, the CDC.

The three prongs critical to managing an animal-borne pandemic—DHS, CDC, and USDA—must all be equipped with the necessary resources to effectively address potential outbreaks in a timely and efficient manner. This amendment will jeopardize a critical element in this effort.

During the 1997 Hong Kong avian flu outbreak, CDC was forced to create emergency laboratory space by displacing researchers working on other diseases. With additional funding, CDC will be much better prepared to respond to such emergencies as a terrorist attack using smallpox virus, anthrax, a worldwide flu pandemic or a large-scale exposure to deadly toxic chemicals. A delayed or slow response from CDC may increase public panic or anxiety in an emergency situation and cost human lives.

One of today's most serious potential threats to our national security is bioterrorism. The CDC is an integral part of the homeland defense because of its ability to identify, classify, and recommend courses of action in dealing with biological and chemical threats. The CDC master plan will address the current and future needs for surge capacity for responding to large public health emergencies.

In addition to working in asbestos-laden facilities, many highly trained scientists perform their research in facilities that lack safety features, such as sprinkler systems and adequate electric and airflow systems. The poor conditions of the facilities have damaged the Agency's ability to recruit and retain the world-class scientists upon which CDC relies to serve the American public.

The multiyear master plan has received wide bipartisan support in the House and Senate. In the past, addressing these deficiencies has greatly benefited all Americans by enhancing CDC's ability to respond to emergencies as well as providing the desperately needed facilities required for the day-to-day public health and research activities.

The fiscal year 2006 funding will continue to substantially enhance the CDC's ability to build the new infectious disease laboratory, which will include greatly needed biosafety level 4 ''hot lab'' construction of a new environmental toxicology lab and greatly needed security updates.

Let me tell you about the master plan to which I referred a couple of times.

Back in 2001, probably at about the time Senator SPECTER said he went to CDC—and I am sure Senator HARKIN was there about that time—they observed the condition of the facilities at CDC, both at the Chamblee Campus, as well as the Roybal Campus. Those buildings were in total disrepair, and in bad need of replacement.

Again, the examples which I alluded to, the personal anecdote as well as what I have shown in pictures, still exist, particularly throughout the Chamblee Campus.

Under the leadership then of Dr. Jeffrey Koplan, and subsequently under Dr. Gerberding, the CDC developed a master building plan. What they did was unique to any governmental agency that I have ever engaged with since I have been in Congress for 11 years now; that is, they went out and had an architect draw a master plan for a specific set of buildings. It involves a number of buildings where we are going to consolidate laboratories as we tear down these World War II barracks. That master plan not only had the buildings drawn, but they also went further than this and had the plans and specifications themselves sent out for bid. And they now have a contract on each one of these buildings. That is the master plan.

Originally, we were scheduled to complete that $15 billion master plan over 10 years.

Senator ISAKSON, who was then a Member of the House, and myself, along with our entire delegation, in a bipartisan fashion, came to our leadership in the House and to the leadership in the Senate and said, rather than doing this over 10 years following September 11, we need to consolidate this to five years and let our scientists have the ability to do a better job in a first-class facility.

So we decided to go with a 5-year plan as opposed to a 10-year plan.

Each year, we have asked for $300 million to try to complete that plan. We have been successful for a number of years in getting $250 million.

I have to say that every year—the Senator from Oklahoma is right—the budget that comes over from the President is very low because they know we are going to plus-up that amount of money; we have done it every year because we need the facilities. Every year we have had $250 million, beginning with fiscal year 2002. In 2002, 2003, 2004, and 2005, we funded $250 million for CDC in Atlanta, to speed up this master plan. This year, because of the tight budget conditions that we are in, Senator SPECTER and Senator HARKIN allocated $200 million instead of $250 million for this master plan.

Let me respond very quickly to this Japanese garden issue. I will tell you what the Japanese garden is. In parts of Georgia, if you drill a hole in the ground when building, you sometimes hit granite rock. In this case, part of the area on the Roybal Campus where we are carrying out the master plan, there is rock under the surface. It was necessary to blast that rock out. When they blasted the rock out, instead of hauling that rock off, Dr. Gerberding said, Let's take that and develop an area for our employees to utilize during the day, to exercise, as Senator HARKIN referred to, and go out and eat lunch. I guess what we have out there is a gardedn of some sort that must have a Japanese ''tinge'' to it, and that is why it is referred to as ''the Japanese garden.'' It looked to me like a nice place where employees could go out in the open air and have lunch. I have seen them out there doing this.

I am going to let Senator ISAKSON address a couple of other specific items that have been suggested as being somewhat wasteful spending. They are hard-working, dedicated employees. If we are going to continue to recruit the very finest that the world has to offer, we ought to at least be able to spend a little bit of money and take advantage of the contours of the land to give them a nice place to go out and sit on their break and at lunchtime.

I sympathize with the Senator from Oklahoma when he says that we need to continue spending money on the AIDS Drug Assistance Program. We have responded to that in the Congress. We have maintained a level amount of spending for CDC in Atlanta, for the completion of our master plan over the last 5 years. The ADAP appropriations for 2001 was $589 million. In 2002, that rose to $639 million; then $714 million; then $748 million; and in the 2005 appropriations, it was $793 million. In 2006, we expect $797.5 million.

It is not like we haven't been increasing the funding for ADAP. We have, and we need to continue to do so, but not at the expense of providing the most premier medical scientists and researchers in the world with a facility within which to work.

I urge my colleagues to vote against this amendment.

Again, I say to Senator SPECTER and Senator HARKIN that under their leadership, we do have the most premier medical research facility in the world located in Atlanta, GA, today, and we need to continue to provide the funding for this master plan, which we will now complete in another couple of years. We should be able to continue to attract the very finest and best that the world has to offer. We also need to ensure that Americans are safe, when the avian flu presents a threat, that our scientists are able to respond, as they are doing today, and that they have the habitat within which to work, allowing them to do the very best job they can do to protect Americans and to protect the world from the health hazards that exist.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I associate myself entirely with the remarks of my colleague, the senior Senator from Georgia, Mr. CHAMBLISS.

I rise for two specific reasons. The first is to correct some statements that have been made to be factual that are not and, second, to take issue with the contention that the amendment before us places people before buildings.

Before I do either, however, I want to pay particular praise and attention to Senator HARKIN and Senator SPECTER. My first visit ever to the Senate was as a Member of Congress, shortly after my election, when I came to the offices of both these Senators, accompanied by Bernie Marcus, Oz Nelson, and other executives who led a private sector focus on what we are discussing and debating today; that is, the fact that the world's premier health care and disease prevention facility was crumbling and in shambles.

These corporate leaders came to these two Senators and came to us, along with Dr. Jeffrey Copeland, with a plan to remake and rebuild the CDC so that it could carry out the jobs of the 21st century in health care.

Ironically, that visit was a year and half before September 11, 2001. But fortunately, it was a year and half before that tragic day because all of the research that was done that helped us in the identification of the anthrax problem that we had was done right there in CDC, to deal with monkeypox, to deal with avian flu, to deal with the West Nile virus—all of these diseases we have, in part, been able to deal with, with the new facilities built in this 5-year building program.

I commend Senators HARKIN and SPECTER for their leadership and for their support.

I rise in opposition to this amendment based entirely on the facts which have been presented which are not correct. I will deal with the facts first.

The statement has been made on this floor that $200 million in construction money is sitting idle at the CDC. There is $200 million for construction at CDC, which is absolutely essential to complete Building 23 and start Building 24, in addition to the $171 million that is included in this appropriation.

As Senator SPECTER said early on, contractors don't contract until all compensation for construction can be made. We did the seed-planting money in the previous appropriations bills in this Congress. Now it is time build Building 23, which is the Infectious Disease Building.

It is incorrect to characterize money that is there today as being excess funds. It is part of the cash flow that we have appropriated over a 5-year plan to complete this project.

Second, and most importantly, the statement was made that CDC had spent $60 million of the money on a welcome center.

I happen to know where that came from. That came from a newspaper article in the Atlanta Journal Constitution, which was, on its face, absolutely incorrect. The $60 million building is the Global Communications Center, which was Building 19, which was the first thing we completed to allow the United States of America and the CDC to be able to meet a pandemic, a terrorist attack, and communicate simultaneously and seamlessly throughout the world to stop the death and destruction of Americans, as well the lives of human beings throughout the world. It was an absolutely incorrect statement made in the media. There is no welcome center, but there is a state-of-the-art communications center that allows us to instantly respond to the threats we know only too well—whether it be threats of human beings like those on September 11 who attacked us, or threats that lie await in poultry and birds in Asia that may materialize into an avian flu human-to-human transfer.

Both the statements of $200 million being on deposit or $60 million being spent on a welcome center are incorrect in the way they were presented. The money in this bill of $200 million for this 2006 budget is to provide $171 million to complete Building 23, which is the infectious disease laboratory, another $21 million for Building No. 24, which will be one of the last buildings to go into place—this is the planning and design money—and $7.5 million for maintenance of these facilities.

Last, the characterization that this amendment is about putting buildings before people's lives, with all due respect, there is a fact that should be shared today. All decry AIDS, and I commend the Senator from Oklahoma for wanting to put $60 million in AIDS drugs for those who cannot afford them, but to do so and claim that CDC spend this on a building when they could be spending it on AIDS patients is a travesty.

This year, the CDC, on its own, will deploy, of its money and that of other governments and other resources around the world, over $1 billion in its prevention efforts for acquired immunodeficiency syndrome, or AIDS. There is no organization in the world that is more on the leading edge of the prevention of AIDS and its treatment than the Centers for Disease Control. In fact, to take this $60 million away from the building laboratory that is designed for infectious disease study would do more harm to patients with AIDS than would help to move it to drug programs for patients with AIDS. It is an improper characterization and it is an improper prioritization of money that is appropriated.

As the Senator said in the beginning presentation of his amendment, this does not save a dime of expenditure. It just moves some money around. There are some places we ought to do it. The distinguished Senator from Oklahoma is right many times in his criticism and the characterizations he presents, but he is 100 percent dead wrong in terms of this amendment.

I respectfully submit the facts to the Senate, and I ask my colleagues to reject the Coburn amendment on the CDC and continue our commitment to the health care of the people around the world and the safety and security of American citizens by continuing to fund the world's premier health care, health prevention, and health resource facility, the Centers for Disease Control in Atlanta, GA.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent the pending Coburn amendment be set aside and we proceed with another amendment.

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

The pending amendment is set aside.

The Senator from Minnesota.

AMENDMENT NO. 2244

Mr. DAYTON. Mr. President, I thank the distinguished chairman of the committee and the distinguished ranking member for ceding me this time. I call up amendment No. 2244.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 2244.

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

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

The amendment is as follows:

(Purpose: To provide for the production and mailing of a corrected Medicare and You handbook)

On page 156, line 2, strike ''Funds.'' and insert ''Funds: *Provided further,* That the Secretary, by not later than January 1, 2006, shall produce and mail a corrected version of the annual notice required under section 1804(a) of the Social Security Act (42 U.S.C. 1395b–2(a)) to each beneficiary described in the second sentence of such section, together with an explanation of the error in the previous annual notice that was mailed to such beneficiaries.''.

Mr. DAYTON. Mr. President, recently the Centers for Medicare and Medicaid Services sent to 42 million Medicare beneficiaries this handbook, ''Medicare & You,'' to describe a myriad of plans providing prescription drug coverage. There are an enormous number of plans in Minnesota—over 40 plans. I have tried to go through the book myself. I have had my staff try to explain it to me. I think I am a reasonably intelligent American, but this is extremely complicated and it will be very challenging to many Medicare beneficiaries. That is going to be compounded by the fact that there is a very serious error in the tables that will apply to 17 million Americans whose incomes are low enough that they qualify for partial subsidy for their premiums.

The question in the column heading is ''If I qualify for extra help, will my full premium be covered?''

Under every single plan, the answer is listed as ''yes.'' That is incorrect. Only about 40 percent of the plan offerings—those with premiums below the regional average—will be covered. The other 60 percent will be only covered up to that amount, and anything above that the beneficiary has to pay, but that is incorrectly described here. Yet CMS refuses to correct the error by a subsequent mailing.

My amendment requires them to do so and would transfer such funds as necessary from their administrative accounts so it is offset. It is essential to all beneficiaries and the integrity of the plan.

AMENDMENT NO. 2245

I ask that amendment be set aside, and I call up amendment No. 2245.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 2245.

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

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

The amendment is as follows:

(Purpose: To fully fund the Federal Government's share of the costs under part B of the Individuals with Disabilities Education Act)

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

SEC. ____. In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $12,375,000,000 for carrying out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), in order to fully fund the Federal Government's share of the costs under such part.

Mr. DAYTON. This amendment increases the Federal funding for IDEA, special education, to what was promised 28 years ago, 40 percent of the cost of State and local governments.

I can only speak for my State, but that money would be desperately needed and very well used. It would amount to about $250 million in additional Federal funding for K–12 education for my State to keep the promise that has been broken. It has cost about $12 billion above what has been committed so far.

I recognize the distinguished chairman and ranking member have made this a priority and have increased funding, and we have made some progress in the last few years. But we are still less than 20 percent—less than half—of the commitment for special education made almost three decades ago.

AMENDMENT NO. 2289

Finally, I ask that amendment be set aside, and I call up amendment No. 2289.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 2289.

Mr. DAYTON. Mr. President, I ask unanimous consent the reading be dispensed with.

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

The amendment is as follows:

(Purpose: To increase funding for disabled voter access services under the Help America Vote Act of 2002)

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.

Mr. DAYTON. This amendment provides additional funding to State governments and agencies involved with Americans with disabilities to allow them access to vote. The Help America Vote Act of 2003—landmark legislation, bipartisan legislation—unfortunately, has not been funded to the level necessary to help States and local governments comply with this requirement. This is a modest amount, $15 million, offset by the increase in the administrative costs, so it would result in a reduction for administration but would be money we committed that has not been forthcoming.

I yield the floor.

AMENDMENT NO. 2239

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I call up amendment No. 2239.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 2239.

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

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

The amendment is as follows:

(Purpose: To provide funding for the purchase of rapid oral HIV tests)

At the appropriate place, insert the following:

SEC. ____. The Secretary of Health and Human Services shall use amounts appropriated under title II for the purchase of not less than 1,000,000 rapid oral HIV tests.

Mr. SANTORUM. This is an amendment that is to instruct the Department of Health and Human Services to purchase of no less than 1 million rapid oral HIV tests.

As we all know, the problem of HIV and the spread of HIV continues to be a problem. Experts tell us that over half of all new HIV cases are as a result of someone who was unaware of their HIV status. The idea is having better testing out there, along with oral testing where it does not require any drawing of blood or needles—obviously, for a lot of folks that is a concern. This provides a safe effective way to be able to get these results in a timely fashion to give people the notice they need before they engage in an activity that might cause the further spread of the HIV virus.

I understand from my colleague from Pennsylvania, this is an amendment he is willing to accept. If there is no discussion, I urge agreement of the amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the amendment as outlined by my colleague from Pennsylvania provides for 1 million HIV oral rapid tests. The funds are provided for within the amounts already in the bill. These tests are essential. He correctly states my agreement and acquiescence. I join my colleague in urging agreement.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I have no objection.

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

The amendment (No. 2239) was agreed to.

AMENDMENT NO. 2241

Ms. CANTWELL. I call up amendment No. 2241 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 2241.

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

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

The amendment is as follows:

(Purpose: To establish a Congressional Commission on Expanding Social Service Delivery Options)

At the appropriate place, insert the following:

SEC. _____.(a) There is established a Congressional Commission on Expanding Social Service Delivery Options (referred to in this section as the ''Commission'').

(b)(1) The Commission shall be composed of 10 members, of whom—

(A) 3 shall be appointed by the Speaker of the House of Representatives;

(B) 3 shall be appointed by the majority leader of the Senate;

(C) 2 shall be appointed by the minority leader of the House of Representatives; and

(D) 2 shall be appointed by the minority leader of the Senate.

(2) Members of the Commission shall be appointed from among individuals with demonstrated expertise and experience in social service delivery, including, to the extent practicable, in the area of reform of such delivery.

(3) The appointments of the members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(4) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) The Speaker of the House of Representatives shall designate 1 of the members appointed under subsection (b)(1)(A) as a co-Chairperson of the Commission. The majority leader of the Senate shall designate 1 of the members appointed under subsection (b)(1)(B) as a co-Chairperson of the Commission.

(d)(1) Not later than 60 days after the date of enactment of this Act, the Commission shall hold its first meeting.

(2) The Commission shall meet at the call of either co-Chairperson.

(3) A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(e)(1)(A) The Commission shall conduct a thorough and thoughtful study of all matters relating to increasing beneficiary-selected or beneficiary-directed options for social service delivery in Federal social service programs, including certificate, scholarship, voucher, or other forms of indirect delivery. The Commission shall review all relevant Federal social service programs in existence on the date of the beginning of the study, including the initiatives of the Corporation for National and Community Service. The Commission shall determine program areas, among the Federal programs, for which it is appropriate and feasible to implement full or partial beneficiary-selected or beneficiary-directed options for the delivery of the social services.

(B) In making determinations under subparagraph (A), the Commission shall seek to promote goals of—

(i) expanding consumer and beneficiary choice in Federal social service programs;

(ii) maximizing the use of governmental resources in the Federal programs; and

(iii) minimizing concerns relating to any precedent under the Constitution regarding the participation of faith-based providers in the Federal programs.

(2) The Commission shall develop recommendations on program areas, among the Federal social service programs, for which it is appropriate and feasible to implement full or partial beneficiary-selected or beneficiary-directed options for the delivery of the social services.

(3) Not later than 11 months after the date of enactment of this Act, the Commission shall submit a report to the Speaker and minority leader of the House of Representatives and the majority leader and minority leader of the Senate, which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(f)(1) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out this section.

(2) The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of either co-Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

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

(g)(1) Each member of the Commission 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 Commission. All members of the Commission 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) The members of the Commission 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 Commission.

(3)(A) The co-Chairpersons of the Commission, acting jointly, 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 Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) The co-Chairpersons of the Commission, acting jointly, 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.

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

(5) The co-Chairpersons of the Commission, acting jointly, 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.

(h) The Commission shall terminate 90 days after the date on which the Commission submits its report under subsection (e).

(i)(1) There are authorized to be appropriated to the Commission for fiscal year 2006 such sums as may be necessary to carry out this section.

(2) Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.

Mr. SANTORUM. Mr. President, this is a commission, a bipartisan bicameral commission, that will be set up as a result of this amendment that would undertake a comprehensive and thoughtful review of Federal social service programs and make recommendations that would be appropriate to provide beneficiaries more choice in how they receive their social services that are paid for from the Federal Government.

One of the things I hear as I work in communities that heavily rely on social services, a lot of places where they would like to get social services—community-based organizations, in some cases faith-based organizations—are not able. They either do not qualify for Federal funds or do not have the technical expertise to get Federal funds. The President has put forward a faith-based initiative. The Congress has passed charitable choice legislation. We have done a lot to try to get more providers in social services involved, and even in some areas provide more flexibility—such as vouchers for certain services that are out there so people can take that voucher and get the services from qualified places.

There is still a level of frustration out in the community. I think we need to do a more comprehensive job in

looking at how we address the issue of giving people choices as to how they get their social services. I think this is a way to bring some of the best minds that we have into the social service delivery area, folks from both the House and the Senate and the White House, appointees, to sit down and look to see, is there a better mousetrap than the current system of social service delivery? Is there a better way for us to restructure some of these programs to give more efficient and effective services at less cost and with more consumer buy-in and choice?

One of the reasons some of our social services plans do not work very well is people do not interface well with the delivery systems in place right now. This commission would be tasked to determine how we can, in fact, remove some of these barriers to folks who do not access the social services systems.

One of the big problems we have continually with a lot of our programs—whether it is health programs, housing programs, rehabilitation programs, or other programs—is we have large segments of the community that simply do not participate. They may be eligible for services, but they do not participate in the services. So we have to figure out: How do we better reach these people? How do we better make these services available in such a way that we can actually start reaching people in how they live their lives and in a way that meets their needs?

As far as the money for this commission, I have asked that it be such sums as may be determined by the committee. Hopefully, they will allocate such resources they have available to stand up this commission. But, to me, it is important we get better utilization. For my mind, just giving more money to the different Departments to figure out ways to advertise or to do things to bump up their enrollment in some of these programs has been tried in the past, and it basically does not work very well. I think we need to at least have some of our best minds look at this together, as to how we could redesign this system and get recommendations given to the Congress as to how we can do a better job providing services.

With that, Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, my colleague and I were just discussing the amendment. I believe it is acceptable.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, this is the first time I have seen this amendment. This is setting up a congressional commission on expanding social service delivery options. I have no problem with that.

But the way it is spelled out and everything, I would ask the Senator from Pennsylvania, the author of the amendment, has this been brought up before the authorizing committee? Has there been any hearing on this? Has there ever been a hearing on this, or has the authorizing committee acted on this at all? This is authorization on an appropriations bill.

The PRESIDING OFFICER. Without objection, the Senator from Pennsylvania is recognized.

Mr. SANTORUM. Thank you, Mr. President.

Mr. President, we have discussed it with the members of the Finance Committee which, as you know, I am a member of. To my knowledge, I am not aware of any objection on the part of the Finance Committee as to this particular provision. I will be offering a couple other amendments promptly which are under the jurisdiction of the Finance Committee which they do object to, which I will just offer and withdraw. But to my knowledge, they have not objected to this particular amendment.

Mr. HARKIN. Again, I thank the Senator. I personally do not have any problem with it, but this is something I think—I always have a little question when any Senator, on this side of the aisle or that side, anywhere, has a pretty thick amendment that involves commissions and how you select commissions and what they do.

I have not even had a chance to read this amendment. I don't even know what is in it.

Again, I ask my friend from Pennsylvania, has this amendment, in its present form, been submitted to either the Finance Committee or the HELP Committee? They probably share jurisdiction there. Have they looked at it to see if there are any objections to this?

The PRESIDING OFFICER. Without objection, the Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, to my knowledge, we filed the amendment. My staff has discussed it, I know, with the Finance Committee. I do not know about any other committees. This is not a bill I introduced and has gone to committee. This is something I have brought up on this bill.

So to answer your question, I think, as directly as I can, no, we have not filed this with the Finance Committee as a bill to have them review it as a bill in committee, if that is your question.

Mr. HARKIN. Mr. President, I wonder if the Senator from Pennsylvania—well, you have offered the amendment. That is fine. The amendment is at the desk. I wonder if we might put off voting on this amendment.

Mr. SANTORUM. I would be happy to.

Mr. HARKIN. I would like to have the chairman and ranking member of the Finance Committee, and perhaps the HELP Committee because it perhaps crosses both—to have them at least take a look at it. If it is fine, then I do not care.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. Mr. President, am I correct, has the Senator from Pennsylvania laid down the amendment? Is the amendment at the desk?

The PRESIDING OFFICER. The amendment is pending.

Mr. HARKIN. Mr. President, I ask unanimous consent that the amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I say to my friend from Pennsylvania, if this can be given to the chairs and ranking members of those committees, to have them look at it, and if it is fine, then I have no objection. As I said, I have not had a chance to look at it, and it is not in my jurisdiction at all.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I perfectly understand what the concerns are of the Senator from Iowa and would be happy to work with him over the next several hours to get that amendment cleared.

AMENDMENT NO. 2237

Mr. President, I ask that amendment No. 2237 be called up and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendments have been set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 2237.

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

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

(The amendment is printed in the RECORD of Tuesday, October 25, 2005, under ''Text of Amendments.'')

Mr. SANTORUM. Thank you, Mr. President. The next two amendments I am going to be talking about are amendments that I have offered and on which I want to have a discussion. They are in the subject area of this appropriations bill, but they are provisions that, as my colleague from Pennsylvania advised me, rightfully belong as amendments to a welfare bill.

But as Members of this Chamber know, we have not had the privilege in the Senate of having a welfare bill come across this floor, even though the welfare bill of 1996 expired a couple of years ago. We have passed extension after extension. As a result of that, the work requirements in the welfare reform bill of 1996—which have been so effective in transforming the lives of millions of Americans who were trapped in the welfare system—those work requirements in most States have gone away because the requirements only required that 50 percent of the caseload, at the time of the passage of the bill, had to be working.

Well, we reduced the caseload more than 50 percent, therefore the work requirements went away for the caseload

that is remaining. So many States have begun to sort of go back to the pre-1996 provision of welfare. It is easier for States to do that. Work programs cost money to the States. Other initiatives to try to help people get out of poverty, they cost money. So if you do not have to spend that money as a State, if you can just simply continue to pay out the money and not have to provide all these other services, it is a lot cheaper for States to do. In fact, that is what States did for years upon years upon years, as the welfare rolls grew.

There is still a time limit, so that is a good thing. That causes a lot of people, in spite of the lack of effort in many cases by States, to move themselves off of welfare because of the limits on the ability to get relief. But I believe we can do better. So I have many times come to the floor of the Senate and asked for consideration of the bill, asked for a specific number of amendments, and, candidly, we have had objections from both sides of the aisle. I think that is unfortunate.

So as a result, I have brought forward amendments to this bill on two programs that I think are vitally important in the next step on welfare. We did a great job in the welfare reform bill of 1996 in providing an economic path to recovery for millions of Americans, in providing incentives to work. We made work pay more than staying on welfare. In many cases prior to that, that was not the case.

We also did a lot in providing strict time limits and giving States very tough provisions to require work as a way of getting people out of poverty, instead of simply just allowing them to be maintained in poverty. It gave them a requirement that a certain percentage of the caseload had to be at work. That is all for the good. We saw the rate of poverty from 1996 to the year 2001—until we had, unfortunately, a recession in this country—we saw the rate of poverty go down, and go down dramatically.

One of the greatest indicators is poverty among African-American children. Poverty among African-American children, in the year 2001, was the lowest ever recorded—lowest ever recorded—and was a dramatic decline from one of the highest rates ever recorded, which was in the mid-1990s. So you can point directly to this act as a way of helping to alleviate poverty.

But I think what we have found since 1996, yes, we have had economic successes, but still there are people struggling at the margins of society. One of the reasons that is the case is, even though we now have moms who have gotten jobs—and it was predominantly moms who were on welfare—what they have not gotten is families brought back together. What we have not seen is an increase in the amount of family unification, moms and dads coming together and marrying and raising children in poor communities.

In fact, the rate of out-of-wedlock births has not changed substantially at all in most of these communities. The amount of fatherlessness in these communities continues to be of epidemic proportions. And we now have folks on the left and the right writing about this. This is no longer just a conservative cabal when we talk about family unification; families, mothers and fathers raising children. Now even those on the left have said there is no longer an argument. Children raised in healthy, stable, two-parent married families do better.

It should be a social policy to encourage those kinds of relationships for the benefit of children, for the benefit of mothers, for the benefit of fathers, for the benefit of neighborhoods, for the benefit of the country. Yet when it comes to that here in Washington, DC, when it comes to public policy that helps build those strong relationships, that helps nurture and foster those relationships of marriage and fathers taking responsibility for their children, the Government stands in absolute neutrality.

We do nothing to promote stable marriages. We do nothing, other than attach fathers' wages and get child support and establish paternity. We do nothing to help nurture and bring fathers back into the lives of their children and into productive and healthy relationships with the mother of their children.

What I have suggested, in both amendment No. 2237 and No. 2238, are two initiatives that are better placed and will be placed and will be debated in full on the welfare bill. One is a healthy marriage initiative. The second is a fatherhood initiative. Both would provide funding.

Let's review some of the statistics of the impact of marriage. This was done by the Brookings Institution. Those on the other side of the aisle will know that the Brookings Institution is not often cited on the Republican side of the aisle. It shows you that the debate is over. There is no debate anymore about the impact of marriage and the impact of having fathers involved in their children's lives. I talked about the effectiveness of five factors in reducing poverty rates. We hear a lot of talk on both sides of the aisle—unfortunately, more on the other side of the aisle—about reducing poverty. Hopefully, that will change soon.

In 1992, we did what was, in fact, the most effective thing in reducing poverty, this study found. The most effective thing was not to double cash welfare payments. Some on the other side of the aisle have suggested that all we need to do is pay people more from the Government. If we give them more, they will get out of poverty. Wrong. That doesn't work. In fact, the percentage reduction in poverty rates, if we doubled cash welfare, would only decrease the poverty rate by 8 percent.

What did work? Full-time work. Full-time work decreases the poverty rate by 42 percent. We have done that. We have required work, not full-time work, but we require 20 hours. The bill that is being proposed, that we have yet to bring to the floor, requires 24 hours. But we have required work, and it is working to take people out of poverty.

What is the next biggest factor in reducing poverty? Again, according to the Brookings Institution report, an increase in marriage. We did something to require work. Many States have more generous welfare benefits than what is prescribed by the Federal Government. In fact, I know there is some money out there for healthy marriages, but very few States and very little Federal money goes to do anything about helping to improve the health of marriage among the poor. It is vitally important that we recognize that there is a direct social-policy, social-service-community, child-mother-father benefit for encouraging healthy marriages. The Federal Government doesn't spend a penny. This Congress has not spent a penny on something we know could reduce poverty by 27 percent and, more importantly, provide more stability in the lives of children, reduce domestic violence, and improve the lives of millions in communities across America. We will not spend a penny this year. That is why I offered the amendment, because I want to spend more than a few pennies, because we know it has an impact.

What impact does it have? Let's look at the benefits of marriage for children: better school performance and less dropouts; fewer emotional and behavioral problems; less substance abuse; less abuse or neglect; less criminal activity; less early sexual activity and fewer out-of-wedlock births. I am not too sure I know anybody who doesn't think all of those things are good. The Federal Government doesn't spend a penny.

Think of all the things we spend money on in Washington. One of the things you hear most when you go back home is all the waste, fraud, all the money we throw at projects for which people have no rhyme or reason as to why we spend the money. Yet here is something that we know will help children, mothers, fathers, neighborhoods, will build on a stronger America, and we don't spend one red cent.

You might ask the question: Why is that, Senator? Why don't we spend any money on this? Let me tell you what some of my colleagues on the Finance Committee have said. The response was: Well, who are we to impose our values on other folks; who are we to suggest that marriage is something the Federal Government should be concerned with; that is a private matter.

Is this a private matter? Is less substance abuse a private matter? Is less abuse and neglect a private matter? Is less criminal activity a private matter? This isn't a private matter. We are talking about policies that have a direct impact on the health and safety of children. It is not a private matter. Supporting healthy marriages is a public good. If you think about all the

other things we spend money on, I can't imagine anything that would be a more valuable expenditure than to provide more stable families for children growing up in poor neighborhoods.

The second amendment is an offshoot of the first. That is to try to bring fathers who have children out of wedlock back and get them involved in their children's lives—not necessarily to marry, but to have them involved. I was at a conference within the last year where Jason DeParle, a writer from the New York Times, was giving a talk. He was talking about a book he had written, following three women in Milwaukee, WI, post welfare reform of 1996. He wrote about many things, about how welfare reform is working in some ways and not in others. One way he talked about where it wasn't working was with regard to fathers. There was a question from the crowd about who these dads are. We are not talking about the best neighborhoods in America when it comes to crime, wealth. We are talking about a lot of dads who, yes, were or even are incarcerated, were or still are dealing with addiction, dealing with unemployment, dealing with a whole host of other maladies that affect large segments of our population.

The question was: Do we want these dads involved in the lives of these children? I thought that was a bold question. Jason's answer was, in a word—I won't quote him, because I didn't write it down—well, they may not be the best role models of dads, but they are still their dads. These children, like all of us children, want to be loved by their dads. They need that love, as imperfect as it is. As a dad, I know how imperfect it can be. We all do. But it is still your dad.

These programs are not perfect. We are not bringing ''Father Knows Best'' Robert Young dads back into the home. We understand that. But these children still long for their dad. Do we have a Federal program that helps bring dads back into the home? Do we spend any Federal dollars to help reunite fathers with their children, in spite of all the benefits that we know about two parents? No, we don't. We will spend more money on daycare, billions more on daycare. We will spend more money on afterschool programs, Head Start Programs, early programs, late programs, noon programs. We will spend all sorts of money on Government programs. But will we spend a penny to help reunite a father with his children? No. Who are we to impose our values, is the line I hear.

Did anyone ever ask a kid whether he wants his dad back? What kind of value is that? We need to start thinking about how important it is for young children growing up in a hostile world in poor neighborhoods in America to have a shot to be with their dad and to start funding those groups who are out there—and there are hundreds across America who are working hard every day on a shoestring—to help dads be a dad.

I can't offer this amendment because it is authorizing on an appropriations bill. We aren't going to get a welfare bill, so kids across America are going to have to wait a little longer while Congress decides whether we want to take the time to help find their dad. Hopefully we can find the time sometime soon. The kids are waiting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2291

Mr. SPECTER. Mr. President, I call up amendment No. 2291 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 2291.

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

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

The amendment is as follows:

(Purpose: To restrict the use of funds to implement or enforce the interim final rule with respect to power mobility devices)

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.

Mr. SPECTER. Mr. President, this is an amendment which would delay the implementation of the Medicare reimbursement for all power mobility vehicles for a period of 6 months. It has been cleared by Senator HARKIN. I ask for its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2291.

The amendment (No. 2291) was agreed to.

AMENDMENT NO. 2260

Mr. SPECTER. Mr. President, I call up amendment No. 2260.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] for Mr. CHAMBLISS, proposes an amendment numbered 2260.

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

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

The amendment is as follows:

(Purpose: To permit an alien to remain eligible for a diversity visa beyond the fiscal year in which the alien applied for the visa, and for other purposes)

At the appropriate place, insert the following:

SEC. ____.(a) This section may be cited as the ''Diversity Visa Fairness Act of 2005''.

(b)(1) Section 204(a)(1)(I)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(I)(ii)) is amended by striking subclause (II) and inserting the following:

''(II) An alien who qualifies, through random selection, for a visa under section 203(c) or adjustment of status under section 245(a) shall remain eligible to receive such visa or adjustment of status beyond the end of the specific fiscal year for which the alien was selected if the alien—

''(aa) properly applied for such visa or adjustment of status during the fiscal year for which the alien was selected; and

''(bb) was notified by the Secretary of State, through the publication of the Visa Bulletin, that the application was authorized.''.

(2)(A) Notwithstanding any other provision of law, a visa shall be available for an alien under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) if—

(i) such alien was eligible for and properly applied for an adjustment of status under section 245 of such Act (8 U.S.C. 1255) during any of the fiscal years 1998 through 2005;

(ii) the application submitted by such alien was denied because personnel of the Department of Homeland Security or the Immigration and Naturalization Service failed to adjudicate such application during the fiscal year in which such application was filed;

(iii) such alien moves to reopen such adjustment of status applications pursuant to procedures or instructions provided by the Secretary of Homeland Security or the Secretary of State; and

(iv) such alien has continuously resided in the United States since the date of submitting such application.

(B) A visa made available under subparagraph (A) may not be counted toward the numerical maximum for the worldwide level of set out in section 201(e) of the Immigration and Nationality Act (8 U.S.C. 1151(e)).

(3) The amendment made by paragraph (1) shall take effect on October 1, 2005.

Mr. SPECTER. Mr. President, this has been cleared with Senator HARKIN. It relates to the Diversity Visa Fairness Act and strikes the language that allows aliens to only be eligible for immigrant visas during the fiscal year in which they apply and makes the applicants eligible for immigrant visas despite the end of the fiscal year.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, reserving the right to object, this deals with immigration. On that immigration committee, I am sure others have had an opportunity to see it. I wonder if the Senator could just let me have a few minutes to look at it prior to making that request.

Mr. SPECTER. Mr. President, I have been advised by staff that this has been signed off by the Senator from Massachusetts as well as others. But of course, if he would like a chance to review it—

Mr. KENNEDY. I am sure I will not object, but just the way it was described, I didn't understand it the way it had been explained to me. If the chairman would extend that opportunity, I would appreciate it.

AMENDMENT NO. 2268

Mr. SPECTER. Mr. President, I now call up amendment 2268.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. LEVIN, proposes an amendment numbered 2268.

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

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

The amendment is as follows:

(Purpose: To amend section 316 of the Immigration and Nationality Act, to reduce the residency requirement and limit the adjudication period for the naturalization of aliens with extraordinary ability so that such aliens may represent the United States at international events)

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.

Mr. SPECTER. Mr. President, this amendment is offered on behalf of Senator LEVIN and will allow aliens of extraordinary abilities who will represent the United States at an international event to complete the citizen requirement process in less time.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SPECTER. I understand this has been cleared, too, with Senator HARKIN.

Mr. HARKIN. Well, I understand. I just hope the appropriate committee of jurisdiction has looked at it, too.

Mr. SPECTER. Mr. President, it has been represented that the appropriate Senators have signed off.

Mr. HARKIN. I have no objection.

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

The amendment (No. 2268) was agreed to.

AMENDMENT NO. 2260

Mr. SPECTER. Mr. President, I am advised further that as to 2260, where the Senator from Massachusetts had asked for some time to take a look at it, we have his assent at this time.

Mr. KENNEDY. No objection, Mr. President.

The PRESIDING OFFICER. Amendment 2260 is the pending amendment. Is there further debate on the pending amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2260) was agreed to.

Mr. SPECTER. Mr. President, I ask unanimous consent that at 4:05, there be 10 minutes equally divided with respect to the two pending LIHEAP amendments, provided further that following that time, the Senate proceed to vote in relation to the following amendments: Senator REID, 2194; Senator GREGG, 2253 as modified; Senator DODD, 2254; Senator CLINTON, 2292; Senator COBURN, 2232; provided further there be no second-degree amendments in order to the listed amendments prior to the votes, and prior to the vote it be in order for Senator SPECTER to modify the Gregg amendment on his behalf. And I further ask there be 2 minutes for debate equally divided between each of the votes listed after the first vote. Mr. President, I ask that after the first vote, the votes be 10 minutes instead of 15 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPECTER. Mr. President, so that there will be no doubt and all Senators will be on notice, we will start the vote at 4:15, and the first vote will be 15 minutes, with 5 minutes additional, limited to 20 minutes, and each vote thereafter will be 10 minutes with a 5-minute addition, limited to 15 minutes, and the request will be made that Senators remain in the Chamber to complete the votes on those five amendments.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Iowa.

Mr. HARKIN. It is my intention now that I would speak for 15 minutes, at which time I ask unanimous consent that I be able to yield the floor and Senator KENNEDY be recognized for 15 minutes.

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

Mr. HARKIN. Mr. President, earlier today, on behalf of myself, Senators KENNEDY, REID, DURBIN, OBAMA, BAYH, KOHL, MIKULSKI, CLINTON, JOHNSON, DAYTON, and BYRD, I laid down an amendment dealing with preparing this country for an avian flu pandemic. The amendment that we laid down today and that we will be voting on tomorrow will allow the United States to dramatically step up preparation for an avian flu pandemic.

Last month, I offered and the Senate approved an amendment to the Defense appropriations bill that provided $3.9 billion for preparation for such a pandemic. At that time, there was some discussion as to why we were putting it on the Defense bill; it should go on the Labor-Health and Human Services bill. At that time, we didn't even know if we would have this bill up.

Well, the bill is in the Chamber, and this amendment appropriately belongs on this legislative vehicle in our jurisdiction. So the amendment that was laid down that I offered earlier today is essentially a more robust version of that earlier amendment again based on more and better information we have obtained since that time.

There is a broad consensus in the scientific community as to the steps we need to take to get ready for a potential pandemic. Reflecting that scientific consensus, the amendment we have laid down will do four broad things.

First, as our first line of defense, it will dramatically step up international surveillance of avian flu outbreaks overseas.

Second, it will ramp up our vaccine production infrastructure here in the United States.

Third, it will give us the resources to build up stockpiles of vaccines that are currently believed to be effective against the flu as well as building up stockpiles of antiviral medications.

Fourth, it will strengthen our public health infrastructure at the Federal, State, and local level, which today is simply not equipped to cope with a major pandemic.

Some have suggested that we be patient, that we wait for the administration to put forward a plan to fight avian flu, but we have already waited

too long as a nation. We have been warned now for almost 8 years to get ready.

We had been warned about a lot of other things. We were warned for years that the levees in New Orleans would fail in the case of a major hurricane. Yet the Federal Government did not do anything. And the Federal Government has not come forward with any action plan now regarding the avian flu pandemic possibility. Even within the last year, as the threat of this pandemic becomes more urgent and immediate, there still is no plan.

So today, with the alarm bells ringing at full volume, we in Congress cannot in good conscience wait any longer. We need to act. If the administration offers a plan at a later date, that is fine. We will almost certainly include the basic elements encompassed here. We are all talking to the same people, whether it is the Centers for Disease Control and Prevention or NIH or the major drug companies. We know what we have to do. So if we take action now in this appropriations bill with the amendment we have offered, then we will have already passed an appropriation, we will not have lost any time, and we will be able to go forward as rapidly as possible.

There is no question the United States right now is woefully unprepared for a major outbreak of human-to-human transmitted avian flu. We have already had two disasters. We had 9/11, we had Katrina, we were unprepared for both despite clear warnings that we had.

Similarly, we have been warned in no uncertain terms about avian flu, but our preparations are inadequate. As many of my colleagues know, avian flu, or H5N1 as it is called in the scientific community, has passed from bird to bird. What started in a small area of Southeast Asia has now extended we know to as far away as Greece, Turkey, and Romania. Recently, one bird in Great Britain died and was examined and found to have H5N1. We know that the avian flu has been detected in Indonesia and in Japan and in the Philippines, in China, in Russia. It is only a matter of time before these migratory birds cross paths and the avian flu is now in Canada and the United States and South and Central America.

This is a virulent form of flu. One hundred percent of the birds, the chickens and the birds that have gotten this have died, 100 percent. Fifty percent of the humans who have come down with avian flu have died. Now, thus far we only know of one case, one certified case where the flu virus has gone from a human to a human. Only one case. But that has warned us that it is capable of doing so.

Now, it is not sustained, it is not widespread, but scientists tell us it is only a matter of time. And we do not know how much time we have. We know as we say it has killed 50 percent of the individuals it infected. A nightmare scenario, a kind of 21st century Black Death is not difficult to picture. Indeed, most experts say it is not a matter of if but when. So we have to ask some tough questions now: Where do our preparedness efforts stand? Can we do better?

First, look at global surveillance. The Centers for Disease Control is doing a great job working in concert with the World Health Organization and governments in affected regions to detect the disease and help stop its spread. This is our first line of defense—surveillance and quarantine in the area in which it occurs. The sooner we can identify it and quarantine it, the better off we will be. To put it in other terms, better to find H5N1 over there than home.

The good news is we have experience. The Centers for Disease Control and Prevention kept SARS from coming to the United States with this procedure. But we do not have adequate personnel, we do not have the resources in place in other countries to make sure that we detect as rapidly as possible an outbreak of avian flu. We can and we must do better to protect our people.

Second, the status of our capacity to produce vaccines in the United States, unfortunately, is all bad news. It is astonishing when we tell people we only have one plant in America capable of producing flu vaccines. And that plant uses an egg-based technology. Right now, in the event of a worldwide pandemic, the United States would have to rely on imported vaccines, vaccines that other countries might not be willing to send to us. After all, the first responsibility of any government is to protect its own people, and if this pandemic starts, every government is going to want to protect its own people first. So we are vulnerable. We are playing catchup ball. We need to help private industry develop more vaccine manufacturing capacity, and we need to do it in a way in which we can produce enough vaccine rapidly to deal with a major outbreak.

Some say it would take many years to produce a non-egg-based, cell-based production capacity. I don't accept that. This is a matter of incredible urgency. We have to do better, and we can do better. Our goal should be to have research and production capacity to isolate a virus, convert it to a vaccine, produce enough vaccine for nearly 300 million Americans, and do it within 6 to 9 months. Right now we are a long way from reaching that goal. This amendment we have offered will put the money forward to get that process moving rapidly to develop cell-based technology for the production—the rapid production—of vaccines in this country.

Third, as I mentioned, we need an aggressive program of purchasing and stockpiling vaccines and antivirals. Unfortunately, the United States is way behind. I am indebted to Senator KENNEDY for producing this chart. I want to show it here. The World Health Organization a few years ago suggested that countries stockpile at least 25 percent antivirals to cover their population. Look what some other countries did: Australia, 20 percent; Britain, 25 percent; France, 25 percent; Japan, 17 percent; the United States, 1 percent. We only have enough antivirals to cover 1 percent of our people. It is unconscionable. So we need to play catchup ball here also. We need to stockpile—and that is what this amendment will do—to provide the funds to begin to ramp up the production of these antivirals.

Roche is a drug company. I met with them. They publicly announced—they hold the patent; they produce most of it overseas—they are willing now to let other generic companies produce this under license to them.

We need to get the money out there right now to buy them from those companies so they can start producing the antivirals now. Not next year; now. That is what this amendment provides.

Fourth, and last, public health infrastructure. Right now our public health infrastructure is simply not capable of dealing with either a bird flu pandemic or even an act of bioterrorism. Even if we had an adequate stock of vaccines or antivirals, what good does it do if we don't have the public health infrastructure to identify, isolate, and deliver the antivirals and the vaccines?

Again, the President's budget this year cut $120 million from State public health agencies. This amendment does not just restore that. We need to do a lot more than that. We need to make major new investments. We need to hire more public health professionals—epidemiologists, physicians, lab technicians, and others.

We also need to dramatically increase the surge capacity of hospitals. As Dr. Rick Blum, the president of the American College of Emergency Room Physicians, recently said:

> We've pumped billions of dollars into preparedness since 9/11, but virtually none of that has gone to the one place where we know 80 percent of patients go first.

The emergency room—if we have an avian flu pandemic, that is where people will go. And most victims of avian flu might need ventilators to help them breathe. Right now there are only 105,000 ventilators in the entire United States, and three-quarters of them are in use on any given day.

We have our work cut out for us. We face enormous technical and logistical challenges, and there is no time to waste. The time for planning and planning and planning and planning is over. It is now time to act. This amendment would provide, as I said, nearly $8 billion for a comprehensive national effort to prepare our people for an avian flu pandemic. I know that sounds like a lot of money, but keep in mind, it is less than 2 months of our expenditures on the war in Iraq. When this avian flu pandemic—I don't say if; when. Scientists tell us it is not a question of if, it is a question of when. When it hits, we have to be ready to protect our people. That is what this amendment does.

Again, I hope as we move forward we can get this amendment adopted and get the money out there. It does not have to be spent now. It is at the Secretary's discretion, but at least it is there and they can move on it rapidly to do what we all know is necessary to protect our people in this country.

I have used my 15 minutes. I want to reserve 15 minutes for Senator KENNEDY.

Mr. SPECTER. Mr. President, if I may be recognized very briefly. I know the remainder of the time is reserved for Senator KENNEDY. We are 16 minutes away from 4:05 p.m.

Mr. HARKIN. I yield the floor.

Mr. SPECTER. Mr. President, I wish to make a comment or two. I commend the Senator from Iowa for his foresight on moving ahead on the pandemic issue. He and I have been discussing it for several days. I think it is difficult to proceed without knowing what the administration's plans are.

As the Senator from Iowa correctly notes, action has to be taken. When the administration decides on a plan and picks a figure, there is going to have to be congressional action, and we are nearing the end of this session. A supplemental or an emergency appropriations bill is always difficult to structure. So there are sound reasons to take a look at it now and make some judgment.

We have been in touch with the White House on a number of occasions to try to find out what the position is of the administration. So far they are unprepared to give us an answer. We are working to see if it is possible to structure an appropriation, subject to the Secretary's discretion, and how it will be in consultation and would be an emergency. There is no doubt there ought to be planning now for this emergency.

What the proper figure is I don't know. That is a figure that would be more within the scope of understanding, knowledge, and projection of the administration, and the experts at CDC and NIH.

I wanted to make those few comments. We are going to carry this over until tomorrow. I know the administration will be aware of what is happening on the floor today, and perhaps that will motivate them or enable them to come forward to help us grapple with this issue and find some realistic and practical solution at this time.

Mr. HARKIN. Mr. President, I appreciate my chairman's remarks. I yield the floor.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Massachusetts.

Mr. KENNEDY. I ask if the Chair will be good enough to let me know when I have 3 minutes remaining.

The PRESIDING OFFICER. The Chair will so notify the Senator.

WAGE PROTECTIONS

Mr. KENNEDY. Mr. President a few moments ago, as I understand, the President of the United States reversed his course on the incredibly damaging decision to suspend wage protections for workers rebuilding the Gulf Coast after Hurricane Katrina, known as the Davis-Bacon provisions. These are the prevailing wage provisions, the age-old policy that the Government should not drive wages below the prevailing wage in a particular community.

The prevailing wage for construction is $8 in Mississippi, $9 in Alabama, and $10 in Louisiana. That would work out to $16,000, $18,000, $21,000 a year as the prevailing wage. That's not too much for workers who are trying to rebuild their homes and rebuild their lives.

I applaud the decision the President has made on that issue.

AMENDMENT NO. 2283, AS MODIFIED

Mr. KENNEDY. Mr. President, before speaking on the current Harkin amendment, which I strongly support for the reasons I will outline, I want the Senate to know that our HELP Committee, under the chairmanship of Senator ENZI, and the subcommittee, under the chairmanship of Senator BURR, has been working on this issue, but from a different angle.

Right now we need appropriations, which are included in the Harkin amendment. And we will also consider—hopefully favorably—the Burr-Enzi legislation, which deals with a range of issues involving patent, compensation, and liability issues that are all related to encouraging companies to enter the market.

These are different approaches, and each is enormously important in its own way. I thank the chairman of my committee, Senator ENZI, who always is tireless in his courtesies and his outreach to the members of the committee on his side as well as ours, and to Senator BURR for working with us. I am very hopeful that if we can schedule and pass that legislation, and get this appropriation included today, we will, I believe, have the best of all worlds.

Looking at this issue globally, there are various components. We have the resource aspect of it, we have the public health aspect of it, and then the aspect that is related to providing incentives for the private sector. Hopefully, we will deal with all of those before the end of the term.

I believe strongly, as Senator HARKIN pointed out, that we must take action now on this legislation, to ensure that we'll have sufficient resources to deal with the purchasing aspects and also the limited, but extremely important, public health provisions which are included in this legislation.

One provision provides for the global detection of this pandemic, as well as domestic detection, should it come to the United States. It also provides the resources to contain and respond to the danger by improving surge capacity, and developing an overall plan so we are able to effectively deal with this issue.

We have been on notice for years. This chart is going to be difficult to read for those viewing: ''The U.S. missed the warning signs of the flu pandemic.'' In 1992, the Institute of Medicine pointed out:

> Policymakers must realize and understand the potential magnitude of an influenza pandemic.

This is when we began to detect the dangerous indicators of this pandemic:

In 1997, there was an outbreak in Hong Kong.

In November 2000:

> Federal and State influenza plans do not address the key issues surrounding the purchase and distribution of vaccines and antivirals.

This comes from a GAO report which found that very few States have made the kind of downpayment that is required to protect individuals from this pandemic.

Again, in May 2002, according to the World Health:

> Authorities must understand the potential impact and threat of pandemic influenza.

Then in December of 2003, there was an outbreak in South Korea.

In January 2004, there was an outbreak in Vietnam.

The reason the World Health Organization and the European Union have been so concerned about this is because of the danger of this particular flu strain.

This chart indicates the death rate from this flu strain. In Cambodia, it has been 100 percent; in Thailand, 71 percent; in Vietnam, 44 percent; an overall average of 50 percent. We are talking about dozens of cases, not hundreds, not thousands, not millions. But if this strain mutates and easily spreads human-to-human, we are talking about potentially a great threat.

I know the Senator from Iowa, myself, Senator REID, our leader, Senator OBAMA, and Senator DURBIN are frustrated about this issue.

This is a General Accounting Office report that was published in October 2000, ''Influenza Pandemic. Plan needed for Federal and State response.''

The General Accounting Office reviewed what the needs were and suggested to Congress and the Administration that we respond. Five years later, we are finally getting some action on the floor of the Senate.

In this chart, we can see what has happened in other countries. In comparison, the U.S. stockpile of antiviral medicine is inadequate. Senator HARKIN pointed out what other nations have done. This is a sample: Australia has antiviral medicine for 20 percent of its population; Britain, 25 percent; France, 25 percent; Japan, 17 percent; and the United States, we only cover 1 percent of our population.

We are faced with whether we should take action or not take action.

This is a list of the various countries that have developed nationwide plans: Japan, October 1997; Canada, February 2004; Czech Republic, 2004; Hong Kong, 2005; Britain in March of 2005.

I point out the British plan, I am not going to include it in the RECORD, but

I will include it by reference. It is some 95 pages long. It sets the scene and provides the overall framework for the UK's response to an influenza pandemic. It is based on the current advice for national pandemic plans from the World Health Organization. The response is divided into phases, starting with work to be done before a potential pandemic emerges, followed by a step-by-step escalating response to the pandemic.

The plan goes on:

Advanced planning is essential to establish and rehearse contingency arrangements and identify and address gaps in our preparedness so we are in the best possible position to manage the emergency and to ameliorate its impact.

On page 5, it talks about the various aspects of the plans: communication, surveillance, information gathering, the public health response, measures to reduce the health impact, vaccination, health service response, civil contingency, workforce education and training, essential preparatory work. All of this outlined in the UK, in Great Britain.

Here is Canada's plan. It is 87 pages long. What does this plan address? This is what they have: Who is responsible for the pandemic planning? It lists those in charge. Why is this an important health issue? It outlines why it is a health issue. What preparations are being made? It outlines all of the preparations that are being made. What needs to happen in a comprehensive response? It outlines all of those. What will be involved in a recovery from a pandemic? It has an entire section, all outlined here.

Where is the United States? Where is our response? The USA is the big question mark, and that is what we find unacceptable. That is why the Harkin amendment is important to adopt. It has provisions dealing with antivirals and vaccines; it has the needed global interventions; and it has the detection needed here in the United States. It has the surge capacity and public health provisions that need to be expanded. Senator BURR indicated that hearings on public health provisions will take place after we pass this legislation, which is all well and good. But we need to act now.

Each country with a national plan includes important public health components. We would not be meeting our responsibilities unless we did likewise.

This proposal recognizes that we have a responsibility to move forward on this and provides the resources necessary to get started. This particular proposal works to fulfill the recommendations of the World Health Organization, with $3 billion for antivirals and $3 billion in vaccines. There is flexibility in these allocations and in the allocations for the public health provisions.

So I would hope very much that the Senate would accept this. It is a modest downpayment. As I mentioned, there are several aspects of the battle. One certainly is the stockpiling of the vaccines and antivirals. It is enormously important that the resources are there. A downpayment in terms of the public health is also very important. And we must provide incentives for industry to encourage vaccine development and production. That is following along with the Enzi-Burr proposal, and all of us owe a debt of gratitude to them.

The PRESIDING OFFICER. The Senator has 2 minutes 45 seconds remaining.

Mr. KENNEDY. I thank the Chair. We are all working together to have a bipartisan proposal that we will be able to act on.

If we have positive action on the Harkin amendment, and a positive result on the Enzi-Burr proposal, at the end of this session, the Senate will have made a very strong downpayment in preparing this Nation. We eagerly await the administration's proposal, but quite frankly, I do not think we can delay any longer.

Other countries have moved ahead. At this time, we have only stockpiled 1 percent of the total amount of antivirals that we will need. This is the issue. Now is the time for action. I am very hopeful that this amendment will be accepted.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent at this time that my amendment, which is the second amendment to be ordered, be called up and that the other amendments be set aside so I can modify my amendment.

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

AMENDMENT NO. 2253, AS MODIFIED

Mr. GREGG. I send a modification to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment (No. 2253), as modified, is as follows:

(Purpose: To increase appropriations for the Low-Income Home Energy Assistance Program by $1,276,000,000, with an across-the-board reduction)

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)''.

Mr. GREGG. I ask unanimous consent that we return to regular order.

The PRESIDING OFFICER. Who seeks recognition?

There is now 10 minutes of debate equally divided on the LIHEAP amendment. Who seeks time?

The Senator from Rhode Island.

Mr. REED. Mr. President, Senator COLLINS and I have proposed an amendment that would raise LIHEAP funding to a total of $5.1 billion. That is absolutely necessary as we approach the winter with rising fuel prices, rising natural gas prices. Our amendment will help all States. I want to make it very clear all of our funding goes into the State block grant program, so no State will be disadvantaged.

My colleague from New Hampshire has introduced a complementary amendment that does not provide, in my view, sufficient funding. At his level of funding, States such as Minnesota, Washington, and Wisconsin will receive no new money. I think that is unfortunate because those States and the citizens of those States deserve the kind of support that will be necessary this winter.

Fifty-three Senators have already joined us to support the increase in LIHEAP spending to the $5.1 billion total mark. I hope they will continue to support us. There is a second storm surge coming from Katrina, and that is rising energy prices that have overwhelmed vulnerable families throughout this country.

In addition, my colleague from New Hampshire is proposing to fund this with an across-the-board cut. That across-the-board cut will disappear in conference. As Chairman SPECTER has pointed out, this bill is bare bones. When the conferees arrive and look at the funding for Head Start and look at

funding for other critical programs, I do not think they are going to allow this supposed increase in LIHEAP funding. Also, we are paying for this LIHEAP increase by taking away valuable programs: 37,000 students in title I will be denied services because of these cuts. We are going to reduce IDEA spending. We are going to reduce Head Start spending. We are essentially robbing Peter to pay Paul, taking from some who need to give to others who need. That is not fair. It is not appropriate and it is unnecessary.

This is an emergency. Just as the storm damage in the gulf was an emergency, this is an emergency. I urge support of the Reed-Collins amendment and opposition to the Gregg amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks time?

The Senator from New Hampshire.

Mr. GREGG. First off, I would note that the amount that is in my amendment is the exact amount which the Senator from Rhode Island asked of the Appropriations Committee less than a month ago. It is the exact amount that the Senator from Maine asked of the Appropriations Committee less than a month ago. It is the exact amount that 41 other Senators sent a letter to the Appropriations Committee and asked for relative to LIHEAP costs, low-income energy costs.

Why was that amount chosen? It was not picked out of the air. It was chosen because that is the amount necessary in order to hold harmless the various low-income energy programs across this country, in order to cover the costs of the increase of fuel oil estimated in September, which was actually at a higher cost level than today. So this actually will represent more money than is necessary in order to keep these programs whole. It will actually represent additional money. It represents over a 48-percent increase in funding. That is a rather dramatic increase.

In addition, this amendment that I have proposed is paid for. Our job should be to set priorities in this Congress. We should say, what is the priority? Well, I happen to think one of the priorities is making sure that senior citizens, people who live on fixed incomes, low-income individuals who are trying to heat their homes in this very difficult winter, with prices being high and with the winter already upon us—at least in New Hampshire we had some significant snow yesterday—that they will have the ability to have a program which covers those costs. But we should pay for it.

What have I suggested? I have suggested a less than 1 percent cut across the board in all the other programs in this bill. That is the logical and appropriate way to pay for this increase in funding which is needed, an increase which is the exact amount of money that was asked for by the Senator from Rhode Island, the Senator from Maine, and other Senators who felt the need, as I do, for a commitment in this account.

So it is a reasonable step. My bill is a reasonable action. I would also note one other thing. The Senator from Rhode Island and the Senator from Maine have offered an amendment which because it is so over the top from a budget standpoint, so outside the budget structure which we have, is subject to a budget point of order. As Budget chairman, I am fairly familiar with these.

Those budget points of order are put in place to discipline ourselves, and of course it is to set priorities. My amendment is not subject to a budget point of order, an emergency point of order.

So let us remember that when we are voting on this, if my colleagues want to have a realistic chance of getting a significant increase in funding for the low-income energy program, they should vote for my amendment because it is only going to take 51 votes to pass it; whereas, the amendment from the other side will take 60 votes.

Remember that the number I have put into this amendment is the number which was actually requested by the sponsors of the first amendment, and therefore it is a reasonable number. It is not an arbitrary number. It is a number that makes sense.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

There is 2 minutes 49 seconds remaining.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator from Rhode Island for yielding a couple of minutes.

Here they go again. Every year, Senators on that side of the aisle say they want to increase funding for LIHEAP and other things, but they want to take it out of other programs. These amendments are phony. These across-the-board cuts will never get passed into law.

My good friend from New Hampshire says: Well, it is just 1 percent or just 2 percent or whatever it might be. Let's take a look at what the Senator from New Hampshire's cuts really mean. He said it will not affect anybody. Well, it is a .98-percent cut. That does not sound like much, but in terms of No Child Left Behind, it means that 39,400 kids will not be served by title I. I guess they do not count. It means that we will cut special education by $105 million. It means that 9,300 Head Start kids will not get Head Start programs. That is why this amendment is phony. That is why we have to adopt the Reed amendment.

Again, the Senator from New Hampshire always said he wanted to increase funding for special education. Right now the Federal Government is paying 18.6 percent of the excess costs of special education. We are supposed to go to 40 percent. Under Senator GREGG's amendment, the share will drop to 17.8 percent. We will go in the wrong direction. So we will never reach the goal of full funding for special education if we adopt the amendment of the Senator from New Hampshire. So do not be fooled by these across-the-board cuts. It hurts people. It hurts poor kids. It hurts special education. And it hurts title I kids. We do not want to hurt them in order to give money for low-income elderly so they can buy heating oil and pay their gas bills this winter. That is unfair. It is unconscionable. The best way to go is to adopt the Reed amendment.

I thank the Senator for yielding.

Mr. REED. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 38 seconds remaining.

Who seeks time? There is 1 minute 31 seconds remaining.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, it is in order to raise a point of order as to the Reed amendment. Since I have spoken in favor of it, I ask my colleague, Senator CRAPO, to raise the technical point of order.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, pursuant to section 402 of H. Con Res. 95 of the 109th Congress—

The PRESIDING OFFICER. The Senator will cease. A budget point of order has to be raised at the conclusion of debate. It cannot be raised at this time.

Mr. CRAPO. I will withhold.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. What is the time status?

The PRESIDING OFFICER. There is 1 minute 5 seconds left to the Senator from New Hampshire, 38 seconds left to the Senator from Rhode Island.

Mr. GREGG. Mr. President, I will respond briefly—because I only have a minute, I will have to do it briefly—to the point of the Senator from Iowa. What is happening is that we are suggesting that we should put approximately a $3 billion hole in the budget to pay for heating costs. Who is going to pay for that? Who is going to pay for it if we do not set the priorities here and offset the costs? I will tell you who is going to pay for it—our children are, because we have to go out and borrow that $3 billion. So what we are essentially saying is we are going to take $3 billion from our children to pay for heating costs this winter for seniors and other people who are on fixed incomes. We should be responsible for that here this year, not be passing it on to the next generation to pay that cost through a debt, financing it through debt.

Clearly, offsetting this spending makes sense, and my amendment does exactly that. It offsets it in a reasonable way, less than a 1-percent across-the-board cut, less than 1 percent in order to fund a very important program, increase funding for a very important program to assist seniors and other folks who are on fixed incomes and low incomes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, quickly, Senator COLLINS and Senator GREGG and I are trying to put more money in the State block grant program. Mr. President, $1 billion will not provide assistance in many States that need it now, Wisconsin and other States that are going to see a very difficult winter. Only by supporting our amendment will we reach all the States, all the people who need it. These cuts, as Senator HARKIN suggested, are illusory; they will not be made. Frankly, I don't think it is appropriate, when we are trying to help poor people in the wintertime to heat their homes, we think about offsets; we think about that when we are providing tax cuts for very wealthy Americans.

I urge passage of Reed-Collins and the rejection of the Gregg amendment.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, pursuant to section 402 of H. Con. Res. 95 of the 109th Congress, I make a point of order against the emergency designation contained in the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I move to waive the applicable section of that act for the purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The Senator from Pennsylvania.

Mr. SPECTER. I remind all our colleagues, under the unanimous consent agreement, we are now going to proceed to have five rollcall votes. The first will be 15 minutes and 5, the other four will be 10 and 5. Pursuant to our arrangements, the time limits will be enforced.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Alaska (Ms. MURKOWSKI) would have voted ''yea.''

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

The yeas and nays resulted—yeas 54, nays 43, as follows:

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—54

Akaka	Byrd	Conrad
Baucus	Cantwell	Dayton
Bayh	Chafee	DeWine
Biden	Clinton	Dodd
Bingaman	Coleman	Dorgan
Boxer	Collins	Durbin
Feingold	Levin	Salazar
Feinstein	Lieberman	Santorum
Harkin	Lincoln	Sarbanes
Inouye	Lugar	Schumer
Jeffords	Mikulski	Smith
Johnson	Murray	Snowe
Kennedy	Nelson (FL)	Specter
Kerry	Obama	Stabenow
Kohl	Pryor	Sununu
Landrieu	Reed	Talent
Lautenberg	Reid	Voinovich
Leahy	Rockefeller	Wyden

NAYS—43

Alexander	Crapo	Kyl
Allard	DeMint	Lott
Allen	Dole	Martinez
Bennett	Domenici	McCain
Bond	Ensign	McConnell
Brownback	Enzi	Nelson (NE)
Bunning	Frist	Roberts
Burns	Graham	Shelby
Burr	Grassley	Stevens
Carper	Gregg	Thomas
Chambliss	Hagel	Thune
Coburn	Hatch	Vitter
Cochran	Hutchison	Warner
Cornyn	Inhofe	
Craig	Isakson	

NOT VOTING—3

Corzine	Murkowski	Sessions

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the emergency designation is removed.

Mr. SPECTER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2194, AS FURTHER MODIFIED

Mr. SPECTER. Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act that the amendment provides budget authority outlays in excess of the subcommittee's 302(b) allocation for fiscal year 2006, and it is not in order.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. SPECTER. Mr. President, we were 3 minutes over on that vote. We will try to hold this next vote in line with 15 minutes, as the unanimous consent agreement provided a 10-minute vote with an additional 5 minutes.

AMENDMENT NO. 2253

We are now proceeding to vote on Gregg amendment No. 2253.

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Gregg amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I simply note that this amendment increases the funding for the low-income assistance program by $1.27 billion, which is the number 41 Senators asked for the amount of increase. That means the program will effectively have been increased by about 48 percent. It will allow for the program to be held harmless, and, in fact, it will probably put extra money into the program beyond holding it harmless.

In addition, this is paid for, so we are setting priorities. We are not passing this additional spending on to our children through debt, which means it is not subject to a point of order.

In addition, it is the responsible way to approach this. As a practical matter, if you expect to increase the funding for low-income assistance programs, this will be your best vote to do it because this will only take 51 votes; the other votes took 60.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the Gregg amendment would appropriate $1.2 billion into the State block grant program for LIHEAP. That would mean, because of the arcane nature of the formula, States such as Minnesota, Washington, and Wisconsin will see no increase, Iowa will have under a 3-percent increase, and Oregon has less than a 7.5-percent increase.

In sum, the States that need this help right away, the cold-weather States, will see little help from the amendment.

Moreover, his amendment is funded by cutting valuable programs—Head Start, education for disabled Americans, a host of programs—that cannot be made up.

As our chairman and ranking member said, this amendment probably will be disregarded in conference because they will not fund but be taking away what very little exists already—title I, Head Start, and a host of other programs.

I urge my colleagues to reject this amendment. We will try again for a real LIHEAP amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The legislative clerk called the roll.

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

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

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—46

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Santorum
Brownback	Frist	Sessions
Bunning	Graham	Shelby
Burns	Grassley	Smith
Burr	Gregg	Stevens
Chambliss	Hagel	Sununu
Coburn	Hatch	Thomas
Cochran	Hutchison	Thune
Cornyn	Isakson	Voinovich
Craig	Kyl	Warner
Crapo	Lugar	
DeMint	Martinez	

NAYS—53

Akaka	Byrd	Collins
Baucus	Cantwell	Conrad
Bayh	Carper	Dayton
Biden	Chafee	Dodd
Bingaman	Clinton	Dorgan
Boxer	Coleman	Durbin

Feingold
Feinstein
Harkin
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Talent
Vitter
Wyden

NOT VOTING—1

Corzine

The amendment (No. 2253), as modified, was rejected.

AMENDMENT NO. 2254

The PRESIDING OFFICER. There will now be, by previous consent, 2 minutes of debate equally divided on the Dodd amendment.

The Senator from Connecticut.

Mr. DODD. Mr. President, we discussed this amendment sometime ago. In the past, I have offered amendments to fully fund Head Start. This amendment does not do that. This amendment adds $153 million specifically to deal with the inflation that will affect the cost of the 19,000 Head Start Programs across the country.

There are 900,000 children in Head Start. If this amendment is not adopted, the estimates are that 20,000 to 25,000 children will be dropped from the Head Start Program across our country.

We all know that a Head Start child is more likely to finish school, less likely to end up in the juvenile justice system, less likely to be a substance abuser, less likely to become a teenage parent. We know it is not perfect, but after 40 years, Head Start works. This is not to expand the program, but let us not lose the children today who are part of that program.

I urge the adoption of this amendment.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Head Start Program is very valuable. It has received priority attention from our subcommittee. We more than doubled Head Start between fiscal year 1994 and fiscal year 2004. Regrettably, there are no funds to stretch further.

If the Senator from Connecticut had an offset, wanted to discuss priorities, I would have been glad to do that. But we have to stay within the budget. Therefore, with great reluctance, I have raised the point of order.

Mr. President, it should be noted that the last vote was less than 13 minutes. I would ask all of my colleagues to stay in the Chamber. We now have another 10-minute vote, with a 5-minute extension.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NAYS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 52.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Michigan.

ROSA PARKS FEDERAL BUILDING

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 260, S. 1285, a bill to designate the Federal building located at 333 Mt. Elliott Street in Detroit, MI, as the ''Rosa Parks Federal Building.'' Rosa Parks passed away this past Monday at the age of 92, one of the giants in American history. It is very fitting that we pass this bill naming this building. I ask that the bill be read three times, passed, and the motion to reconsider be laid on the table without intervening action or debate.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, reserving the right to object, I never thought I would see the day that I would stand to object to such a meritorious proposal as my distinguished colleague has offered.

Mrs. Parks has been dead but 3 or 4 days. For 3 years, I have been trying to get the new courthouse annex here in Washington, DC named for Judge William B. Bryant. Judge Bryant is an African American. He is 94 years old. Let me tell you about this distinguished individual. Born in Alabama——

Mr. SPECTER. Mr. President, regular order. I hate to interrupt my colleague from Virginia, but we have a unanimous consent request to proceed with——

Mr. WARNER. I reserved the right to object, and I ask the respect of the manager to allow me to state my case.

I thank the distinguished Senator.

He graduated from Howard University in 1936, classmate of Thurgood Marshall and Appellate Judge Spotswood Robinson. He graduated from Howard Law School first in his class and then, with no real opportunities for African-American attorneys in the District of Columbia, served as chief research assistant to Ralph Bunche, who later won the Nobel Prize. From 1943 to 1947, he was in the Army and rose to the rank of lieutenant colonel during World War II. He was a criminal defense attorney, Assistant U.S. Attorney, the first African American ever to be an Assistant U.S. Attorney in the Nation's Capital. I was privileged to be in the U.S. Attorney's Office during some of his tenure there and worked with him. He was a teacher to me and many others. He was appointed to the U.S. District Court in 1965. In 1977, he was appointed the first African American to be chief judge of the U.S. District Court.

Now at the age of 94, Judge Bryant is serving as a Senior Judge on the United States District Court for the District of Columbia. This man, like Rosa Parks, suffered from discriminatory practices and persevered, therefore breaking new ground for African-Americans to come. When he first began trying cases as an Assistant U.S. Attorney in 1951 the Bar Association of D.C. did not allow African-American members. William Bryant, while trying cases in District Court was unable to access the law library at the Courthouse like his white colleagues. Despite the obstacles, William Bryant succeeded.

Over the years this man has been a fixture at that courthouse, first trying cases, and for the past 40 years, hearing them as a judge. The D.C. Bar and his colleagues have unanimously endorsed the legislation I offer today as a tribute to this man's truly extraordinary life, legendary career, and service to this nation's judicial system.

However, there are rules in the Environment and Public Works Committee which do not permit courthouses to be named for living or sitting judges. But it is interesting, before the current Chairman of the Committee took over, the rule was waived in certain cases. I am aware of more than 20 instances when this discretion was used to name Courthouses for living and sitting judges. As a matter of fact, I know of some instances where Members of this Chamber have gotten around the rule by attaching naming resolutions to bills in other committees of the Senate. We can all agree that Rosa Parks is deserving of the recognition to have a building named after her. Today I ask

this body the simple question, why is she more deserving today than she was last week?

Mr. REID. Mr. President, if the Senator will yield, I have been informed by the chairman of the committee, he has no objection to this. Senator STABENOW would agree to your amendment, that your judge be included in the resolution.

Mr. WARNER. I thank my distinguished colleague. I send to the desk an amendment and ask if it would be included in the unanimous consent request.

Ms. STABENOW. Yes, Mr. President. I ask unanimous consent to modify my request to include the Warner amendment.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Mr. President, reserving the right to object, let me state the position we have on the committee. I have chaired this committee for 3 years. As the distinguished Senator from Virginia knows—he used to chair the same committee, as did the minority leader—we have a rule that we don't name courthouses after anyone who is living. I am going to object to this. However, if you want to have a vote on this, I will record myself as opposing it because I am not going to break the record. I think it is a good rule to keep. That is my position.

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri.

Mr. BOND. Reserving the right to object, Mr. President, the Rosa Parks naming and the Bryant naming are very important measures. I would support both of them. But I believe as long as we have this rule in the committee, unless the committee will change the rule, I would be happy to join with my colleague from Virginia in suggesting a change in the rule to permit——

Mr. WARNER. If I could ask my distinguished colleague, were you not faced with the same dilemma several years ago and managed to get a courthouse named for a sitting judge in your State by action of the Appropriations Committee?

Mr. BOND. What was the judge's name?

Mr. WARNER. I have talked to the Administraive Office of the Courts, and I will get that answer to the Senator.

Mr. BOND. I must renew my objection. I look forward to a discussion with the distinguished Senator from Virginia.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. STABENOW. Mr. President, I renew my request to pass the Rosa Parks Building designation. I renew my request to pass that. Rosa Parks is one of the great civil rights leaders of our time, a great heroine who has now passed away at the age of 92. She deserves this recognition. I very much hoped that we could have a unanimous vote in support of honoring this very important woman.

The PRESIDING OFFICER. Is there objection to the unanimous consent request.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. Mr. President, there is an easy way out of this. Let's don't make it complicated. Let's go ahead. He will have an amendment to this bill, have a vote on that. I will record myself as voting no. It will pass. I am sure it will pass. Everybody agrees, as far as Judge Bryant and Rosa Parks are concerned, that we want this to happen today. But I will object to that in terms of UCing it. I want to have a vote, and I will be recorded no. That solves the problem.

The PRESIDING OFFICER. The minority leader.

Mr. REID. If we had a voice vote, the distinguished chairman of the committee could still be recorded as voting no; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. If I understand, has the Senator amended her request to accept my amendment?

Ms. STABENOW. Yes, I did do that. There was an objection to that. So I renewed my unanimous consent request for the Rosa Parks Federal Building.

Mr. WARNER. I have to object if the Warner amendment is not included in the unanimous consent agreement.

Ms. STABENOW. I will be happy to include a revised unanimous consent for Senator WARNER.

Mr. REID. She has included yours.

Mr. WARNER. Fine. I thank the Senator.

Mr. DOMENICI. Reserving the right to object, I will not object, but I want to say, this debate has everybody on this floor thinking about what is going on with reference to other things being held up by this Senate on holds that we don't even know the name of the person holding them. This is not this issue, but there are many of them. I have the Deputy Secretary of Interior for 7 months waiting to be confirmed, and there is some hold somewhere. I think we ought to all begin to understand that that has to stop. Today reminds me that I am going to be looking at it, and perhaps I will stop every bill until we get some of these that are being held up for no reason to be released. I hope this one succeeds.

Mr. SPECTER. Parliamentary inquiry.

The PRESIDING OFFICER. Is there objection to the request?

Mr. SPECTER. Mr. President, are we considering the appropriations bill for Labor-Health and Human Services-Education?

The PRESIDING OFFICER. The Senator is correct. We are. We have a unanimous consent request.

Mr. SPECTER. Are we under a unanimous consent agreement binding this Senate to proceed with five consecutive votes?

The PRESIDING OFFICER. We are.

Mr. SPECTER. I was prepared to listen for a while. But this has gone on, and we are having more collateral issues. I press my request for regular order.

The PRESIDING OFFICER. Is there objection to the request for regular order?

Mr. REID. There is a unanimous consent request pending before the Senate at this time.

Mr. INHOFE. I have already objected to the unanimous consent request.

The PRESIDING OFFICER. There is objection to the unanimous consent request.

Mr. SPECTER. Parliamentary inquiry: Does a call for regular order require unanimous consent? Regular order means the order has been decided to proceed. I insist on the regular order.

The PRESIDING OFFICER. The Senator is correct.

There are now 2 minutes of debate equally divided on the Clinton amendment No. 2292.

Mr. SPECTER. Mr. President, regular order.

The PRESIDING OFFICER. Who yields time on the Clinton amendment? The minority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that Calendar No. 260, the Rosa Parks Federal Building, be read three times, passed, the motion to reconsider be laid on the table, with the amendment to it affixing the William B. Bryant Annex to that. It is my understanding that this will be done by voice vote. Those who don't like it can tell the Chair that, and it will be a no vote. I ask unanimous consent that this matter be called now.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I ask for a voice vote, Mr. President.

Mr. INHOFE. Mr. President, what I would like to do is urge the adoption of the Warner amendment to the underlying bill.

Mr. REID. That is what I tried to do. That is what I did do.

Mr. INHOFE. All right. Let's do it by voice vote.

The PRESIDING OFFICER. The question is on passage of the bill, as amended.

The amendment (No. 2330) was agreed to, as follows:

(Purpose: To designate the annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District

of Columbia as the ''William B. Bryant Annex'')

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''.

The bill (S. 1285), as amended, was read the third time and passed, as follows:

S. 1285

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

SECTION 1. DESIGNATION OF ROSA PARKS FEDERAL BUILDING.

The Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, shall be known and designated as the ''Rosa Parks Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''Rosa Parks Federal Building''.

SEC. 3. DESIGNATION OF WILLIAM B. BRYANT ANNEX.

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''.

SEC. 4. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex referred to in section 3 shall be deemed to be a reference to the ''William B. Bryant Annex''.

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

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, Rosa Parks and Judge William B. Bryant are two venerable figures in our Nation's movement toward equality for all Americans. I am proud that the Senate has taken the opportunity today to recognize and celebrate these two extraordinary individuals. I commend Senator STABENOW for introducing this bill to name a Federal building in Michigan after Rosa Parks, a cherished civil rights leader. I also commend the efforts of Senator WARNER, who has worked with me for the past 3 years to name the new annex to the E. Barrett Prettyman United States Courthouse in Washington, DC, the ''William B. Bryant Annex.''

Judge Bryant's service to the United States District Court for the District of Columbia is truly historic. He continues to perform duties as a senior Federal judge at the age of 93. He began his legal career with the belief that lawyers could make a difference in eliminating the widespread racial segregation in the United States. He became a criminal defense lawyer in 1948, taking on many pro bono cases and was soon recognized by the U.S. Attorney's office for his skills as a defense attorney. The U.S. Attorney's office hired him in 1951 and he became the first African American to practice in Federal court here in the District. Judge Bryant was nominated by President Johnson to the Federal bench in 1965 and became the first African American Chief Judge for the United States District Court in DC.

Naming the new annex to the E. Barrett Prettyman Courthouse after Judge Bryant is a fitting tribute to this distinguished jurist. Much like Judge Prettyman, Judge Bryant has had an illustrious career in public service and on the bench. I thank my colleagues for honoring Judge Bryant's service.

AMENDMENT NO. 2292

The PRESIDING OFFICER. Who seeks time on the Clinton amendment?

The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, this next vote is to add $4 billion to the IDEA account. This amendment moves us closer to that mandate imposed upon school districts in 1975, a worthy and noble undertaking to ensure that every child be given an appropriate public school education. This amendment moves us closer to fulfilling what Congress said it would do: provide 40 percent of the funding for special education. This will help school districts lower property taxes. It is the kind of commitment we owe to children and their parents and to relieve the burdens of taxpayers.

Thank you, Mr. President.

Mr. CARPER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order.

The Senator from New York may continue.

Mrs. CLINTON. So, Mr. President, now that the Senate is in order, let me just request that we pass this amendment to add money to IDEA, which is something we all hear about everywhere we travel in our States to provide necessary tax relief to property tax owners and provide the resources that are needed for the special needs of special education students.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KOHL. Mr. President, I rise today in strong support of the Clinton amendment. This amendment would fully fund IDEA for this year by adding $4 billion, the difference between the amount appropriated in the Senate bill and this year's authorization level. As a proud co-sponsor, I am hopeful the Senate will act today to set IDEA on a path toward full funding.

Despite substantial increases in IDEA funding over the past several years, the Federal Government has not lived up to its commitment to pay for 40 percent of the costs of special education. This is one of the top concerns of educators in Wisconsin. As a result of this funding shortfall, local school districts continue to devote a large part of their budgets toward special education, which makes it more difficult for them to adequately fund other vital education programs. This problem has only gotten worse as financially strapped States and local governments are cutting funding for education in order to balance their budgets. This amendment would provide much needed relief. My home State of Wisconsin would benefit from an additional $70 million in special education funds. I urge my colleagues to support this amendment, subsequently making good on our commitment to special education students and their teachers.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I concur with what the Senator from New York has said about the importance of special education, and I only wish our allocation were larger so we could provide for more money for special education. Special education has received priority attention by the subcommittee. In 1996, it was less than $3 billion; now it is more than $11 billion. We have to live within the budget as enacted by the Congress, and that means, regrettably, the point of order has been filed that it exceeds the budget limit, and I must therefore oppose the amendment and ask my colleagues to sustain the point of order.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. Yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The yeas and nays resulted—yeas 46, nays 53, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—46

Akaka	Feinstein	Murray
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Nelson (NE)
Biden	Jeffords	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Byrd	Kerry	Reid
Cantwell	Kohl	Rockefeller
Carper	Landrieu	Salazar
Chafee	Lautenberg	Sarbanes
Clinton	Leahy	Schumer
Collins	Levin	Snowe
Dayton	Lieberman	Stabenow
Dodd	Lincoln	Wyden
Durbin	Lugar	
Feingold	Mikulski	

NAYS—53

Alexander	Bunning	Coleman
Allard	Burns	Conrad
Allen	Burr	Cornyn
Bennett	Chambliss	Craig
Bond	Coburn	Crapo
Brownback	Cochran	DeMint

DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. SPECTER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2232

The PRESIDING OFFICER. There will be 2 minutes equally divided before a vote on the Coburn amendment No. 2232.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have an amendment that will transfer $60 million to save the lives of people who are infected with HIV. There is no question where I get this money. It is a good goal. Enhancing the CDC, the buildings, the development of that, is all good. We have been on a fast track to do that in 5 years. That ought to continue.

What I am saying with this amendment is, since this amount is eight times what the President requested, we ought to put saving lives right now in this country at this time ahead of speeding up buildings. If my colleagues agree with that, then they ought to be supporting this amendment. If they do not, do not support it.

I reserve the remainder of my time.

Mr. BYRD. Mr. President, I will vote against the Coburn amendment that would have increased funding for the State AIDS Drug Assistance Program by cutting needed funding for the Centers for Disease Control and Prevention, CDC.

I have long supported, and will continue to support, increased funding for the State AIDS Drug Assistance Program to assist those suffering from HIV/AIDS in West Virginia and across the Nation. However, I could not support the Coburn amendment that would have reduced funding to upgrade and modernize the public health facilities at the Centers for Disease Control and Prevention in Atlanta, GA.

The current facilities at the CDC are in a state of extreme disrepair. This is unacceptable at a moment when we face a possible avian flu pandemic which could threaten millions of American lives. The CDC serves on the frontlines of our Nation's defense and preparations for such a flu outbreak.

Mr. KENNEDY. Mr. President, I rise in opposition to the amendment from Senator COBURN. For five years now, this President and this Republican Congress have prioritized tax cuts for the rich at the expense of urgent national priorities. It has left us with so many unmet needs.

The amendment offered by Senator COBURN asks us to choose between two vitally important national priorities—protecting our national security or providing increased assistance to people living with HIV and AIDS. We shouldn't have to do that, and a responsible Congress wouldn't force our hand.

An epidemic of HIV and AIDS continues to ravage communities—especially communities of color—across the country. Approximately 1 million individuals live with the disease and they struggle every day to make ends meet and to afford the medical care, medicines, and other supports they need to live healthy and productive lives.

The Federal AIDS Drug Assistance Program gives needy individuals the help they need. It is a vital part of our safety net for people living with HIV and AIDS, and it deserves more Federal support.

I look forward to working with Senator COBURN soon on the reauthorization of the ADAP program as well as reauthorization of the other vital programs in the Ryan White CARE Act. We need to expand our commitment to the whole of the CARE Act programs so we can improve lives of people living with HIV and AIDS.

But this amendment isn't the right approach. It is irresponsible and dangerous. It proposes to increase funding for the ADAP program by cutting our investment in the Centers for Disease Control—the frontline Federal agency in the battle against bioterrorist threats and avian flu that threaten the health and safety of all Americans. In the past they fought and protected us from the SARS virus and their expertise is often called upon to protect others across the world from Ebola and other deadly viruses.

Senator HARKIN has outlined the need for modern facilities for the CDC. They cannot fight 21st century threats in 20th century buildings.

It is wrong to cut $60 million from CDC construction appropriations at this time when so many public health threats are converging on us and I urge all my colleagues to vote against the Coburn amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Iowa.

Mr. SPECTER. Time is yielded to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in opposition to this amendment. While I agree with the need to continue to fight AIDS, the program to which this money is transferred——

The PRESIDING OFFICER. Who yields time in opposition?

Mr. SPECTER. The Senator from Georgia has the time.

Mr. HARKIN. Mr. President, I yield to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, the fund to which Senator COBURN seeks to transfer this money is already funded in this bill to the tune of almost $800 million. It is not as if we are ignoring the very noble issue he is seeking to improve, but the fact is that we embarked on a multiyear plan at the CDC to improve the quality of the buildings where our most sophisticated and important researchers and scientists work on critical issues. It is imperative that we continue with this plan.

I yield to my friend from Georgia for the remainder of the time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, with all due respect, this is not a choice of putting buildings ahead of people or people ahead of buildings. This is a choice of maintaining the commitment to save the lives of our children and grandchildren in the future against pandemics and terrorist threats in the future.

The Senator from Oklahoma, well intended, is wrong. I urge a ''no'' vote on the Senator's amendment.

Mr. COBURN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 25 seconds remaining.

Mr. COBURN. Mr. President, if you have HIV today and you don't have health insurance and you are standing in line to get HIV retrovirus therapy and heart therapy and they tell you they don't have enough money, you are out of luck. In this country, where we have invested so much in this disease, to put anybody out of luck—we have invested a lot of money in the ADAP program, but it is not enough, and people are dying every year in this country because we are not doing it. It is time we should do it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. Parliamentary inquiry: How much time remains?

The PRESIDING OFFICER. Five seconds.

Mr. HARKIN. I ask for 5 seconds.

To my colleague, we will be calling up amendment No. 2259 later on to add $74 million to the ADAP program, but we will not take it out of CDC. That is the amendment we ought to vote for.

The PRESIDING OFFICER (Mr. COBURN). The question is on agreeing to amendment No. 2232.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 14, nays 85, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—14

Burr	DeWine	McCain
Chafee	Ensign	Smith
Coburn	Feingold	Stabenow
Cornyn	Grassley	Wyden
Dayton	Lugar	

NAYS—85

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

NOT VOTING—1

Corzine

The amendment (No. 2232) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, earlier today I was on the floor and offered amendment No. 2220 that was set aside. We were supposed to have a vote on that this evening. It was not in the queue. I ask unanimous consent that the vote on amendment No. 2220 occur before the cloture vote tomorrow morning.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. LOTT. I object on behalf of the chairman.

The PRESIDING OFFICER. The objection is heard.

What is the will of the Senate?

The Senator from Illinois.

AMENDMENT NO. 2287

Mr. DURBIN. Mr. President, on behalf of Senator BOXER, I call up amendment 2287, which I will then set aside.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mrs. BOXER, for herself and Mr. ENSIGN, proposes an amendment numbered 2287.

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

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

The amendment is as follows:

(Purpose: To increase appropriations for after-school programs through 21st century community learning centers)

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.

Mr. DURBIN. I ask unanimous consent that the amendment be set aside.

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

The Senator from New Mexico.

AMENDMENT NO. 2259

Mr. BINGAMAN. Mr. President, I call up amendment No. 2259 for Senator SMITH and myself.

The PRESIDING OFFICER. Without objection, the Clerk will report.

The legislative clerk read as follows:

The Senator froom New Mexico (Mr. BINGAMAN), for Mr. SMITH and himself, proposes an amendment numbered 2259.

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

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

The amendment is as follows:

(Purpose: To provide funding for the AIDS Drug Assistance Program within the Health Resources and Services Administration)

At the appropriate place in title II, insert the following:

SEC. ____. In addition to amounts provided in this title for the AIDS Drug Assistance Program within the Health Resources and Services Administration, there shall be appropriated an additional $74,000,000 for such program.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that amendment be set aside.

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

AMENDMENT NO. 2218

Mr. BINGAMAN. Mr. President, I now call up amendment No. 2218.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2218.

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

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

The amendment is as follows:

(Purpose: To increase funding for advanced placement programs)

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

SEC. ____. In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $18,500,000 to carry out part G of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6531 et seq.).

Mr. BINGAMAN. Mr. President, this is an amendment I am offering with Senator HUTCHISON and also with cosponsors KENNEDY, CLINTON, DODD, MURRAY, and SALAZAR. I ask unanimous consent that all those Senators be listed as cosponsors on amendment No. 2218.

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

Mr. BINGAMAN. Mr. President, let me briefly describe the amendment. It increases funding for the advanced placement programs to the level the President requested in his budget, submitted to the Congress earlier this year.

Mr. BINGAMAN. I ask that amendment be set aside.

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

According to a recent report issued by the National Academy of Sciences, NAS, the scientific and technical building blocks of this Nation's economic strength are eroding at a time when many other Nations are gathering strength. In no uncertain terms, the NAS Committee on Prospering in the Global Economy of the 21st Century expressed ''fear'' that our ability to lead in science and technology can be lost abruptly, and that once lost, it may be very difficult to regain, if at all.

The NAS report issued a number of recommendations to strengthen the economic security of this country. Among the highest priorities, the NAS urged that we increase America's talent pool by vastly improving K–12 mathematics and science education. My amendment seeks to do that by increasing funding available for advanced placement programs.

According to the NAS report, the vast majority of students in this country will never take an advanced math or science course while in high school. Evidence shows, however, that the intensity and rigor of a student's high school coursework is directly related to the student's success in college and beyond. Students who take a solid college prep curriculum are less likely to need remedial classes, and are more likely to earn a college degree.

In fact, evidence shows that the intensity and quality of a high school curriculum is the greatest measure of completion of a bachelor's degree. Importantly, studies also show that not only do college-bound students benefit from rigorous courses, but that all students benefit from more rigorous coursework.

Accordingly, it is critical that all of our young people have access to rigorous coursework in secondary school in order to meet the demands of post secondary education and a competitive workforce.

NAS urges us to expand the pipeline—increase the number of students

taking advanced science and math courses, such as AP–IB. Accordingly, we must create additional opportunities and incentives for middle-school and high-school students to pursue advanced work in math and science. NAS recommends quadrupling the number of students in AP or IB math or science courses to 4.5 million by 2010.

Moreover, I believe we all know that the quality of the teaching force is paramount to improving student achievement. A great teacher can not only help a student develop critical, analytical, and problem-solving skills, or mastery of a particular subject, but can motivate a student to pursue a career in the field.

Unfortunately, this country is facing a shortage of highly qualified math and science teachers.

According to the NAS report, the vast majority of high school students in this country are being taught science and math by teachers without certification or a degree in the subject being taught. In fact, a U.S. high school student has a 70 percent chance of being taught English by a teacher with a degree in English while the same student has about a 40 percent chance of being taught chemistry by a teacher with a degree in chemistry.

The NAS report recommended that we strengthen the skills of 250,000 teachers through training and educational programs. One of the critical steps in reaching that goal is through increased training for instructors in the Advanced Placement or International Baccalaureate—AP–IB—Programs. NAS recommended that we train an additional 150,000 AP–IB and pre AP–IB instructors to teach advanced courses in math and science.

The FY 06 Labor-HHS-Education Appropriations bill presents a critical opportunity to begin implementing some of the recommendations. We must invest in the economic security of this great country.

This amendment seeks to increase funding for advanced placement programs in the underlying bill by $18.5 million, to a total of $51.5 million. This level of funding, which is the same as the level requested by the administration, would help train additional AP–IB teachers, and help more low-income students take AP–IB courses.

NAS recommends we invest in excess of $400 million to achieve these goals. Therefore, this amendment only resents a down payment, however, toward meeting the committee's recommendation, but would demonstrate our commitment to our children and grandchildren that we do not take their prosperity and security for granted.

The NAS advises us to prepare with great urgency to preserve this Nation's strategic and economic security. By investing in AP, we can provide the foundation for students to be internationally competitive. This amendment is a step in that direction, and I urge my colleagues to support this amendment.

Mr. BINGAMAN. I ask that the amendment be set aside.

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

AMENDMENT NO. 2219

Mr. BINGAMAN. Mr. President, I call up amendment No. 2219.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2219.

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

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

The amendment is as follows:

(Purpose: To increase funding for school dropout prevention)

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

SEC. ____. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional $4,900,000 to carry out part H of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6551 et seq.).

(b) Notwithstanding any other provision of this Act, the amounts made available for administrative expenses and salaries for the Department of Education under this Act shall be reduced by $4,900,000.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senators REID, KENNEDY, CLINTON, DODD, and SALAZAR be added as cosponsors of this amendment.

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

Mr. BINGAMAN. This is an amendment to maintain current funding for the school dropout prevention program that is authorized under No Child Left Behind. The underlying bill would completely eliminate funding for dropout prevention, which I think would be a terrible mistake. This amendment is essential in order that that not occur. Nationally, only two-thirds of our 9th graders will graduate from high school with a diploma after completing the 12th grade. And, only about 50 percent of our Nation's African American, Hispanic, and Native American students will graduate with a high school diploma alongside their classmates.

Sadly, a recent report by Educational Testing Services, ETS, makes it clear that the dropout crisis is actually getting worse; the high school completion rate has been steadily declining in 43 States. Even more alarming, the report concludes that students are dropping out at a younger age, meaning dropouts are even less educated now than in previous years.

Yet, while dropout rates continue to rise, the Federal Government's response has unfortunately diminished. According to a recent GAO report, the Department of Education has done very little to help States increase graduation rates, and in fact, has failed to disseminate information about effective dropout prevention strategies.

GAO found that the Department of Education had failed to rigorously evaluate the effectiveness of various State and local interventions designed to increase high school graduation rates. As a result, schools and districts may not be using the most effective approaches to help their students stay in school and graduate.

In addition, Congress has significantly cut funding for the school dropout prevention program in recent years. The underlying bill, however, completely eliminates funding for dropout prevention, ostensibly because local school districts can use part of their Title I funds for dropout prevention.

It is clear, however, that an allowable use of Title I funds is insufficient to stem the tide, as dropout rates continue to rise. The ETS report concludes that our failure to provide adequate resources for school dropout prevention is ''social dynamite.''

The response of the Federal Government to this crisis is wholly inadequate, and in fact, is moving in the wrong direction. Dropout rates continue to climb, and the economic consequences are devastating for our younger and less educated population of dropouts. The reality is that in 2002, a high school dropout earned less than $23,000 per year, not enough for a family to be self-sufficient and pay for the basic necessities of life, such as food, housing, and health care.

Moreover, I believe this dropout crisis places our economic security in peril. How will this country continue to compete in a global economy when only two-thirds of our high school students graduate high school. An educated workforce is the foundation for our future economic strength.

I am offering this amendment to the FY 06 Labor-HHS-Education Appropriations bill to add $4.9 million to maintain funding for dropout prevention, representing the current funding level. This amount is offset by amounts made available to the Department of Education for administrative expenses and salaries.

I believe this offset is reasonable, given that in the past few years alone, the Department of Education has spent millions of dollars on public relations contracts and grants to promote certain Department policies and priorities, some of which violated Federal law. I believe, however, reducing the dropout rate is a higher priority than promoting the Department's own agenda. I urge my colleagues to support this amendment.

Again, I ask to have that amendment laid aside.

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

AMENDMENT NO. 2262

Mr. BINGAMAN. Mr. President, I call up amendment No. 2262.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2262.

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

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

The amendment is as follows:

(Purpose: To increase funding for education programs serving Hispanic students)

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

SEC. ___. INCREASED FUNDING FOR EDUCATION PROGRAMS SERVING HISPANIC STUDENTS.

(a) MIGRANT EDUCATION.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $9,600,000 for the education of migratory children under part C of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6391 et seq.).

(b) ENGLISH LANGUAGE ACQUISITION.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $10,300,000 for English language acquisition programs under part A of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6811 et seq.).

(c) HEP/CAMP.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $5,700,000 for the High School Equivalency Program and the College Assistance Migrant Program under section 418A of the Higher Education Act of 1965 (20 U.S.C. 1070d-2).

(d) SCHOOL DROPOUT PREVENTION.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $5,000,000 for school dropout prevention programs under part H of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6551 et seq.).

(e) ESL/CIVICS PROGRAMS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $6,500,000 for English as a second language programs and civics education programs under the Adult Education Act (20 U.S.C. 9201 et seq.).

(f) PARENT ASSISTANCE AND LOCAL FAMILY INFORMATION CENTERS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, an additional $13,000,000 for the Parent Assistance and Local Family Information Centers under subpart 16 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7273 et seq.).

(g) HISPANIC-SERVING INSTITUTIONS.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $9,900,000 for Hispanic-serving institutions under title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.).

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator SALAZAR be added as a cosponsor of this amendment, No. 2262.

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

Mr. BINGAMAN. Mr. President, let me speak for just a very few minutes on this amendment. Then I see there are other Senators seeking recognition. I will not delay them long.

This is a very important amendment on which I will request we actually have a rollcall vote tomorrow. It is an amendment to invest an additional $60 million in eight different programs, in a combination of eight different programs. They are very important to the Hispanic community in this country. The eight programs are migrant education, English language acquisition programs, the High School Equivalency Program, the College Assistance Migrant Program, Dropout Prevention, English as a Second Language Programs, local family information centers, and the Hispanic-Serving Institutions Program.

The amendment is strongly supported by the Hispanic Education Coalition, which is an ad hoc coalition of national organizations dedicated to improving educational opportunities for more than 40 million Hispanics living in the United States, including groups such as the National Council of La Raza, HACU, and MALDEF. The National PTA is also a very strong supporter of the amendment.

The Title I Migrant Education Program was established to provide a compensatory education program designed to deal with the difficulties encountered by children of migrant workers as a consequence of their mobility. Some of these children attend three or four schools in a single school year.

They have a great need for coordination of educational services among the States and local districts where they live, often for short periods of time. The MEP builds the support structures for migrant students so that they can achieve high levels of success both in and outside of school.

The U.S. Department of Education reports that more than 750,000 students were identified as eligible for the program in fiscal year 2001. Additional funds are necessary to ensure that these children are able to meet the challenges mandated by the No Child Left Behind Act. This amendment will provide an additional $9.6 million in needed funding.

This amendment would also increase funding to States and local school districts in order to ensure that as many of the 5.5 million children with limited English skills as possible learn English, develop high levels of academic attainment, and meet the same challenging State academic standards as all children.

Title III is a formula grant program that distributes funding to all 50 States based on the number of limited English proficient, LEP, and recent immigrant students. The funds are used for developing effective language acquisition programs; training for bilingual/ESL teachers and regular teachers and educational personnel; parent involvement; and providing services for recently arrived immigrant students. This amendment requests an additional $10.3 million for Language Acquisition Grants, which restores the program's funding to its fiscal year 2003 level.

This amendment would provide modest increases for the High School Equivalency Program, HEP, and the College Assistance Migrant Program, CAMP. The HEP helps migrant students who have dropped out of high school earn a GED. The CAMP assists migrant students in their first year of college with both counseling and stipends. These programs provide farmworker migrant students with education opportunities and support that will help them to become productive members of society.

Migrant students are among the most disadvantaged youth in this Nation. Current estimates place the dropout rate for migrant youth at between 50 and 60 percent. Before CAMP, there was no record of a child of migrant farm workers ever having attended college. Both programs have been very successful in helping migrant students become productive members of society.

According to the Department of Education, in 2003–2004, almost 10,000 students were served by HEP CAMP, and 63 percent of the HEP participants received a GED, and 84 percent of CAMP students completed their first year of college in good standing. This amendment provides an additional $5.7 million for these programs.

The Dropout Prevention program helps States and school districts to implement research-based, sustainable, and coordinated school dropout prevention and re-entry programs in order to raise student achievement. At a time when schools are focused on narrowing achievement gaps between differing subgroups of students, it seems that Congress would want to retain Dropout Prevention, a program specifically aimed at providing schools with the tools to help students achieve a high school degree.

Support for Dropout Prevention is even more significant when considering that the primary source of Federal funding for public schools, authorized through the No Child Left Behind Act, NCLB, focuses mainly on elementary schools. More than 90 percent of Title I funds—the principal NCLB program—are directed to elementary schools. Such an emphasis on elementary education is necessary and appropriate, but equally important is continuing an investment of resources throughout the education continuum in order to meet the needs of middle level and high school students.

The Dropout Prevention program is the only Federal program actively working to reduce the Nation's dropout rates, and, as recent headlines tell us, it is a problem that is far more severe than previous data indicated.

A report by the Urban Institute finds that only 68 percent of all students in the public high school class of 2001 graduated. Furthermore, it states that only 50 percent of all black students and 53 percent of Hispanic students graduate. Nearly half of all black and Hispanic students do not graduate from high school. This is a problem that has reached enormous proportions. The Dropout Prevention program was

eliminated in this legislation. This amendment restores $5 million to this program.

The Local Family Information Centers program was authorized under the No Child Left Behind Act to provide parents of Title I students, including English language learners, with information about their children's schools so that they can help their children to meet the high standards we have set under NCLB.

The Local Family Information Centers also help parents to hold their local and State school officials accountable and become more involved in their children's education. This amendment would increase funding for these centers by $13 million.

The need for increased funding for English as a Second Language, ESL, is evident by the growing demand for services and the lack of resources to meet that need.

Enrollment in Adult ESL has increased 105 percent over the past 10 years, yet there is a lack of programs and funding to ensure that all who desire to learn English have access to appropriate services.

Currently, community-based organizations must piece programs together with volunteer labor and facilities. The need for more targeted services is overwhelming. Demand for English-language instruction far outweighs supply, waiting lists for classes typically range from several months to years, and many States do not have the capacity to meet the demand.

The current $70 million in funding is insufficient to meet the enormous demand for ESL services. As the labor market continues to require English-proficient labor, investing in ESL programs will strengthen the labor pool and return a more versatile productive workforce. This amendment provides an additional $6.5 million for ESL programs.

Currently, 35 percent of Hispanics are under the age of 18. The Educational Testing Service has projected the U.S. higher education system will grow by 3.5 million additional students by 2015 and that nearly 40 percent of these new students will be Hispanic. HSIs serve the largest concentrations of the Nation' s youngest and largest ethnic population.

The impending emergence of more than 100 new HSIs, mostly in California, Texas, Florida, New Mexico and Illinois, in the next few years and the rapid growth of the Hispanic college-age population underscore the urgency for immediate, major, and sustained increases in Title V funding.

At a time when the current labor force is reaching retirement age in substantial numbers, Hispanics already represent one of every three new workers joining the U.S. labor force, according to the U.S. Bureau of Labor Statistics. By 2025, the Bureau projects that one of two new workers joining the U.S. labor force will be Hispanic. This amendment would provide an additional $9.9 million in assistance to these great institutions.

We must do everything possible to provide every child with the best education we can. This amendment would provide small, but much-needed increases to programs that can make a difference in the lives of millions of children. I urge my fellow Senators to support these greatly needed programs by providing them with the proper resources. I will seek some additional time tomorrow before we actually have a vote on this amendment in order to further explain to my colleagues the reasons this amendment needs to be adopted.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes regarding the hurricane in Florida.

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

HURRICANE WILMA DAMAGE

Mr. MARTINEZ. Mr. President, I rise today to address an issue that unfortunately has become all too familiar to us, particularly us Floridians, which is the devastating ravages of yet another storm that has hit our coastal zone and particularly the State of Florida.

I have just returned from the State of Florida, from south Florida, having traveled there today, with Senator NELSON. I also traveled around with Members of the Congress, with ILEANA ROS-LEHTINEN, Congressman LINCOLN DIAZ-BALART, Congressman MARIO DIAZ-BALART, and Congressman CLAY SHAW.

We went first to Miami, Dade County, where we visited the emergency operations center. There we were able to get a briefing and an update from people on the ground about the situation there. Unfortunately, there, and then again in Broward County and Fort Lauderdale where we further visited, the situation seems to be somewhat the same.

There is widespread damage to people's homes and places of business, but the most important and most pervasive problem seems to be the very severe loss of electrical power.

In addition to the electrical power, there is a combination in some of the places which also has to do with problems of potable water.

As I stand here, there are still 2.8 million people in Florida without electricity. Nearly 6 million people were without power Tuesday morning. We are making some progress, thanks in part to the contributions of other States that have responded to this emergency. More than 5,000 people from neighboring States are actively working to restore power in the lower peninsula.

Damage in Florida not only began in the area of Naples and Marco Island on the west coast, but then it traveled across the rural area of our State, across the Everglades and slammed in an angling way, covering the Florida Keys before it ever reached the mainland, and then Miami, Dade County, Broward County, Palm Beach County, exiting out in the area of Palm Beach.

Regarding those 2.8 million people without power, I am hopeful that figure will be dropping substantially in the next several days. That will be good news if it happens. In the meantime, there is an area of great concern.

We are being told by the power companies it will be at least a week, maybe 10 days, maybe 2 weeks before a substantial number of these customers will be restored to power. In fact, the date of November 22 is now being given as to when all customers will be back on line. That is almost a month from now. No power, for many Floridians, means there is no way to prepare meals, no hot water in which to bathe or wash clothes or dishes, no traffic lights, no way to pump gas, no access to cash machines so people might access resources necessary to restock and obtain water and food supplies.

Banks are closed. The schools in many ways would be ready to reopen in a matter of a couple of days, but they cannot open until there is power. Hospitals are working on generators; however, there is concern that these generators will begin to start running low on fuel and there is also the ''boil water'' order given to the people of south Florida, in counties that are, frankly, having problems with water pressure issues.

There are substantial relief efforts in progress. There have been a few glitches along the way. Yesterday, there were long lines of exasperated people, which is understandable in the first 48 hours following a category 3 hurricane that hit with well over 100-mile-an-hour winds in some of the most populated areas of the State of Florida.

I commend our Governor, Jeb Bush, for his preparation before the storm ever reached our shores and for the good cooperation that local government has been given throughout the State. Even though we have all heard reports of long lines at these distribution points and that we have run out of supplies too soon, the system is working and will be working even better in the coming hours. Improvements have been made over the last 24 hours, and we believe more improvements will be made in a very short period of time.

I also commend our Florida National Guard. The Florida National Guard, time and again, has answered the call as we have faced storm after storm in the State of Florida. Right now we have over 4,000 members of the Guard who have been activated, helping to distribute food and material and assisting local law enforcement and patrolling areas, assisting local law enforcement. More troops are being called up, I understand.

There are curfews in effect throughout south Florida, and it is a big task to enforce these curfews. Floridians are

following the instructions and local government officials were pleased to report to us how well Floridians were responding to the call for curfew. We hope this will continue because the curfews will need to be in effect for ongoing days, and we hope the same level of cooperation will be seen.

FEMA is on the ground in Florida. In addition to helping to provide for immediate needs, the administrators have approved individual assistance for 10 Florida counties covering an estimated 6.5 million people in the State of Florida. That was welcome news to the people in Miami, Dade and Broward Counties, that I visited today.

As far as the overall picture, the extent of the damage, and the economic impact, it is hard to get an accurate dollar figure just yet because the estimates are still coming in. Just to give my colleagues an idea, the preliminary figures, according to the Florida Insurance Council, puts the cost of Hurricane Wilma to somewhere close to $10 billion.

If that figure holds, it makes Wilma the most damaging storm to hit the State this year and perhaps Florida's most damaging hurricane in over a decade.

I also want to underscore that Florida is a State that went into this particular storm with a lot on its shoulders already. Before Wilma, over 10 percent of Florida's homes were damaged from four previous hurricanes last year. Even today, we still had over 20,000 Floridians living in some sort of transitional housing. Most of that is a backlog of structural repair. Now that number is going to dramatically escalate.

Before Wilma was even a squall, Florida's agricultural damages from the last year stood at $665 million. Whole sectors of our agricultural industry are devastated. Frankly, it will take years to replant and reestablish some of the crops. It is highly likely that this hurricane is going to make yet another agricultural season a total loss for Floridians.

I also want to mention S. 939, the Disaster Recovery Act. This bill, which has been introduced by myself and several others, is pending before this body. It seeks to expedite Federal assistance and assist communities in debris removal. This is straightforward legislation. Without it, people in communities can be kept waiting for months for any assistance. In the case of debris removal, it is an issue of public safety that has gone unaddressed for far too long. With the help of my good friends from Maine and Mississippi, this bill is now moving forward, and I will ask my colleagues to lend their support. This is critical legislation, and it will make a difference to millions of Floridians and others affected by the recent storms. This bill is currently hotlined, and I am hopeful that first thing tomorrow morning we will be able to move this bill along.

Beyond that, I know there is still an appropriate time and place for a larger Federal role in this disaster. I ask my colleagues to keep in mind that Florida has been hit by eight hurricanes and two tropical storms in the last 14 months. Going into this storm, we have had a lot of damage from Wilma, and it has only been compounded by existing problems and new ones have been created.

So let me conclude on a brighter note and express appreciation for those of my colleagues who have indicated their concern for Florida. It is times like these that makes me proud to be a Floridian. We are resilient people. What we saw today was folks pulling together. We will repair the damage and we will move on. The communities of Florida are pulling together, helping one another and reaching out to one another in a spirit of cooperation and neighborliness, which I think is commendable.

I think we need to continue to pull together because these are difficult days. We are not going to get over this in a matter of 24 hours or 48 hours. It is going to take some time.

In the first 48 hours after a category 3 hurricane, it is understandable that people's nerves are fraying and impatience is setting in.

However, we are ready for this, and I know we will pull together and get through it in the best way possible.

I believe it is most important to point out that in spite of all of this, the Orlando International Airport has reopened for business. The cruise ships are coming in and out of Miami Harbor. The fact is that the attractions—all in central Florida—were completely unaffected by any of this and are open for business. Florida, in fact, is open for business. The convention facilities are working. Florida will be back to normal in short order. I do hope that people recognize Florida is still a wonderful place to visit.

I thank my colleagues for all of the expressions of support, and I look forward to working with them as we try to seek an appropriate Federal response to Florida's problem.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that the pending amendments be set aside.

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

AMENDMENT NO. 2322

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2322.

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

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

The amendment is as follows:

(Purpose: To prohibit payments for administrative expenses under the Medicaid program if more than 15 percent of applications for medical assistance, eligibility redeterminations, and change reports are processed by individuals who are not State employees meeting certain personnel standards)

At the appropriate place in title II, insert the following:

SEC. ____. (a) IN GENERAL.—None of the funds made available in this Act may 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.

Mr. HARKIN. Mr. President, I ask unanimous consent that the amendment now be laid aside.

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

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2277

Mr. CORNYN. Mr. President, I call up amendment No. 2277.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 2277.

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

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

The amendment is as follows:

(Purpose: To increase the amount of appropriated funds available for Community-Based Job Training Grants)

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''

Mr. CORNYN. Mr. President, this amendment supports the administration's request for second-year funding for the Community-Based Job Training Grant Initiative.

Although that is a mouthful, this goes to one of the most basic needs of our country, and particularly our growing economy.

For those who are concerned about offshoring and outsourcing of jobs to other countries, for those who are concerned about American citizens who have not yet attained a living wage in their jobs, this is the answer to all of those challenges, and more.

The primary purpose of the grants that are included in this program is to strengthen the role of community and technical colleges and train workers for the skills required to succeed in high-growth, high-demand industries.

The amendment covers publicly funded institutions of higher education that grant associate degrees. Community-based job training grants are awarded to community and technical colleges that demonstrate they are engaged in a strategic partnership with business and industry. In other words, this is not just the teaching of academic subjects but, rather, working with industry to determine what sort of job skills they need for the good jobs they can provide, if they can find a sufficient number of trained employees to do them.

Applicants for these grants are required to identify workforce challenges and their ability to implement workforce solutions for locally identified high-growth, high-demand occupations.

This amendment will help increase the capacity of community colleges to provide innovative job training strategies in local demand industries. They will be able to develop training criteria with local industry, hire qualified faculty, arrange on-the-job experiences with industry, and use up-to-date equipment.

Community colleges are one of the best kept educational secrets in this country. They are adaptable, flexible, affordable, and accessible by all segments of the community.

This amendment will help community colleges train 100,000 new and experienced workers in demand industries and then increase the retention and earnings of trained workers.

The Labor Department is committed to making all curricula and training techniques developed through the grants available to community colleges nationwide so these grants help more than just the direct recipient of the grant.

This amendment will help millions more workers access education and training for exciting career opportunities and a brighter future. The first grant competition for $125 million was appropriated in fiscal year 2005 and was issued in May. Nearly 400 community colleges submitted proposals and 70 community colleges in 40 States were awarded grants on October 19.

I am particularly proud that 7 of the community colleges in Texas were awarded grants through the first $125 million competition.

I have long been an advocate of these kind of workforce partnerships and initiatives formed with community colleges and local business communities because I have actually seen them succeed.

While in the Senate, I have had the opportunity to visit a number of these initiatives across the State of Texas, in Austin, in Houston, Pasadena, Laredo, Beaumont, Sherman, El Paso, Lubbock, and Victoria.

I remember in particular a young Hispanic woman, a single mom who had been a prison guard in Amarillo, TX who, as a result of a program that she trained in in an Amarillo community college, was able to increase her earnings and brighten her future, as well as get out of her somewhat dangerous job as a prison guard to begin working on the production line for the V–22 tilt rotor being made at Bell Helicopter in Amarillo, TX.

This is only one example of how we can provide the resources to individuals so they can improve their future, improve their skills, and satisfy the needs of employers who search, often in vain, for qualified workers to take these good and very well paying jobs.

I know, in consultation with the distinguished floor manager of this bill, that this contains an offset that causes some concerns. What I would like to do is continue our discussions with Senator SPECTER, the Senator from Pennsylvania, the distinguished manager of this bill, as we proceed through this process to try to find some way to maximize the funds available to this particular program in the conference and hopefully restore some of the money that would otherwise be cut. I realize the subcommittee is working within allocation caps and we don't want to cause any unnecessary concern. But this is an initiative that I feel so strongly about, and I think the more our colleagues learn about this, the more our colleagues will be supportive of this restoration of these funds for this important initiative.

With that, I ask unanimous consent that the amendment be set aside.

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

Mr. CORNYN. Mr. President, I look forward to working with the distinguished Senator from Pennsylvania and the distinguished Senator from Iowa as we try to work in the conference to try to accommodate and indeed try to maximize the funds for this important initiative.

I yield the floor.

AMENDMENT NO. 2278

Mr. SPECTER. Mr. President, there is now a series of five amendments which have been accepted on both sides. I now ask unanimous consent that the Senate turn to a series of five amendments which have been accepted on both sides.

I start with an amendment on behalf of Senator FRIST, No. 2278, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. FRIST, proposes an amendment numbered 2278.

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

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

The amendment is as follows:

(Purpose: To increase funding for suicide prevention activities)

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''.

Mr. SPECTER. Mr. President, this amendment provides an additional $13 million for suicide prevention activities.

I urge adoption of the amendment. This is an offset, so we stay within our limits.

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

The amendment (No. 2278) was agreed to.

AMENDMENT NO. 2315

Mr. SPECTER. Mr. President, I now call up the Durbin amendment on point of entry, and yield to the Senator from Illinois.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2315.

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

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

The amendment is as follows:

(Purpose: To designate a port of entry)

On page 22, 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.

Mr. DURBIN. Mr. President, this is a technical amendment which designates Mid-American St. Louis Airport in Mascoutah, IL as a point of entry. It has been cleared on both sides, and with Senator GREGG.

I urge adoption of the amendment.

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

The amendment (No. 2315) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2228

Mr. SPECTER. Mr. President, I now call up a second Durbin amendment on scientific integrity and yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that this amendment is pending. If that is the case, I urge adoption of amendment.

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

The amendment (No. 2228) was agreed to, as follows:

(Purpose: To ensure the scientific integrity of Federally-funded scientific advisory committees and their findings)

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.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2246

Mr. HARKIN. Mr. President, I now call up an amendment by the Senator from Massachusetts, Senator KENNEDY, on women's employment data. I ask unanimous consent that the pending amendments be set aside.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. KENNEDY, for himself, Mr. HARKIN, and Mr. LAUTENBERG, proposes an amendment numbered 2246.

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

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

The amendment is as follows:

(Purpose: To ensure that the Current Employment Survey maintains the content of the survey issued prior to August 2005 with respect to the collection of data for the women worker series)

On page 131, line 18, insert before the period the following: '': *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to August 2005 with respect to the collection of data for the women worker series''.

AMENDMENT NO. 2246, AS MODIFIED

Mr. HARKIN. Mr. President, I ask unanimous consent on behalf of Senator KENNEDY to send a modification to the amendment to the desk. It changes the date, it looks like, from August to June.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2246), as modified, is as follows:

On page 131, line 18, insert before the period the following: '': *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series''.

Mr. KENNEDY. Mr. President, in June 2005, the Department of Labor's Bureau of Labor Statistics eliminated the most reliable source of employment data on women workers by removing the Women Worker Series from its Current Employment Statistics survey. This move—opposed by a bipartisan coalition of Senators—blocks collection of key data about the status and progress of women in the workplace. I offer an amendment today to reverse that decision.

Comprehensive and accurate information on gender employment is vital to ending long-standing economic discrimination against women in our society. The facts are painfully clear. Women today earn 76 cents for every dollar earned by men. They work disproportionately in lower-paying occupations, and have far lower lifetime earnings than men. Congress, researchers, and policymakers across the country need the data collected by the Women Worker Series to understand the true dimensions of gender inequality in the workforce, and guide us in our effort to eliminate it.

The Women Worker Series has the best available data on women in the workforce. It's been part of a broad-based survey of nearly 400,000 business establishments that examines the most accurate data available—employers' own records. The data are the most reliable way to assess monthly changes in employment, and they contain valuable insights on women's employment and unemployment in the business cycle.

The information collected in the survey is indispensable to policymakers and researchers. During the comment period conducted by the Department of Labor, the comments received were more than 9-to-1 against discontinuing the series. Every business group that commented on the proposed elimination of the data, including the Women's Chamber of Commerce and Business and Professional Women, supported continuing the collection of the data. Janet Norwood, Commissioner of the Bureau of Labor Statistics in both the Carter and Reagan administrations, criticized the recent decision to discontinue this collection.

Many of the comments cited studies that used the data to uncover important conclusions about the position of women in the workforce. A study by the Federal Reserve Bank of New York, for example, used the data to find that men and women have historically been affected differently by recessions, with jobs often shifting from women to men during these periods. This study would have been impossible without the Women Worker Series.

The department claims that it has eliminated the series in order to reduce the burden on employers responding in the survey. But continuing to collect this information would not be unduly burdensome. The gender series is only one question in a larger survey that the department continues to conduct. According to BLS estimates, the entire survey takes only seven minutes to fill out, so the burden imposed by a single question is virtually nonexistent. Indeed, most employers are required to track the gender of their employees for other purposes, so the requested information is almost always readily available.

The decision to eliminate the Women Worker Series is an insult to working women across the country, and can only strengthen the discrimination they face in the workplace. At a time when women's employment may be changing in fundamental ways, we should be expanding—not reducing—our ability to understand the evolving role of women in the Nation's labor force. I urge my colleagues to accept this amendment and avoid taking an unfair step backward on this very important issue for working women across America.

I ask, unanimous consent that letters in support of the amendment be printed in the RECORD.

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

U.S. SENATE
Washington, DC, February 9, 2005.

KATHLEEN P. UTGOFF,
Commissioner, U.S. Bureau of Labor Statistics, Washington, DC.

DEAR COMMISSIONER UTGOFF: We are writing to express our concern about the Bureau's plans to discontinue the gender series in the Current Employment Statistics (CES) program, We strongly urge you to continue to collect these data.

Comprehensive and accurate gender employment information is vital to end the longstanding economic discrimination against women in our society. Women today earn 76 cents for every dollar earned by men. They work disproportionately in lower-paying occupations, and have far lower lifetime earnings than men. Congress, researchers, and policymakers across the country need the CBS data to understand gender inequality in the workforce, and guide us in our efforts to eliminate it.

The recent recession marked the start of the only period of sustained job loss for women in the last forty years. At a time when women's employment may be changing in fundamental ways, we should be expanding—not limiting—our ability to understand the evolving role of women in the nation's labor-force.

The CES data are the best available data on employment trends, and are indispensable

to policymakers and researchers on the issue, The Current Population Survey is not an adequate substitute, Economists widely agree that the Bureau's Payroll Survey provides a far more accurate view of general employment trends than the Population Survey. As you yourself testified to the Congressional Joint Economic Committee in 2003, ''the payroll survey provides more reliable information on the current trend in wage and salary employment'' than the household survey, because the payroll survey has a larger sample and is linked to the total employment count based on records of the unemployment insurance tax.

You have indicated that eliminating the gender series is necessary so that the Bureau can reduce the burden of the survey on employers. But that benefit is miniscule compared to the significant loss caused by the elimination of the data series. The gender series is only a small portion of a survey that, by your own estimate, takes only seven minutes to fill out. Companies with 100 or more employees already have to submit EEO–1 forms detailing the gender breakdown of their workforce. In smaller companies, it is little burden to see the number of male and female employees.

In light of the special importance of the gender series, we urge you to continue to collect and provide these needed data.

Sincerely,

EDWARD M. KENNEDY,
RICHARD J. DURBIN,
TOM HARKIN,
CHRISTOPHER J. DODD,
JEFF BINGAMAN,
HILLARY RODHAM CLINTON,
MARY LANDRIEU,
JOHN F. KERRY,
MARIA CANTWELL,
EVAN BAYH,
OLYMPIA J. SNOWE,
SUSAN COLLINS,
LISA MURKOWSKI,
BARBARA A. MIKULSKI,
PATTY MURRAY,
DEBBIE STABENOW,
HERB KOHL,
DIANNE FEINSTEIN,
PAUL S. SARBANES,
PATRICK J. LEAHY,
BILL NELSON,
RON WYDEN,
JOSEPH I. LIEBERMAN,
JON S. CORZINE,
BARACK OBAMA,
TIM JOHNSON,
DANIEL K. AKAKA,
FRANK LAUTENBERG,
MARK DAYTON,
KEN SALAZAR.

OCTOBER 18, 2005.

Hon. FRANK LAUTENBERG
U.S. Senate,
Washington, DC

DEAR SENATOR LAUTENBERG: We are writing to inform you that the Bureau of Labor Statistics (BLS) announced on August 5, 2005 that it would no longer collect the data on women workers in the Current Employment Statistics Survey (CES). These critical data are not collected by any other survey and without it researchers cannot obtain a complete and accurate picture of women's employment. We the 137 undersigned organizations ask that Congress require BLS to continue collecting these data in the Appropriations bill for the Departments of Labor, Health and Human Services and Education for FY2006 that is currently being finalized.

The CES survey is a monthly nationwide survey of payroll records that covers more than 300,000 businesses and provides important industry data. The ''Women Worker Series'' consists of one question in the CES survey: ''Enter the number of employees from Column 1 who are women.'' This one question, however, provides the only accurate picture of whether (and in which industries) women are gaining or losing jobs in response to economic restructuring, changes in the business cycle, variation in labor supply and other factors. Because men and women generally work in different parts of the labor market, data that specifically track how women workers are faring compared to men is essential. Combined data may mask important differences in the experience of women and men workers.

The reasons that BLS has given for terminating the collection of these data do not hold up under scrutiny:

There Is No Substitute for the CES Survey: BLS has claimed that ending the Women Workers Series does no harm, because the Current Population Survey (''CPS'') collects extensive data on women's employment status and is thereby an adequate substitute. This is simply not true. The CPS data are collected from households and individuals, whereas the CES is collected from businesses, and thus, according to a former BLS Commissioner, ''provides more reliable information on the current trend of wage and salary employment.''

There is a High Response Rate for the CES Survey and It Is Not Burdensome for Businesses: BLS claimed that discontinuing the data collection from the single question about women workers would reduce the burden on employers. As evidence of this problem, they misleadingly stated that there was a low response rate to this inquiry. In fact, the response rate to this query is 86%—the second highest of any question on the CES Survey. Further, the only organizations representing businesses that submitted comments to BLS about the discontinuation of this data collection all supported continuing the data collection. Not only are businesses able to respond to these queries easily, but the record shows that they want the data collection to continue.

Researchers Use This Important Data: In announcing the discontinuation of this data collection, BLS stated that it was not widely used. This is not accurate either. Just this past month, the Center for Economic and Policy Research issued a report, ''Gender Bias in the Current Economic Recovery? Declining Employment Rates for Women in the 21st Century,'' based on the Women Worker Series in the CES. Further, many of the thousands of comments submitted to BLS in support of this data collection came from researchers at such organizations as the New York Federal Reserve Bank and the Consortium of Social Science Associations (including sociologists, political scientists, and others).

Perhaps the greatest evidence for the importance of this data is the outcry that arose after BLS announced it was going to stop collecting it. News services around the country ran the story. A bipartisan group of U.S. Representatives and Senators opposed the decision. Researchers and women's employment advocates pressed BLS to continue collecting the data.

In fact, during the original comment period, five thousand comments were submitted—running at least 9 to 1 in support of continuing the data collection. The only comments submitted by employers were in support of the continued collection of the Women Workers Series.

Despite the overwhelming case in support of continuing the Women Workers Series, and the underwhelming case for dropping it, BLS announced that it would terminate the data collection anyway.

Congress can, and should, require BLS to continue collecting the Women Workers Series.

Please support a provision in the Labor-HHS-Education Appropriations bill for FY 2006 to require BLS to continue collecting the Women Workers Series on the CES Survey. This information is critical to understanding the employment status of women in America. Please feel free to contact Heidi Hartmann of the Institute for Women's Policy Research (202/785–5100) or Sharon Levin of Women's Prerogative (202/296–3818) for further information.

Sincerely,

Alliance for Retired Americans, Alliance for the Status of Missouri Women, American Association of University Women, American Association of University Women, Ballwin-Chesterfield Chapter, American Association of University Women, Ferguson-Florisant Branch, American Educational Research Association, American Federation of Government Employees, AFL–CIO, American Federation of Government Employees (AFGE), Local 12, American Medical Women's Association, and Americans for Democratic Action.

Asian & Pacific Islander American Health Forum, Association of American Geographers, Business and Professional Women/USA, Business and Professional Women/Kentucky, Business and Professional Women/Kirksville, Business and Professional Women/Maryland, Business and Professional Women/Missouri, Business and Professional Women/St. Louis Metro, Business and Professional Women/St. Petersberg/Pinellas, Business and Professional Women/Suburban Maryland, and Business and Professional Women/USA.

BVM Network for Women's Issues, California National Organization for Women, California Partnership to End Domestic Violence, Catalyst Connection, Center for Independent Living of South Florida, Center for the Education of Women, University of Michigan, Center for Women Policy Studies, Chicago Women in Trades, Cincinnati National Organization for Women, and Coalition for Equal Pay.

Coalition of Labor Union Women, Common Cause, Communication Workers of America, Consortium of Social Science Associations, Dads and Daughters, Department for Professional Employees, AFL–CIO, Democratic Women's Club of Upper Pinellas, Discrimination Research Center, and Displaced Homemakers Network of New Jersey, Inc.

Family Tree, Inc., Federally Employed Women, Feminist Majority, Florida Consumer Action Network, Gender Watchers, General Federation of Women's Clubs, Georgia Rural Urban Summit, Georgia Women Work, and Girls Incorporated.

Honorable Linda Tan-Whelan, Tan-Whelan & Associates, Inc., Illinois Alliance for Retired Americans, Institute for Women's Policy Research, Institute for Research on Women and Gender, Jewish Women's Coalition, Laborers' International Union of North America, Lebanon (MO) Business and Professional Women, and Legal Momentum.

Maine Center for Economic Policy, Maine National Organization for Women, Maine People's Alliance, Maine Women's Lobby, Maryland National Organization for Women, Michigan Conference of the National Organization for Women, Michigan Women Work, Middle Way House, Inc., Minnesota National Organization for Women, Missouri Women's Coalition, Missouri Women's Network, Montgomery County Commission for Women, and MOTHERS (Mothers Ought to Have Equal Rights).

Mothers and More, Mt. Pleasant National Organization for Women, NA'AMATUSA, National Alliance for Partnerships in Equity, National Association of Social Workers, Maine Chapter, National Association of Women Business Owners, National Coalition

Against Domestic Violence, National Committee on Pay Equity, National Council of Jewish Women, and National Council for Research on Women.

National Council of Women's Organizations, National Organization for Women, National Partnership for Women and Families, National Women's Conference, National Women's Law Center, National Women's Political Caucus, NCA Union Retirees, Negotiating Women, Inc., New Choices/New Options, New Hampshire National Organization for Women, and New York State National Organization for Women.

Ohio National Organization for Women, Older Women's League, Oregon Consumer League, Oregon Tradeswomen, Inc., PHASE, University of Arizona, Philadelphia Coalition of Labor Union Women, Project IRENE, Sargent Shriver National Center on Poverty Law, Scholar Bound, South Carolina Coalition Against Domestic Violence and Sexual Assault, South Dakota Advocacy Network for Women, South Dakota Family Economic Self-Sufficiency Project, and St. Louis Coalition of Labor Union Women.

Teachers as Leaders and Learners Program at The College of New Jersey, Tennessee Healthcare Campaign, The Business Women's Network of Howard County, Tradewomen, Inc., Tradewomen Now and Tomorrow, The Media Project, The Washington Lawyers' Committee for Civil Rights & Urban Affairs, The Women's Center at Carnegie Mellon University, The Women's Office, Sisters of Charity, BVM, and The Women's Union.

United Food and Commercial Workers International Union (UFCW), United University Professions, U.S. Action, U.S. Women's Chamber of Commerce, Wider Opportunities for Women, Women of Reform Judaism, Women Work! The National Network for Women's Employment, Women's Center of Fayetteville, Women's Center of Greater Lansing, and Women's City Club of New York.

Women's Committee of 100, Women's Edge Coalition, Women Employed, Women For: Orange County, Women in Media and News, Women's Prerogative, Women's Research and Education Institute, Women's Resource Center, Women's Resource Center of Alamance County, North Carolina, Women's Resource Center of Central Oregon, World of Women SI Inc., Zonta Club of Pasadena, and 9 to 5, National Association of Working Women.

UNITED STATES SENATE,
Washington, DC, April 12, 2005.

Secretary ELAINE CHAO,
Department of Labor,
Washington, DC.

DEAR SECRETARY CHAO: I'm writing to express my surprise and concern at your ongoing plans to eliminate the women worker series in the Current Employment Statistics program.

Full and accurate gender employment information is a vital part of ending the longstanding economic discrimination against women in our society. As you know, women today earn 76 cents for every dollar earned by men. They work disproportionately in lower-paying occupations, and have far lower lifetime earnings than men. By eliminating the CES data, the Department will make it more difficult for Congress, researchers, and policymakers to understand the true nature of gender inequality in the workforce, and harm our efforts to eliminate it.

I understand that the Department has received nearly 5,000 comments about these proposed changes, and 90 percent of them urged you to continue collecting the data on women workers. The CES data are obviously the best sources of information on employment trends, and are indispensable to any analysis of job discrimination against women.

The Current Population Survey is not an adequate substitute, since it provides a far less accurate view of general employment trends than the payroll survey. The benefit of reducing the burden of the CES survey on employers is miniscule compared to the significant damage caused by eliminating the data series.

In light of the importance of the series and the broad support for its continuation, I urge you to continue to collect and provide these essential data.

With respect and admiration,

Sincerely,

EDWARD M. KENNEDY.

FEBRUARY 16, 2005.

MS. AMY A. HOBBY,
Bureau of Labor Statistics,
Washington, DC.

DEAR MS. HOBBY: On behalf of the 505,000 women business Women Impacting Public Policy (WIPP), in accordance with the advisory authority granted us in Public Law 100–553, and on behalf of Chair Marilyn Carlson Nelson and the other members of the National Women's Business Council, I am writing you today to comment upon proposed changes to the Bureau of Labor Statistics' Current Employment Statistics survey—in particular the proposal that the information from this survey no longer be made available by gender of worker.

As you may know, the mission of the National Women's Business Council is to provide advice and counsel to the President and his Administration and to the U.S. Congress on issues of importance to women business owners and their enterprises. In this capacity, we conduct research on issues of importance to the women's community, communicate those findings widely, connect the women's business community to one another and to federal policy makers, and—in so doing—create positive change for an estimated 15.6 million women who are engaged in the sole or shared ownership of approximately 10.6 million businesses in the United States.

Research has shown that among the greatest challenges faced by women in business—in addition to access to capital, training and technical assistance, markets and networks—is being taken seriously as contributors to our economy. One of the most significant ways in which women have achieved visibility, and thus recognition, for their economic contributions has been through the collection and dissemination of statistics monitoring their participation in the workforce, and their progression from non-supervisory to managerial positions, and from there to self-employment and business ownership. The gender-disaggregated information currently available through the BLS' Current Employment Statistics is a vital thread in the fabric of federal government data on the economic contributions of women. Regular, detailed information by industry and location is critical to understanding women's employment patterns as well as their progress (or lack thereof) over time.

The National Women's Business Council strongly opposes the proposed elimination of the collection of gender-based information from the CES. The elimination of gender as an item in the survey would not save a significant amount of money nor significantly reduce respondent burden, but—on the other hand—it would seriously impede analysis and monitoring of women's progress in the workforce and their contributions to our economy.

We are supportive of proposed efforts to pursue optical character recognition (OCR) and Web-based technologies to enhance survey response rates, increase efficiency, and save time and money.

We agree that such technologies have advanced to such a point that they can be reasonably incorporated into the survey methodology.

The Council welcomes the opportunity to provide the Bureau of Labor Standards our thoughts and comments on these important issues. We look forward to reading the comments of other organizations and interested parties, and you can be assured that the Council will closely monitor this most important issue. Knowledge fuels action, and one cannot responsibly react to and manage that which is not measured. The BLS has played an important role in women's economic development through the information published from the CES, CPS and other surveys. Again, it is vitally important that gender-disaggregated information continue to be made available to federal policy makers, to advisory bodies like the National Women's Business Council, and to the women's business community at large.

Sincerely,

JULIE R. WEEKS,
Executive Director,
Women Impacting Public Policy.

FEDERAL RESERVE BANK OF NEW YORK,
New York, NY, February 22, 2005.

U.S. Bureau of Labor Statistics,
Division of Current Employment Statistics,
Washington, DC.

TO THE BUREAU OF LABOR STATISTICS: This letter is in response to the request for public comment on the proposed discontinuation of the Women Workers Series (WWS) from the Current Employment Series. Economists in the Research and Statistics Group at the Federal Reserve Bank of New York recently learned of the existence of the WWS and are currently engaged in research using it to study the gender differences that underlie the unusual recent cyclical pattern of employment.

The attached is a synopsis of preliminary findings that suggest that time series patterns of employment for men and women are different, vary among recessions, and show no evidence of recent convergence. The approach follows recent work by Erica Groshen and Simon Potter (published in the August 2003 edition of the Federal Reserve Bank of New York's Current Issues in Economics and Finance) that finds it likely that the recent recession had a stronger cyclical component than previous recessions.

Gender disparities are of particular interest at the moment because the labor force participation rate for women during the past recession has fallen more than usual and as yet shows no sign of recovery. These results have interesting policy implications if they allow us insight into whether the decline in participation indicates enhanced cyclicality or a secular drop in women's labor force participation.

Our previous understanding of sectoral reallocations and heterogeneity is based largely on analysis of industry-level CES aggregate data. Household-based data series have too much sampling error to allow analysis by industry much beyond the 1-digit level and are not seasonally adjusted. The technique used here relies on seasonally adjusted data with more disaggregation than is available from the Current Population Survey (CPS)—particularly on a timely basis (that is, before the CPS microdata are released). It also requires a long time series, since recessions are rare events. CPS data are sparse before the 1980s.

The lack of prior use of the WWS may reflect the lack of visibility of the series on the BLS website and in news releases. Indeed, Groshen and Potter learned of its existence only this fall, when they discovered it in the Haver Analytics DLX database. Despite their many years of research in labor

economics, neither had encountered it before.

In light of our experience and intriguing recent findings, we do not support elimination of the WWS. Rather than discontinue an informative series with such a long history, we suggest that the BLS consider highlighting its existence among the community of data users and issuing a periodic release. Use might rise substantially. Such an effort would be the best way to judge the advisability of taking the drastic step of eliminating the WWS at a time when it may be particularly useful for understanding current macroeconomic phenomena.

Thank you for your consideration on this important issue.

Sincerely,

JOSEPH S. TRACY,
Executive Vice President and Director of Research.

Mr. SPECTER. Mr. President, this amendment would require the Bureau of Labor Statistics to continue collecting data on women workers in the current employment statistic survey.

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

The amendment (No. 2246), as modified, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2244

Mr. SPECTER. Mr. President, I call up amendment No. 2244.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. DAYTON, proposes an amendment numbered 2244.

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

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

The amendment is as follows:

(Purpose: To provide for the production and mailing of a corrected Medicare and You handbook)

On page 156, line 2, strike ''Funds.'' and insert ''Funds: *Provided further,* That the Secretary, by not later than January 1, 2006, shall produce and mail a corrected version of the annual notice required under section 1804(a) of the Social Security Act (42 U.S.C. 1395b–2(a)) to each beneficiary described in the second sentence of such section, together with an explanation of the error in the previous annual notice that was mailed to such beneficiaries.''.

AMENDMENT NO. 2244

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending amendment be set aside and we call up amendment 2244.

The PRESIDING OFFICER. The amendment is currently pending.

Mr. SPECTER. Mr. President, this amendment requires the Secretary to issue a new ''Medicare & You'' handbook. There are many errors in the handbook. The book should be reissued and mailed out again. This has been cleared on both sides.

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

The amendment (No. 2244) was agreed to.

Mr. HARKIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. With respect to tomorrow's schedule, we will have a cloture vote anticipated to be at 10 o'clock tomorrow morning.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—S.1042

Mr. FRIST. Mr. President, I ask consent that at a time determined by the majority leader, with concurrence of the Democratic leader, the Senate will resume consideration of S. 1042, the Defense authorization bill, and it be considered under the following limitations: All of the pending amendments be withdrawn and the bill be considered as follows: the only first-degree amendments in order be up to 12 amendments to be offered by each of the two leaders or their designees; provided further that the amendments be within the jurisdiction of the Committee on Armed Services or relevant to the underlying bill; further, that these amendments be subject to second degrees which are to be relevant to the amendment to which they are offered; provided further that first-degree amendments be limited to 1 hour of debate equally divided in the usual form, with any second degrees limited to 30 minutes of debate equally divided; provided further that the only other amendments in order other than the above-listed amendments be those managers' amendments which have been cleared by both managers of the bill.

I further ask that there be 2 hours of general debate on the bill divided between the two managers. Finally, I ask consent that at the expiration of that time and the disposition of the above amendments, the bill be read the third time and the Senate proceed to a vote on passage of the bill as amended, if amended, with no intervening action or debate.

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

Mr. FRIST. Mr. President, I am pleased we were finally able to reach a consent agreement on this very important bill that we have attempted to address more fully twice in the past, the Defense authorization bill. This will allow the Senate to return to the bill and complete it in a timely manner, in an orderly manner, with the amendments that are relevant to the issue at hand; that is,the issue of providing for our armed services. We will look for an appropriate window of time to resume the bill. I believe, under the guidance of the experienced chairman and ranking member, we should be able to complete that bill within 2 or possibly 3 days.

I thank everyone for working so hard to bring us to this point, for their patience and cooperation, and allowing us to go forward with this agreement, and I look forward to completion of that Defense authorization bill.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, this is not the time for protracted debate on why we are here, why we are not here. We are here. One of the most important bills this Congress must decide every year is this Defense authorization bill.

The majority leader and the two managers of the bill, Senator WARNER and Senator LEVIN, know—because I have sent them every letter I have sent to my distinguished colleague, the Senator from Tennessee—I strongly support the Senate consideration of the Defense authorization bill since it was unanimously passed by the Committee on Armed Services last May. We have a lot to do around here. I suggest there is nothing more important than taking care of the U.S. military. This is not the way to handle the bill, I recognize that, but it is the only way left we can handle this bill.

I hope the two managers can help work through these amendments. I know they are ready to accept scores of amendments once we get to this bill. I hope the 12 on each side are amendments that will be good for the Senate, good for this institution, and, of course, very good for the armed services of our country. If that is the case, it will be good for our country.

As I have said, this is not a time for pointing fingers. I am glad we are here even though that is not how I wanted to get here.

Mr. WARNER. Mr. President, I wish to thank our distinguished two leaders. On behalf of Senator LEVIN and myself, we assure our two leaders we will deal with this expeditiously, with the cooperation of the Senate. I am certain we can have an armed services bill this year. This is a nation at war. We have no alternative.

I yield the floor.

AMENDMENTS NOS. 2248, 2250, AND 2249, EN BLOC

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, we have several amendments to consider this evening. I will be very brief.

I ask unanimous consent to call up three amendments, to talk about them in 5 minutes, and then to set a vote whenever it is within the purview of the managers: amendment Nos. 2248, 2250, and 2249.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes amendments en bloc numbered 2248, 2250, and 2249.

Ms. LANDRIEU. I ask unanimous consent to dispense with the reading.

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

The amendments are as follows:

AMENDMENT NO. 2248

(Purpose: To increase appropriations for the Federal TRIO programs for students affected by Hurricanes Katrina or Rita)

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 to carry out the Federal TRIO programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) for students affected by Hurricanes Katrina or Rita in their respective institution of higher education.

(b) OFFSET FROM DEPARTMENTAL MANAGEMENT FUNDS.—Notwithstanding any other provision of this Act, amounts made available under this Act for the administration and related expenses for the departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced, on a pro rata basis, by $5,000,000.

AMENDMENT NO. 2250

(Purpose: To provide funding to carry out the Mosquito Abatement for Safety and Health Act)

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

SEC. ___. MOSQUITO ABATEMENT FOR SAFETY AND HEALTH ACT.

From amounts appropriated under this Act for the Centers for Disease Control and Prevention for infectious diseases-West Nile Virus, there shall be transferred $5,000,000 to carry out section 317S of the Public Health Service Act (relating to mosquito abatement for safety and health) with preference given to areas at greater risk of the West Nile Virus because of the effects of Hurricanes Katrina and Rita.

AMENDMENT NO. 2249

(Purpose: To require that any additional community health center funding be directed, in part, to centers in areas affected by Hurricane Katrina or Hurricane Rita)

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

SEC. ___. FUNDING FOR COMMUNITY HEALTH CENTERS IN HURRICANE KATRINA OR HURRICANE RITA AFFECTED AREAS.

Notwithstanding any other provision of law, if the amount appropriated under this Act for community health centers is more than the amount appropriated for such centers for fiscal year 2005, then—

(1) 5 percent of such excess amount shall be directed to establishing or expanding community health centers in areas affected by Hurricane Katrina or Hurricane Rita; and

(2) 5 percent of such excess amount shall be directed to community health centers serving patients affected by Hurricane Katrina or Hurricane Rita.

Ms. LANDRIEU. Mr. President, first of all, all three of these amendments are small in number but important in scope. Each seeks to take money that is already appropriated in the underlying bill and direct and target it, if you will, to the gulf coast area for some extraordinary needs. We have been struggling to find a way to provide for the unprecedented natural disaster that has occurred in the Rita-Katrina areas of Texas, Louisiana, Mississippi, and Alabama.

There are many important programs in this bill that seek to send important aid around the Nation. There are three programs I have chosen to bring to the attention of the Senate tonight in very small amounts that could provide great help to the people of our region.

One is the TRIO Program, which has been extremely successful in helping first-generation college students to pursue a degree. Of course, we know 80 percent of all jobs in the future will require some college. This TRIO Program is federally funded but locally led and has been extremely effective, with great support from Republicans and Democrats, the House and the Senate.

The purpose of my amendment is to target $5 million of the money in here toward Katrina-related areas—Katrina-Rita—to make sure our universities and the thousands of students who have been displaced can have a little extra funding to help them at this time.

The second amendment has to do with community health centers that are going to see, because of the good work of the ranking member and the chairman, an increase of $105 million in a competitive grant—additional money for community health centers. One of these amendments takes just 10 percent of the increase of $105 million and directs it to Katrina-Rita areas, as we have to stand up a new health care system for the region. It would be given out by the Department. Again, it is another way to not add money but to just direct and target money that we are already spending—not taking it away from anyone but targeting some of the increase to our region.

Finally, the third amendment would do the same thing for mosquito abatement. We are hopeful we will not get the avian flu that seems headed our way. For those in Louisiana, Mississippi, and Alabama, we worry about the disease that can be spread—West Nile—by mosquitos. Our health officials say the mosquito populations, because of the extraordinary flooding, have increased by 800 percent. Since October 18, there have been 81 cases and 6 fatalities. Again, my amendment takes money that is already designated and sends $5 million of the $40 million to the Katrina-Rita areas.

I ask my colleagues to look favorably on these three amendments. Again, they are small amounts of money, but they could go a long way. They do not add money to the deficit. They do not take money away from anyone else because we are taking a portion of the increase. That portion is based on our population in the region.

It is quite reasonable. I hope the managers will accept them. If not, we can have a vote sometime tomorrow.

I yield the floor.

AMENDMENT NO. 2265, AS MODIFIED

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendments be set aside.

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

Ms. COLLINS. I call up amendment 2265, and I send a modification to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] and Mr. FEINGOLD, propose an amendment numbered 2265, as modified.

Ms. COLLINS. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

(Purpose: To fund grants for innovative programs to address dental workforce needs)

At the appropriate place in title II, insert the following:

SEC. ___. From amounts appropriated to the Health Resources and Services Administration, $5,000,000 shall be available to fund grants for innovative programs to address dental workforce needs under section 340G of the Public Health Service Act (42 U.S.C. 246g).

Ms. COLLINS. Mr. President, 3 years ago, the Senate enacted and the President signed into law the Dental Health Improvement Act as part of the health care safety net amendments of 2002. This was legislation authored by the Senator from Wisconsin, Mr. FEINGOLD, and myself which authorized grants to States to help them develop innovative dental workforce development programs tailored to their specific needs.

I rise today to offer an amendment with my colleague from Wisconsin to provide $5 million for this important program next year to help States improve access to oral health care by strengthening the dental workforce in our Nation's rural and underserved communities.

While oral health in America has improved dramatically over the last 50 years, these improvements have not occurred evenly across all sectors of our population. Particularly, our low-income families have been left out. An estimated 25 million Americans live in areas lacking in adequate dental services. Astoundingly, as many as 11 percent of our Nation's rural population has never been to a dentist.

The situation is exacerbated by the fact that our dental workforce is growing older. More than 20 percent of dentists nationwide will retire in the next decade. The number of dental graduates by 2015 will not be enough to replace these retirees. As a consequence, many States, particularly rural States like mine, are facing a serious shortage of dentists. In Maine, there is one general practice dentist for every 2,300 people in the Portland area. But the numbers drop off dramatically in other parts of our State. In Aroostook County, for example, which is where I am from, there is only 1 dentist for every 5,500 people. And of the 23 practicing dentists in Aroostook County, only 6 are taking on new patients. Moreover, at a time when tooth decay is the most prevalent childhood disease in America, Maine has fewer than 10 specialists in pediatric dentistry, and virtually all of them are located in the southern part of the State.

The Collins-Feingold Dental Health Improvement Act authorized a new State grant program administered by the Health Resources and Services Administration that is designed to improve access to oral health services in rural or underserved areas.

Now, States could use these grants for a variety of programs. For example, they might use the grant for loan forgiveness or repayment programs for dentists practicing in underserved areas. They could also use the grant funds to establish or expand community- or school-based dental clinics or to set up mobile or portable dental facilities.

To assist in their recruitment and retention efforts, States could use the funds for placement and support of dental students, residents, and advanced dentistry trainees. Or they could use the grants for continuing education, for distance-based education, and practice support through teledentistry.

Our amendment is supported by the American Dental Association, the American Dental Education Association, the American Dental Hygienists Association, and other members of the Dental Access Coalition. It is also fully offset.

There is clearly a need to make our oral health care services more accessible in our Nation's rural and underserved communities.

Again, I end my remarks with what I think is a troubling and astonishing statistic; and that is, that 11 percent of rural Americans have never been to the dentist. This is a serious public health challenge, and this modest investment could make a real difference.

I urge all of my colleagues to join Senator FEINGOLD and me in supporting this amendment.

I thank the subcommittee chairman and ranking member for working so closely with us to identify an appropriate offset.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 2285

Mrs. MURRAY. Mr. President, I ask unanimous consent that amendment No. 2285 be called up and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2285.

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

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

The amendment is as follows:

(Purpose: To insert provisions related to an investigation by the Inspector General)

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 a 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.

Mrs. MURRAY. Mr. President, I rise this evening to offer an amendment that really need not be offered. In fact, each time I come to the floor of the Senate to talk about Plan B and the FDA, I hope it will be the last time. I continue to hope that the FDA or Health and Human Services will do the right thing and finally put science and safety and efficacy over politics. Unfortunately, over the course of the past several years, as you can see by the timeline shown behind me, I, along with millions of Americans, have been disappointed time and time again.

I have always supported a strong and independent Food and Drug Administration. It is the only way in which the FDA can truly operate effectively and with the confidence of American consumers and health care providers. Americans have to have faith that when they walk into their local grocery store or their local pharmacy, the products they purchase are safe, effective, and that their approval has been based on sound science.

They have to be assured that those decisions were not based on political pressure or pandering to interest groups. That is why the application process for Plan B emergency contraceptives has been so troubling to me and many others.

Back in December of 2003, almost 2 years ago, the FDA's own scientific advisory board overwhelmingly recommended approval of Plan B's over-the-counter application by a vote of 23 to 4. But the FDA has not adhered to its own guidelines for drug approval and continues to this day, after all of these actions, to drag its feet.

In fact, Alastair Wood, who is a member of the advisory panel, said:

What's disturbing is that the science was overwhelming here, and the FDA is supposed to make decisions based on science.

It is obvious to me and to many of my colleagues—and to millions of American women and men—that something other than science is going on at the FDA. It is far past time to get to the bottom of it. That is why tonight I am offering this amendment which will shift $3 million from the Office of the Secretary to the Office of the Inspector General at the Department of Health and Human Services. This funding will help the inspector general's office to investigate potential mismanagement at the FDA. This investigation will be separate from ongoing investigations of the former Commissioner, Lester Crawford, and it will include, but not be limited to, over-the-counter application for Plan B.

Let me be clear: The men and women of the FDA work very hard. They adhere to the principles of science. They do a job that all Americans can be proud of. But their hard work is being undermined and it is overshadowed by the Agency's own leadership. If the leadership at the FDA and HHS don't take steps to restore the confidence of American consumers in the FDA's ability to promote safe and effective treatments, then Congress has a duty to step in. The health and well-being of the American people should not blow with the political winds. Caring for the people we represent is an American issue, and part of that goal is reassuring that Americans have access to safe, effective medicines in a timely fashion.

Time and time again, I, along with my colleague, Senator CLINTON of New York, and others, have asked for a decision on Plan B. We have not dictated that we want a yes. We have not dictated that we want a no. We have simply said: We want a decision. This continued foot dragging—day after day, month after month, year after year—is unusual, unwarranted, and unprofessional. This continued delay goes against everything the FDA's own advisory panel found nearly 2 years ago: that Plan B is safe and it is effective and should be available over the counter. There is no credible scientific reason to continue to deny increased access to this safe health care option, but there is even less reason to deny an answer.

This is not the last word on this issue. The problem with politics subverting the FDA's adherence to science and its integrity is so profound and so urgent, I intend to use every tool available to me as a Senator to make sure that this discussion about our priorities and our future is not lost.

I ask my colleagues to do what we tell the FDA to do, which is to make decisions based on science and safety and efficacy true, and we don't turn the gold standard we have at the FDA into a mockery. It would be a disservice to every citizen, every American who walks into a drugstore and counts on the fact that when they buy a drug over the counter or a prescription, they know it is safe and effective.

This is an urgent matter. That is why I am on the floor to offer my amendment, which will simply shift money from the Office of the Secretary to the Office of the Inspector General, so we can get to the bottom of it.

I urge my colleagues to support the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. Yes, there is.

Mr. THUNE. I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 2193, AS MODIFIED

Mr. THUNE. Mr. President, I call for the regular order on my amendment No. 2193 and would like to speak in support of that.

I rise today, along with my colleagues, Senators CONRAD, CRAPO, BROWNBACK, TALENT, CHAFEE, and BURNS, in support of an amendment that is pending at the desk that would provide funding to the Office for Advancement of Telehealth, located under the Health Resources and Services Administration.

Telehealth is not only an important component of health care in rural States like South Dakota; it is important to patients and health care providers throughout the United States.

Telehealth is an innovation that promises greater access and higher quality health care with reduced costs. Telehealth uses telecommunications and information technologies to provide health care services at a distance. These communications and information technologies provide people access to quality health care in underserved areas.

Three years ago, Congress enacted a bill called the Health Care Safety Net Amendments Act of 2002. This legislation was approved unanimously in the Senate and passed the House with only five dissenting votes. Section 211 of the bill provided the authority for Congress to fund at least $60 million for certain telehealth activities.

Sadly, 3 years have passed and Congress has yet to appropriate a dime for these important provisions. My amendment provides $10 million for the telehealth activities authorized by the 2002 Health Care Safety Net Amendments. This is one-sixth of the authorized amount and less than one percent—one-seventh of one percent—of the budget for HRSA.

Specifically, my amendment would appropriate $2.5 million for the development of 10 telehealth resource centers. These centers, two of which are required to be located in a State with less than 1.5 million people, would help assist the telehealth community in breaking down barriers to the adoption of telehealth.

My amendment also provides $5 million for network grants and grants for telehomecare pilot projects. In order to be efficient and effective, telemedicine must have strong telecommunication networks.

In addition to these grants, my amendment provides $2.5 million for grants to State health licensing boards to develop and implement cooperative policies that reduce statutory and regulatory barriers to telehealth.

S. 1418, the Wired for Health Care Quality Act, introduced by Senator ENZI on July 18, specifically reauthorizes Section 330L(b) of the Public Health Service Act, which allows the Secretary of Health and Human Services to make grants to State professional licensing boards to reduce statutory and regulatory barriers to telemedicine. My amendment simply appropriates funds for this authorization.

Last year, the Office for the Advancement of Telehealth within HRSA was funded at only $3.9 million. OAT was only able to make 14 competitive grant awards. The budget for this lead agency for telehealth has been cut by ⅓ over the past 5 years.

Congress spoke when it passed with broad bipartisan support the Health Care Safety Net Amendments Act of 2002. It is time to put our money where our mouth is and start to put some real resources in this area.

Last year, we provided absolutely no funds for the telehealth safety net provisions. Surely we can find a way to provide $10 million in the entire budget for one of the most promising opportunities to help control the rising cost of health care.

My amendment does not break the budget caps. It merely reallocates $10 million for telehealth services from the billions in administrative costs in this budget. On July 8, 2005 a letter was sent to Chairman SPECTER and Ranking Member HARKIN on behalf of over 200 individuals and telehealth organizations across the country, supporting an increase in funding for telehealth.

My amendment answers their call for funding and wider adoption of telehealth.

Telehealth has the promise of delivering quality, efficient health care to individuals in remote, isolated or even devastated areas. Telehealth applications have been proven effective in extending medicine's reach to underserved areas across the Nation.

The $10 million provided by my amendment, while modest, will have an impact on almost every health activity in this giant bill.

Additionally, my amendment is fully offset by reducing the departmental management accounts of the Department of Labor, the Department of Health and Human Services, and the Department of Education pro rata by .0065 percent. The Congressional Budget Office has declared this amendment as budget neutral.

This is a very small investment in the future of our Nation's health care system. I urge my colleagues to support the amendment.

Of all the things we will debate in this particular bill about how to lower health care costs, how to make quality health care more available to more people, the promise of telehealth can do more to meet that critical objection than almost anything else. This is taking state-of-the-art technology and thinking, state-of-the-art information systems and applying them in a way that can meet health care needs across the country, not just in rural areas, but also in urban ones. It is high time we took advantage of this incredible asset and put it to work for health care needs of Americans.

Mr. President, I ask unanimous consent to print in the RECORD a letter from the American Hospital Association in support of my amendment. Some examples of the organizations that support my amendment are the following: Home Care Technology Association of America; Center for Telemedicine Law; Federation of State Medical Boards, Consumer Health Access Through Technology Coalition; American Telemedicine Association; National Rural Health Association; Northland Healthcare Alliance; University of Missouri Health Care; Northcentral Montana Healthcare Alliance; Avera McKennan Telehealth Network; Avera St. Luke's; Rapid City Regional Hospital Home Care Department; Horizon Health Care, Inc.; Sioux Valley Telehealth; Sioux Valley Visiting Nurses; South Dakota Board of Nursing.

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

AMERICAN HOSPITAL ASSOCIATION,
October 25, 2005.

Hon. JOHN THUNE,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR THUNE: The American Hospital Association, on behalf of our 4,800 member hospitals, health systems and other health care organizations, and our 33,000 individual members, is pleased to support your amendment to the fiscal year (FY) 2006 Labor, Health and Human Services, and Education appropriations bill adding $10 million for telehealth activities authorized by the Health Care Safety Net Amendments of 2002. We applaud your effort to fund these activities, which can play a vital role in increasing access to health care services for underserved rural and urban populations.

Congress overwhelmingly passed the Health Care Safety Net Amendments, and in doing so authorized more than $80 million in grants to help providers overcome technical, legal, regulatory, and service delivery barriers to implementing telehealth programs. Several urban and rural hospitals would be among those who would benefit from these grant programs, which, unfortunately, have never received funding.

Your amendment will provide a vital downpayment toward the resources needed to implement telehealth programs. These programs have the potential to expand access to health care services, improve training of health care providers, and expand the quality of available health information. As a result, hospitals will be better able to overcome many of the barriers to telehealth technology adoption and work to further improve the safety net for underserved populations, as envisioned by the Health Care Safety Net Amendments.

We look forward to working with you and your colleagues to ensure passage of this important amendment.

Sincerely,

RICK POLLACK,
Executive Vice President.

AMENDMENT NO. 2193, AS FURTHER MODIFIED

Mr. THUNE. Mr. President, I send a modification to my amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment, as further modified, is as follows:

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

SEC. ___. TELEHEALTH.

(a) APPROPRIATION.—Of the amounts appropriated to the Health Resources and Services Administration, $10,000,000 shall be to carry out programs and activities under the Health Care Safety Net Amendments of 2002 (Public Law 107–251) and the amendments made by such Act, and for other telehealth programs under section 330I of the Public Health Service Act (42 U.S.C. 254c–14), of which—

(1) $2,500,000 shall be for not less than 10 telehealth resource centers that provide assistance with respect to technical, legal, and regulatory service delivery or other related barriers to the deployment of telehealth technologies, of which not less than 2 centers shall be located in a rural State with a population of less than 1,500,000 individuals;

(2) $5,000,000 shall be for network grants and demonstration or pilot projects for telehomecare; and

(3) $2,500,000 shall be for grants to carry out programs under which health licensing boards or various States cooperate to develop and implement policies that will reduce statutory and regulatory barriers to telehealth.

(b) OFFSET.—On page 137, line 9 strike $480,751,000 and insert $470,751,000.

Mr. THUNE. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2300

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

Mr. ENSIGN. I call up amendment No. 2300.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. WARNER, and Mr. ALLEN, proposes an amendment numbered 2300.

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

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

The amendment is as follows:

(Purpose: To prohibit funding for the support, development, or distribution of the Department of Education's e-Language Learning System (ELLS))

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).

Mr. ENSIGN. Mr. President, I yield the floor.

AMENDMENT NO. 2213

Mr. OBAMA. Mr. President, I rise today to express my disappointment in the failure of this body to approve an amendment offered yesterday by Senator KENNEDY to increase the financial support provided to students though the Pell Grant program.

Pell Grants represent by far the largest source Federal grant aid for postsecondary education and provide necessary financial support for many students. My support of this amendment echoes the first piece of legislation I introduced in the Senate and a promise I made during my Senate campaign. That promise, and that legislation, was the Higher Education Opportunity through Pell Grant Expansion Act of 2005, S.697—the HOPE Act. My statement today expresses my continuing efforts on behalf of students who need our support to continue their education.

Many students know that realizing their dreams depends on a college diploma, and, for many, the chance to earn that diploma is dependent on the Pell Grant program. As students dream of that diploma, they also worry about how to pay for it. The statistics confirm their worries. College tuition is rising almost 1 percent a year, and over the last 25 years, it's gone up more than fivefold. Because of these rising prices, over 200,000 students were priced out of college altogether just last year.

Today, need-based Pell Grants are used by 5.3 million undergraduate students, and 85 percent of these grants go to families earning less than $40,000. Over too long of a period, the amount of these awards has not kept up with the spiraling price of tuition or even with the rate of inflation. As a result, the current $4,050 Pell Grant maximum is insufficient.

This amendment would have raised that amount to $4,250, and represented one step toward making college more affordable for those students who have worked hard to keep alive their hope of earning a college diploma. Even in this time of shared sacrifice, I believe we must continue to support those hopes and the students who deserve a chance to turn them into reality. This remains a priority for me. Despite yesterday's vote, I will continue to work to increase support for our students though the Pell Grant Program.

LIHEAP

Mr. NELSON of Nebraska. Mr. President, due to skyrocketing home energy prices, millions of low-income households are facing an imminent heating emergency this winter. The Department of Energy projects the average family to incur heating costs of $1,099 or more this winter; an increase of 30–48 percent over last year's heating bills.

This is a concern, as volatile and record-high energy costs will inevitably lead to an increase in the number of missed mortgage payments and foreclosures.

LIHEAP is a very positive, effective partnership between the Federal Government, State governments and the private sector.

Leveraging private dollars to supplement Federal dollars, LIHEAP has proven that successful relationships can exist between the government, businesses, gas and electric utilities and community-based social service organizations.

While States, local governments and the private sector have demonstrated their capacity to develop programs to address some energy assistance needs, collectively these programs cannot meet the demand for LIHEAP assistance. The need for energy assistance continues. However, we must ensure that we are addressing this assistance in a fiscally responsible way.

That is why, along with Senator CARPER, I have filed an amendment to provide an offset for funding for LIHEAP.

Specifically, my amendment increases the amount in the LIHEAP program by $1.6 billion.

Because of the severe budget deficits this country is facing today, I feel like wherever practical, we need to consider offsets.

That is why my amendment offsets this increase by using 3 changes in tax policy that have passed the Senate on numerous occasions—most recently as part of the Highway bill this past May. Unfortunately, these offsets were stripped in conference, which is why they are once again available for our use here to pay for additional funding for LIHEAP.

I am very hopeful my amendment will clear all necessary procedural hurdles to be considered on the Labor HHS appropriations bill. I will continue to encourage my colleagues to support a responsible offset for LIHEAP funding now and in the future. This is a critical program, but we are also facing a critical time with our budget and increased deficit spending—both are serious issues that require serious solutions.

AMENDMENT NO. 2212

Mr. OBAMA. Mr. President, I would like to speak on an amendment to H.R. 3010 that I was proud to introduce with the support of Senator DURBIN. This amendment increases funding for a program in the Department of Education that has proven success in improving student behavior and school climate in thousands of schools across the country: Positive Behavioral Interventions and Support.

A problem I hear about from teachers all the time is that disruptive students slow down the rest of the class, and can turn our schools into places unworthy of our most precious resource—our children. To help teachers in doing their important work of educating our children, I propose that we expand an

innovative program, already being used in states such as Illinois, that teaches students about positive behavior and expects the adults in our schools to set the same high standards for behavior as they do for achievement.

This system is called Positive Behavioral Interventions and Supports. PBIS is designed to deal with discipline problems in a research-based, experimentally-verified way, based on one simple premise: stop problem behavior before it starts. The problem might be a general lack of discipline, increasing school violence, or a loss of instructional time because of behavioral issues. PBIS has shown that schools benefit from unified and efficient interventions that specifically teach, model, and reward good behavior, while providing consequences for problem behavior.

Kids are smart. When a school has clear and effective expectations, agreed to by the adults in the school, they respond positively. When the expectations are disputed and ineffective, kids exploit the situation.

PBIS shows positive results. At one school in Illinois, when PBIS was implemented, suspensions decreased 85 percent, there was more time for teaching, and student test scores increased. It makes sense: with fewer disruptions, students can stay on task more, and so learn more. Successes such as these have been replicated in thousands of schools across the country.

Today, I am proposing that we expand our support for this technical assistance program in the Office of Special Education Programs at the Department of Education. PBIS has proven itself, and has already been adopted by many schools. Let's give all our children the benefit of high expectations and supports for good behavior. Let's give all our schools the opportunity to adopt this system. Let's support our kids by supporting PBIS.

I urge my colleagues to support this amendment.

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

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

MORNING BUSINESS

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

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

TRIBUTE TO CONGRESSMAN EDWARD R. ROYBAL

Mr. REID. Mr. President, it was a great privilege for me to serve in the House of Representatives. I loved my job in the House for a lot of reasons, one of which is I got to know a man by the name of Ed Roybal real well. Congressman Ed Roybal died Monday. I will sure miss him. My thoughts and my prayers are with his wonderful family.

For those of us who knew him, it is a time to reflect and really be sad. I remember Congressman Roybal as a very quiet man, with an unwavering commitment to justice and compassion. He was not much for giving speeches, but he was much for getting work done. He worked tirelessly over the past four decades on behalf of the poor, the elderly, those who are disenfranchised.

To get a glimpse of the kind of man he was, here he is, a senior Member of the House of Representatives, chairman of the Aging Committee, and one of the leaders on the Appropriations Committee. My dear wife became extremely ill, and she spent more than a month at UCLA Medical Center. I had just been elected to the Senate. I would fly from here to L.A. Ed Roybal would meet me at the airport and drive me to the hospital. That is the kind of guy he was.

He was always there for the people of California, just like he was there for his friend from Nevada. For the people of California and this country, he fought to increase educational, political, and economic opportunities.

As an advocate for Hispanics, he had no peer. He was a pioneer and a relentless leader. When he was young, Ed Roybal created an organization called Community Service Organization. This group began a crusade against discrimination in housing, employment, and education and also conducted voter registration and get-out-the-vote drives within the Latino community.

It is my understanding that he was the first Hispanic elected to the Los Angeles City Council—if not, he was one of the first. He was elected to Congress in 1963, the first Hispanic from California to serve since 1879. When he came to Washington, Ed Roybal was one of the few people fighting for the progress of Latinos. There was no Congressional Hispanic Caucus when he arrived, so he created one. It was founded by Ed Roybal. Later in 1976, he helped create the National Association of Latino Elected and Appointed Officials.

Getting more Hispanics involved in the political process was a passion of his, and he was a mentor of many Latinos. As part of this effort, he cofounded the Congressional Hispanic Caucus Institute. To this day, this organization is bringing a new generation of talented Latinos into the political system and supporting them as they follow in Ed's footsteps.

I served on his Aging Committee. His fingerprints are all over the last major immigration bill we had here. I went to Ed Roybal to find out how I should vote. I had great confidence in his integrity.

I wish we could all have known Ed as I felt I knew him. Everyone in Government should have known Ed Roybal. He, to me, was a shining example of what Government is all about: selfless, compassionate, committed to equality. He lent his voice and his life to making the American dream a reality for everyone.

On a more personal level, he loved to come to Las Vegas. He loved Las Vegas. I talked with his daughter, Lucille, yesterday and reminded her of that. She said: Yes, but he always left his credit cards at home. He only took enough money so he could have a good time. He would be there for me. He did Hispanic conferences for me. He did Aging Committee hearings. He was always there for me.

I know how proud he was of his daughter, Congresswoman Lucille Roybal-Allard. She has taken up his cause, so his legacy lives on in her work. But the burden does not fall only on her; it falls on us all.

When he died, opportunity lost one of its greatest champions. It is up to all of us to pick up on his absence and continue opening doors and building an America that works for everyone.

Mrs. FEINSTEIN. Mr. President, I rise to pay tribute to a great American, former Congressman Edward Roybal, who passed away on October 24, 2005, at the age of 89.

My heartfelt sympathy goes out to his family, especially to his daughter, my friend and colleague, Congresswoman LUCILLE ROYBAL-ALLARD.

As his friends and family gather to pay tribute and celebrate Ed's remarkable life, I ask all of my colleagues to join with me in paying tribute to the memory of this outstanding public servant.

Ed Roybal devoted over 50 years of his life to public service, 30 of those years as a Member of the House of Representatives from 1962 to 1992. During that time, Ed was a steadfast advocate on behalf of those without a voice.

His long and distinguished career in public service began in 1942. Having returned to Los Angeles, upon completion of military service, he became a director of health education for the Los Angeles County Tuberculosis and Health Association.

In 1949, he established the Community Service Organization to advocate for the rights of minorities in the areas of housing, employment, and education. That same year, he was elected to the Los Angeles City Council where he served until 1962.

When Ed was first elected to the House of Representatives in 1962, he was the first Hispanic from California to serve in Congress since the 1879 election of Romualdo Pacheco.

During his three decades of service in the House, Ed worked tirelessly to protect the rights of minorities, the elderly, and the physically challenged.

Together with Senator Ralph Yarborough of Texas, he championed the 1968 Bilingual Education Act to assist the Nation's schools in meeting the educational needs of children who come from non-English speaking homes. Later, he worked to establish a Cabinet Committee on Opportunities for Spanish- speaking people.

Ed Roybal was a national leader for the Latino Community. In 1976, he became one of the founding members of

the Congressional Hispanic Caucus and served as its first chairman.

Ed also played an important role in the passing of legislation to outlaw age discrimination, and he worked for numerous benefits and opportunities for those with handicaps.

Ed also continued to champion healthcare issues throughout his career in Congress. He led efforts to fund America's first AIDS research and treatment programs and was instrumental in renewing legislation to provide medical service to people with Alzheimer's disease. In recognition of his leadership on health care issues, the county of Los Angeles opened the Edward R. Roybal Clinic in East Los Angeles in 1976.

Over the course of his life, Ed cofounded several other organizations to increase civic participation of Hispanics, including the National Association of Latino Elected Officials and the Mexican American Political Association.

Ed Roybal was a true leader and pioneer for the City of Los Angeles, the State of California, and for the national Latino community. I feel very lucky to have known him. I know my colleagues join me in extending to his family our deepest sympathy and condolences. He will be greatly missed.

Mrs. BOXER. Mr. President, California and the Nation have lost a unique leader with the passing of former Congressman Ed Roybal.

In 1922, Ed Roybal moved to Los Angeles from New Mexico with his parents. He graduated from Roosevelt High School and attended UCLA before going off to fight in World War II. When he returned from the war, he returned to Los Angeles and joined the County's Department of Health Education in its County Tuberculosis and Health Association.

In 1947, Ed Roybal decided to run for a seat on the Los Angeles City Council in a district that was remarkably diverse and included Boyle Heights, Bunker Hill, Civic Center, Chinatown, Little Tokyo, and the Central Avenue District. Though he lost this race, he returned in 1949, winning in the same district. In part, his victory was based on a well organized effort to register Latino voters in the district. With this victory, he became the first Latino to serve on the Los Angeles City Council since 1881. He would serve on the council until 1962, when he was elected to the U.S. Congress.

When he took his seat in the House of Representatives in Washington, DC, Ed Roybal remembered his constituents and his roots. He worked tirelessly to ensure that Latinos were represented and that their interests were not diluted by redistricting changes. He often stood alone in these efforts.

Ed Roybal was also a tireless advocate for the elderly, and the working poor. He served as chairman of both the Select Committee on Aging and the Subcommittee on Health and Long Term Care, guiding legislation on health care, Social Security, housing and human services. He also helped to establish important programs in southern California, including scholarship programs at local colleges and universities.

In 1992, Ed Roybal was fourth in seniority in the House of Representatives and known as a legislator's legislator, crafting and passing landmark legislation. It was then that he opted for retirement, with his daughter, LUCILLE ROYBAL-ALLARD, running for and winning his seat. A generation of Latino leaders have followed in Ed Roybal's steps, including his daughter. It is very fitting that Congresswoman ROYBAL-ALLARD's office can be found in the Edward R. Roybal Federal Building in downtown Los Angeles. I ask my colleagues to join me in sending my deepest condolences to Congresswoman ROYBAL-ALLARD and her family on their personal loss.

California and its leadership have undergone remarkable changes since Ed Roybal first ran and won a seat on the Los Angeles City Council in 1949 and was later elected to Congress in 1962. Following his leadership and example, Latinos are represented in the Congress, in the state legislature and lead our most populous cities. And people across our Nation who depend on Social Security, who need medical care and who work for fair and representative elections can be grateful today for Ed Roybal's vital service to our Nation.

IN MEMORY OF ROSA L. PARKS

Mr. SANTORUM. Mr. President, I rise today in recognition of the passing of a great American, Mrs. Rosa L. Parks. Mrs. Parks was a woman of dignity, spirit and conviction, and throughout her life, she demonstrated immense courage in her quest to achieve equality for all Americans.

On December 1, 1955, Mrs. Parks made a decision that altered the course of American history. When asked by the driver of a Montgomery, AL, bus to give up her seat to a white man, Mrs. Parks refused. She was, she later stated, ''tired of giving in.'' By refusing to give in any longer, Mrs. Parks took a stance that required uncommon levels of courage and principle. With this single act, Mrs. Parks effectively kicked-off the modern civil rights movement and changed America forever.

In response to Mrs. Parks' refusal to leave her seat and her subsequent arrest, the African-American community in Montgomery, led by the Reverend Dr. Martin Luther King, Jr., organized the Montgomery Bus Boycott. For 381 days, members of the African-American community stood in solidarity with Mrs. Parks, refusing to utilize the bus system until the law legalizing segregation in public buses was lifted. Ultimately, Mrs. Parks took her case to the U.S. Supreme Court, where laws permitting segregated bus service were deemed unconstitutional. Because of Mrs. Parks, no African-American would ever be forced to move to the back of the bus again.

In addition to the Supreme Court decision, Mrs. Parks' actions, and the boycott that followed her arrest, injected a tremendous amount of energy into the Civil Rights Movement. Her actions helped make Americans all over the country aware of the extensive injustices African Americans were forced to endure. A catalyst for similar protests throughout our Nation, Rosa Parks and the Montgomery bus boycott served as a model for the non-violent protests that were central to the civil rights movement and contributed heavily to its ultimate success.

Mrs. Parks' commitment to equality for all Americans did not begin, or end, on the bus that day in 1955. After marrying Mr. Raymond Parks, who was also active in civil rights causes, she became a member of the Voters' League. In December 1943, Mrs. Parks became a secretary for the Montgomery branch of the National Association for the Advancement of Colored People. Later in life, Mrs. Parks founded the Rosa and Raymond Parks Institute for Self Development. Created in honor of her husband, this institute informs younger Americans of their history, running ''Pathway to Freedom'' bus tours that travel to important civil rights and Underground Railroad sites across the country.

Mr. President, our Nation has lost a great daughter and an American icon with the passing of Mrs. Rosa Parks. My deepest sympathies go out to her family, friends, and all who were fortunate enough to know and love this wonderful woman. While America will surely miss her, the legacy of Rosa Parks, who changed the face of our Nation and inspired generations of activism, will live on for years to come.

Mrs. BOXER. Mr. President, I rise to pay tribute to the inspired life of an American icon, Rosa Parks, who died on Monday, October 24, 2005 in Detroit, MI, at the age of 92.

Rosa Parks is often called the ''Mother of the Civil Rights Movement'' because of her courage in refusing to give up her seat in the black section of a Montgomery, AL, bus to a white man. Her refusal to tolerate racial prejudice paved the way for the civil rights gains that followed.

On December 1, 1955, Parks was a tired seamstress on her way home from work, sitting at the front of the section reserved for black bus riders. When the bus started to fill up, Parks refused to give up her seat after the bus driver demanded she move despite the fact that three fellow black people moved from their seats.

Parks was arrested and fined $14.00 for disorderly conduct and violating a city ordinance. Parks' family was harassed after the bus incident and she was fired from her job as a seamstress.

To protest Parks' arrest and bus segregation, the African American community formed the Montgomery Improvement Association, headed by the

young minister of the Dexter Avenue Baptist Church, Dr. Martin Luther King, Jr. The group organized a successful 381-day boycott of the bus system during which time African Americans in Montgomery walked, took taxicabs and formed carpools. The boycott took quite a toll on the finances of the bus system and provided a model for successful nonviolent resistance against racism in the U.S.

The boycott ended on November 13, 1956, after the U.S. Supreme Court upheld a lower court ruling that Montgomery's segregated bus system was unconstitutional. However, it wasn't until the 1964 Civil Rights Act that all public places in the U.S. were desegregated.

Of her refusal to move, Parks said, ''I only knew that, as I was being arrested, that it was the very last time that I would ever ride in humiliation of this kind.''

Rosa Parks was born Rosa Louise McCauley in Tuskegee, AL, on February 4, 1913, to James McCauley, a carpenter, and Leona Edwards McCauley, a teacher. In 1932, at the age of 20, she married Raymond Parks, a barber, and they remained married until his death in 1977. She attended Alabama State College, worked as a seamstress and housekeeper, and was active in the National Association for the Advancement of Colored People, NAACP, and the Montgomery Voters League to register and empower black voters. In 1943 she was elected Secretary of the Montgomery Chapter of the NAACP.

In 1957 she and her husband moved to Detroit, MI, where they remained active in the NAACP and the Southern Christian, Leadership Conference, SCLC. In 1965, she went to work for Congressman John Conyers, Jr., a civil rights leader, managing his Detroit office.

In 1987, in honor of her husband, she founded the Rosa and Raymond Parks Institute for Self-Development in order to motivate youth to reach their full potential through the philosophy of ''Quiet Strength.''

Parks remained active into her 80s, speaking to civil rights groups and accepting awards, including the Martin Luther King, Jr. Nonviolent Peace Prize, the Presidential Medal of Freedom and the Congressional Gold Medal.

I had the honor and privilege of meeting this incredible woman in the 1990s. She was dignified, brave and an inspiration to me and generations of Americans who care about equality, freedom and human dignity. Parks said it best in the following statement: ''To this day I believe we are here on the planet Earth to live, grow up and do what we can to make this world a better place for all people to enjoy freedom.''

Rosa Parks showed us that one person can change history and make a difference by taking a principled stand against injustice. Her legacy also teaches us that we must fight against continued inequality in America and around the world. We must never give up.

Mr. COLEMAN. Mr. President, the passing of Rosa Parks is an important occasion for us to remember her life and understand in a deeper way how history changes America. While we grieve the loss for her family, every American should be grateful that someone like her lived among us.

As we look at the challenges and injustices of the world around us, we often ask the question: how can we change the world? I think we often look in the wrong place for change. We look to big government, big business, big entertainment or big publishing to bring about change. But when we look at history, almost every big change started small.

The arrival of a few dozen Pilgrims on the North American continent was not newsworthy in 1620. I doubt that the battles of Lexington and Concord made the London Times in April of 1775. The arrival of Dred Scott at Ft. Snelling in the free territory of Minnesota was not a big local event. But all three were part of something historically big that changed the world and our lives dramatically.

The Pilgrims created a fabulously idealistic vision of a new form of society which attempted to rise above corruption and create a ''shining city on a hill.'' The farmers and townspeople of eastern Massachusetts challenged the world's great superpower from behind stone walls and groves of oak trees. Dred Scott would stand before the United States Supreme Court, just down the hall from where we stand today and assert that because he had lived in free territory he was not property, but a person entitled under God—with unalienable rights. Though he lost his case, he galvanized the Northern states to fight a civil war for a Union based on freedom.

On December 1, 1955 Rosa Parks ''sat down'' for her principles in Montgomery, AL. She was arrested, tried, convicted, and assessed a fine of $14 and $3 in court costs. Her actions precipitated the Montgomery bus boycott that lasted more than a year. That event brought young Dr. Martin Luther King, Jr. to national prominence. As someone has said, if it were not for Rosa Parks, we might never have heard of Dr. King.

She stood as an example then and she does today. Perhaps we are too quick to see an injustice and run to the Courthouse or the Statehouse or the TV station. The wisdom of our Founders was that a single person armed with the truth is a majority.

Legislation we passed in the Congress has been crucial: the Civil Rights Act, the Voting Rights Act, and a series of more measures right into our own decade. Obviously, vigorous enforcement of those statutes is essential. But if citizens push their own responsibility for social justice off on government, we will not have the change we seek.

We need to speak up for equality when we hear a racially oriented joke. We need to challenge the status quo and bring up the subtle forms of racism that stereotype or demean or set low expectations for people. We need to open our mouths to challenge the phobias, misconceptions and prejudices that block the progress of people based on race, gender, age, creed or disability.

The Rosa Parks history reminds me of President Lincoln's reported remark when he met Harriet Beecher Stowe, author of Uncle Tom's Cabin: ''So this is the little woman who started this big war.''

In America, there are no ''ordinary people.'' Every one of us has the power to bend history in the little circle of people around us, and we never know when one act of principle will commence a movement of historical significance.

On the steps of the Alabama State Capitol building, not far from Rosa Parks' bus stop, Dr. King gave a speech in 1965. It summed up what Rosa Parks was all about, and what we each one of us ''ordinary Americans'' should be about. He said:

> Let us therefore continue our triumphal march to the realization of the American dream . . . for all of us today, the battle is in our hands. The road ahead is not altogether a smooth one. There are no broad highways that lead us easily and inevitably to quick solutions. We are still in for a season of suffering How long? Not long. Because no lie can live forever . . . our God is marching on.

Mr. SALAZAR. Mr. President, I rise to honor the life of Rosa Parks, a true American hero.

I was proud to be a cosponsor of S. Res. 287, introduced by my colleagues, Senator LEVIN and Senator STABENOW and passed unanimously last night, which pays tribute to Mrs. Parks' accomplishments and expresses the Senate's condolences on the occasion of her passing.

When I heard of Mrs. Parks' death late Monday night, I was reminded that each of us has the ability to change the course of this country, to shape our shared destiny, and to bring us closer to being the Nation we aspire to be. Rosa Parks' role in our America in progress can not be overstated.

Her single act of defiance drew international attention. More importantly, her action set in motion the modern civil rights movement and eventually led to the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Almost 50 years ago, in Montgomery, AL, Mrs. Parks directly confronted Jim Crow, when she refused to give up her seat to a white passenger riding on the city's bus.

At the time, Mrs. Parks was working as a seamstress for the Montgomery Fair Department Store. And she had been working to help build a better America long before her famous act of courage on that bus.

She had been actively involved in the local chapter of the National Association for the Advancement of Colored People, NAACP, serving as an officer.

She had assisted the NAACP in voter registration drives and attended organizing trainings at the Higlander Folk Center, an educational center for workers' rights and racial equality in Tennessee.

Years later, when recalling her actions and her subsequent arrest, Mrs. Park had this to say:

> At the time I was arrested I had no idea it would turn into this. It was just a day like any other day. The only thing that made it significant was that the masses of the people joined in.

However, that one day catapulted her to a leadership role in the civil rights movement and began the great 381 day Montgomery boycott of the bus system by African Americans and others dedicated to equal rights.

A young 26-year old Baptist minister, Reverend Martin Luther King Jr., organized the boycott.

Throughout her life, Rosa Parks remained a committed civil rights activist.

In the 1980s she worked in the anti-apartheid movement, and opened a career counseling center for black youth in Detroit with her husband.

She served the United States as an aide to U.S. Congressman JOHN CONYERS, a great civil rights leader in his own right, for many years.

In the last years of her life, Mrs. Parks was recognized for her role in our country's history.

She received the Presidential Medal of Freedom, awarded to civilians making an outstanding contribution to American life in 1996. In addition, President Clinton presented Mrs. Parks with the Congressional Gold Medal, the Nation's highest civilian honor, in 1999.

Despite the international attention and acclaim she received and the many lectures and addresses she gave as a public figure, Mrs. Parks has been described as quiet and reserved by her friends, co-workers and those who knew her best.

When she spoke, she spoke with a purpose.

She was indeed the mother of the civil rights movement, and her passing marks the end of an era that changed the landscape of America.

Today, I honor the courage and wisdom of Mrs. Parks.

I thank her for inspiring countless generations to dream of an America, and a world, that respects and includes all of its citizens.

SAFETEA–LU

Mr. SARBANES. Mr. President, on August 10 of this year the President signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, known as SAFETEA–LU. This new multi-year reauthorization of our Nation's surface transportation programs represents a carefully balanced package intended to address the needs of our roadways and transit systems. The Chairman of the Transportation-Treasury-HUD Appropriations Subcommittee, in his role as Chairman of the Transportation and Infrastructure Subcommittee on the Environment and Public Works Committee, was instrumental in striking that balance. As the Chairman has recognized, the Transportation-Treasury-HUD Appropriations bill for fiscal year 2006 was reported by the Appropriations Committee prior to passage of SAFETEA–LU, and therefore does not fully reflect the agreements reached in that piece of legislation. To take one specific example, it does not fund the Federal transit program at the level authorized by SAFETEA–LU for fiscal year 2006, falling $400 million short. The funding levels in SAFETEA–LU were the product of a great deal of negotiation, and I greatly appreciate the contributions my colleague from Alabama and my colleague from Missouri made to that discussion. I hope that in this, the first year of SAFETEA–LU's authorization, the agreements reached in SAFETEA–LU will be honored for all modes of transportation.

Mr. SHELBY. Mr. President, I agree with what my colleague from Maryland has said. SAFETEA is the culmination of many years of work by the committees of jurisdiction, who held dozens of hearings with transportation stakeholders to share ideas on how to respond to our nation's transportation needs. I believe that SAFETEA made some very important improvements to our previous transportation law and struck a good balance between the various modes, and I hope to see those changes reflected in this appropriations legislation when it emerges from the conference committee.

Mr. BOND. Mr. President, I agree with my colleagues that SAFETEA–LU is a carefully crafted approach to meeting our surface transportation needs, and will have a historic impact on transportation programs in my State of Missouri and across the country. I will make every effort to see that the final conference report on this legislation will honor the agreements reached in SAFETEA–LU between the various modes of transportation.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

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

On February, 25, 2005, Thomas Stockwell was on the campus of North Carolina at Chapel Hill, when six men attacked him. Before chasing Stockwell down the street and beating him up, the men were heard yelling sexually derogatory slurs at him. According to reports, the motivation for the attack was Stockwell's sexual orientation.

I believe that our Government's first duty is to defend its citizens, in all circumstances, from threats to them at home. The Local Law Enforcement Enhancement Act is a major step forward in achieving that goal. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ELECTIONS IN HAITI

Mr. LEAHY. Mr. President, I rise to express my strong concern regarding the political and economic situation in Haiti and the effect this will have on the upcoming elections in that country. The events of the last few months in Haiti have been dispiriting for those who have long sought stability and progress in that country. Due to the precarious political and security situation in Haiti, the question must be raised; can free and fair elections be carried out in Haiti on schedule? Or should they be postponed until we can guarantee a more favorable environment for legitimate elect to take place?

Nearly a year and a half has passed since President Aristide was removed from power and since then the country has continued to spiral downward into worsening poverty and political violence. The interim government of Prime Minister Gerard Latortue has failed to deliver stability and economic progress and for the fourth time this year, has postponed the date of the elections. Presently, elections are planned for December 15 and there is widespread concern that, if held, these elections will be anything but open, inclusive or fair.

Currently, the political and social climate in Haiti is not conducive for credible elections to take place. The Haitian people are largely ignorant about the electoral system and detached from the process. Out of a total of 4.5 million eligible voters approximately 870,000 people have actually registered, with supporters of the Lavalas Party—a large portion of the electorate—threatening to boycott. According to reports, voter registration stations have been placed in less than 500 locations in contrast with the 5,000 stations available under the Aristide administration.

Citizens are disenchanted over the lack of jobs, miserable government services, and rampant violence. As the poorest country in the Western Hemisphere, four out of five Haitians live on less than $2 a day and nearly half of the children in the country are malnourished. In the last year, there have been almost 800 killings and criminal and political kidnappings by urban armed gangs have reached historic levels. Only recently, after a shaky start, the

United Nations Stabilization Mission, MINUSTAH, has been making modest progress in preventing even greater levels of violence. But the security situation in Haiti remains volatile.

Equally as troubling is our own government's seeming indifference to the deteriorating situation in Haiti. Several weeks ago, Secretary of State Rice flew into Port-au-Prince for a 5 hour visit that amounted to little more than a photo op. The situation there is fragile and demands immediate action and will require a long-term international commitment.

Haiti's capacity to hold credible elections needs to be given serious consideration by the interim government, Bush administration and United Nations. While the Haitian constitution grants a new administration to be sworn in to office by February 7, 2006, the stakes are too great to push forward an election simply to adhere to an arbitrary date. If the consensus is that political and social conditions could be improved in the next 3 to 6 months, and there are serious problems that threaten the legitimacy of this election, we owe it to the people of Haiti to take the time necessary to work to address these problems so that the election is as fair as possible.

The next few weeks present a seminal period for the Haitian people and the future of Haiti. Enormous logistical, political, and security obstacles need to be overcome if Haiti is to have elections with any semblance of credibility. There are very few options left for a country that is already teetering on the brink of state failure and cannot afford to lose much more. We must keep the best interests of the Haitian people in mind and do everything in our power to create the conditions necessary for Haiti to take the next step in transitioning toward democratic stability.

HONORING AMERICA'S VETERANS

Ms. STABENOW. Mr. President, I rise today in recognition of Veterans Day to pay tribute to the men and women that have served our country as members of the U.S. Armed Forces.

I join my colleagues and those across Michigan and our country in reflecting upon the meaning of this day and the service of our fellow Americans.

I often have the pleasure of meeting with Michigan's proud community of veterans. I have also been privileged to welcome home members of our armed services and the Michigan National Guard and reserves serving in Operation Iraqi Freedom and Operation Enduring Freedom. These men and women are a credit to our great State, their communities, and their families.

America's men and women in the military give their time, and in many cases life and limb, to serve our country. Today's soldiers, sailors, airmen, and marines are tomorrow's veterans and we owe them our gratitude for their service.

One of the most fitting ways we can honor the service and sacrifice of America's veterans is to ensure that we honor the commitments we have made to them and their families. I am proud to be working with my colleagues from both political parties and with veterans' organizations from across the country, including the American Legion and VFW, in leading the fight to pass legislation guaranteeing that health care services for our veterans are funded. This law would eliminate the year-to-year uncertainty about funding for veterans health care by making this funding mandatory in the annual budget. As we reflect on this Veterans Day, I urge my colleagues to keep our promise to our Nation's veterans by supporting this important amendment.

I stand today in honor of all the men and women from Michigan and across our country who have given their lives while serving in Iraq and Afghanistan. We are all grateful for their sacrifice and offer our condolences to their families. On this Veterans Day, I join my colleagues and the wonderful men and women that have served our country in the Armed Forces—veterans young and old—in paying tribute to them and their service.

ANTITRUST CRIMINAL INVESTIGATIVE IMPROVEMENTS ACT

Mr. DEWINE. Mr. President, I am very pleased that the Senate yesterday passed the Antitrust Criminal Investigative Improvements Act of 2005, which represents a significant addition to the Antitrust Division's arsenal for prosecuting criminal violations of the antitrust laws.

In criminal antitrust investigations, it is critical that prosecutors gain access to evidence on the inner workings of the alleged conspiracy. To meet their burden of proof, prosecutors must marshal strong evidence of the participants in the conspiracy, the nature of their participation, and the terms of the illegal agreement. This type of evidence is very difficult to gain without penetrating the inner workings of a conspiracy in action. Currently, the Antitrust Division often has no option but to rely on the cooperation of members of a conspiracy, who are frequently reluctant to come forward to assist the Division in uncovering illegal activities in which they, themselves, have taken part. Without the ability to obtain wiretaps, the Antitrust Division unnecessarily faces a much heavier burden in detecting and preventing these conspiracies.

There is no principled reason for excluding criminal antitrust violations from the list of over 150 predicate offenses for obtaining a wiretap. Offenses, such as wire fraud, mail fraud, and bank fraud are predicate offenses, but up to now, criminal antitrust offenses have not been on the list, despite the fact that their penalties are similar. Criminal antitrust offenses are basically white-collar fraud offenses, and often do much more harm to consumers than other types of fraud offenses. Given the gravity of these crimes, it is time that antitrust violations are added as a predicate offense.

Of course, antitrust prosecutors still will need to meet the ordinary requirements for obtaining wiretap authority to receive court permission to utilize this tool, but it is important that they have that ability. Accordingly, I am very pleased that we have passed this legislation, and hope that the House will act soon to move it, as well.

THANKING THOSE WHO HAVE HELPED SUPPORT THE DINOSAUR DISCOVERY SITE AT JOHNSON FARM

Mr. HATCH. Mr. President, I rise to pay tribute to all the men and women in Washington County, UT whose hard work and diligence have made and are making the Dinosaur Discovery Site at Johnson Farm such a success. These dedicated volunteers are helping to protect and display an asset of great value not only to Utah but to the Nation.

The history of this discovery is fascinating. A few years ago, retired optometrist Dr. Sheldon Johnson was preparing his farm site for development and as he turned over the earth, he discovered tracks of early residents of Washington County—very early residents, in fact. Dinosaur tracks dating back to the Jurassic period of history were uncovered. They are being preserved and are bringing economic and historic benefit to St. George, Washington County, UT, and the Nation. To date, visitors from 68 nations and all 50 States have visited the site.

I want to recognize and thank Dr. Sheldon and LaVerna Johnson who discovered the tracks and then donated the land to preserve this heritage. The Johnsons have made it all possible. Linda Sappington, Washington County volunteer coordinator, aided by volunteer supervisors Kae Crabtree and Carole Chadwick began in February 2000 to bring together individuals who cared about the tracks and who were willing to give of themselves to help preserve the find.

I also want to recognize and thank Mayor Dan McArthur, the city of St. George, Washington County, and the Utah State legislature for their efforts to enhance, preserve, and share this heritage area with the community now and for generations to come.

In addition to the Johnsons, I recognize, Suzanne Allen; Dr. Andrew Barnum; Herb Basso; Dr. David Borris; Alan Crooks; Lyle Drake; Kenneth Hinton; Sharon Isom; unfortunately, now deceased; LaRee Jones; Dr. James Kirkland; Dr. Martin Lockley; Dan Matheson; Layton Ott, also deceased, Kathy Smith; Darcy Stewart; Marshall Topham; Gary Watts; John Willie. They are all members of the Dinosaur

AH'torium, a 501 (c) 3 foundation responsible for funding the project. Advisory members include James Hansen, Dr. Jerry Harris, Gary Sanders, with Cliff Green and Robert Milder, resident artist.

Finally, today, I specifically want to recognize and thank the many volunteers who have made and are making the Dinosaur Discovery Site at Johnson Farm possible. Many of these wonderful individuals have been contributing their time and energy for more than 5 years. A tremendous thank you to the Dinosaur Discovery Site at Johnson Farm volunteers. I commend each of them.

2000 volunteers include: Chad Anderson; T.R. Thompson; Andrew Milner; Donnette Hatch; June Barton; Kae Crabtree; Nina Schwarze; Karen Rammell; Lee Rammell; Doug Bergen; Richard Gardner; Ryan Babcock; Dick Groves; Robert Pritchitt; Klein Adams; Rafael Acosta; Ryan Oburn; Hal Arrowood; Jason Skeen; Clyde Terry; Vilma Terry; Bev Middleton; Chris Walker; Steve Smith; Helen Salvatore; Cindy Greco; Scott Broen; Jereen Hyde; Stevan Duke; Barbara Duke; Stacie Wilson; Constance Sherwood; Jacob Hendriks; and Brett Bronson.

Mr. President, 2001 volunteers: Jim Burns; Lillian Zielke; Barbara Hatch; Peggy Wardle; Carol Duley; Gary Watts; Josephine Kellijan; Ember Rodgers; Kirk Rehfield; Bill Reynolds; Theresa Walker; Cassandra Lee; Lynnie Rolfe; Joel Campbell; Ryan Losee; Chris Gibson; Kyle Fraley; John Shaw; Steve Anderson; Drew Gubler; Shelton Heath; Paula Ryan; Bernie Yeager; Jill Conner; Candace Crane; Nichole Burton; Austin Carter; Dusty Ott; Kirk Richfield; Nate Leifson; Ron Kittelsrud; Maren Christensen; Ben Joe Markland; Emily Weidauer; Holly Hult; Carol Killian; Scott Woodworth; Brian Barrett; Warren Hoskings; Kevin Wiederhold; Autumn Cluff.

Mr. President, 2002 volunteers: Rudy Johnson; Clay Hopkins; Elizabeth Nipperus; Jeff Lingwall; Debbie Woodard; Joyce Proctor; Britton Puki; Joe Borden; Melvin Done; Melanie Hackmann; Kathryn VanRoosendaal; Doug Griffiths; Charlotte Rice; Angie Hendrickson; Chad Tipton; Laurie Barnholt; Aaron Heaton; Kathy Hancock; Carson Blickenstaff; Glen Steenbuck; Bev Rhodes; Brigham Mellor; Kami Cox; Kathy Cox; Russ Childs; Delbert Vern Chadwick; Beverly Kirk; Matthew Wilkinson; Monte Johnson; Darrell Wade; Terri Wade; Sheena Gawer; Barbara Smith; Ken Parkes; Darienne McNamara; Kat Duttadway; Kylea Christensen; Jacob Cox; Jason Rabbitt; Don Triptow; Bill Yensen; Arlene Yensen; Les Townsend; Barbara Townsend; Al Abrams; John Donnell; JoAnn Abrams; Arlea Howell; David Kitselmer; Steve Chilow; Cathy Freeman; Duane Freeman; Steven Bart.

Mr. President, 2003 volunteers: Janece Tolber; George D'Apuzzo; Carl Berg, Laurie Berg; Myron Hatch; David Slauf; Taylor Birthisel; Linda Baldazzi; Bob Baldazzi; Sally Stephenson; Steve Stephenson; Roger Head; Bonnie Head; Pat Elliott; Jacqueline Dubois; Jerry Schwantz; Shirley Surfas; Pat Vanderwark; Keith Vanderwark; Joan Triptow; Jay Guymon; Kilby Andersen; Kelly Bringhurst; Marc Raines; Lisa Raines; Molly Swift; Chester Pierce; Dennis Broad; George Mulle; Rena Jensen; Roger Taylor; Maynie Begeman; Tobert Begeman; Bal Humble; Paul Wiener; Frances Wiener; Anne Bredon; Gail Taylor; Mike Llewellyn; Curtis Halliday; Dale Peck; Arlea Howell; Shannon Ducrest; Anne Basham; Brooke Ranter; Melissa Thomson; Michelle Bower; Jana Hightower; Brian Schlegel; Danny Diamond; Dallas Jones; Andrew Neff; Lindsay Connelley-Brown.

Mr. President, 2004 volunteers: Carla Ritter; Sheila Hughes; Don Hughes; Tracey O'Kelly; Jerry Harris; Jessica Williams.

Mr. President, 2005 volunteers: Paula Welker; Connie Welker; Kameron Evans; Dick Vos; Rogerta Champlin; Wally Champlin; Richard Berger; Justin Moosman; Christine Blum; Lamont Reynolds; Judy D'Apuzzo; Louise Snyder; Arleen Stillman; Lorene Reynolds; Freddie Arrighi.

To these dedicated volunteers and to all of those who will continue to volunteer, I say thank you.

ADDITIONAL STATEMENTS

HONORING THE STUDEBAKER NATIONAL MUSEUM

• Mr. BAYH. Mr. President, I rise today to pay tribute to a community landmark in northern Indiana. The Studebaker National Museum is home to more than 114 years of automobile history, including four presidential carriages and several vehicles from the original Studebaker collection.

The Studebaker name has been a significant part of the South Bend community since 1852 when the Studebaker brothers founded their blacksmith business. For more than a century, the Studebaker Corporation helped form the economic and social fabric of the area, employing tens of thousands of Hoosiers and providing classic affordable cars to thousands more.

In 1966, the Studebaker Corporation donated its collection of rare and antique vehicles, beginning the automobile collection at the Studebaker National Museum. The collection has continued to grow since then, demonstrating both Studebaker's famous craftsmanship and innovative design, as well as the evolution of the automobile industry. The collection now tells the story of America's Industrial Age, bringing the era to life for Hoosiers and Americans from across the country.

In addition to the educational and historical services it provides, the Studebaker National Museum is a committed leader in the development and growth of South Bend's vibrant economy and the revitalization of the Historic West Washington District.

Soon, the Museum will be relocating into the Historic West Washington District. On the occasion of this move, I commend the Studebaker National Museum on their impressive service to the community thus far and wish them well in their new location.•

DETROIT-WINDSOR TUNNEL'S 75TH ANNIVERSARY

• Mr. LEVIN. Mr. President, November 3 marks the 75th anniversary of the Detroit-Windsor Tunnel. Since it first opened to vehicle traffic in 1930, the Detroit-Windsor Tunnel has made a tremendous contribution not only to my home State of Michigan, but to our Nation as a whole. On the occasion of this historic milestone, I know my colleagues join me in recognition of the Detroit-Windsor Tunnel, the hard-working men and women who keep it operating, the thousands of Americans and Canadians who pass through it each day, and the critical role it plays in our economic relationship with Canada.

The Detroit-Windsor Tunnel serves as much more than a conduit for travel, it is a critical socioeconomic link between the United States and Canada. The idea for a tunnel to connect the cities of Detroit and Windsor was first conceived in the 1870s. After a number of failed attempts, Windsor Mayor Edward Blake Winter proposed a new tunnel project in 1919. Mayor Winter believed a tunnel would foster greater unity between the two countries and would serve as a memorial to the soldiers who were killed in World War I. After 11 years of planning and construction, this vision finally became a reality on November 1, 1930. On that day, President Herbert Hoover pressed a golden button in the U.S. Capitol officially opening the mile-long tunnel and forever changing and strengthening the relationship between the United States and Canada.

Today, the Detroit-Windsor Tunnel remains the only underwater international tunnel open to vehicular traffic in the world. Its construction in the late 1920s was unparalleled by any other tunnel in the world and took only 26 months to complete, nearly a year ahead of schedule. Amazingly, the tunnel allows four full lanes of traffic to cross the U.S.-Canadian border at a depth of 75 feet below the surface of the water.

However, it is not simply the marvel of the tunnel's engineering that we celebrate on its 75th anniversary. We must also recognize its continuing contributions to trade and travel between the United States and Canada. Approximately 29,000 vehicles pass through the tunnel each day, making the Detroit-Windsor Tunnel one of the 15 most heavily traveled border crossings in the United States.

Everyday, untold numbers of workers, manufacturers, and suppliers on both sides of the border depend on the Detroit Windsor Tunnel to get to jobs and transport products. Thousands of families also use the tunnel. This movement of people and goods has an immeasurable impact on the economic health of Detroit and Windsor alike. In addition, the cross-border transit reinforces U.S.-Canadian relations.

It is with great pride that I honor the 75 years of valuable contributions made by the Detroit-Windsor Tunnel. I would like to extend my sincerest wishes of thanks and good luck to the people of Detroit and Windsor and the people who keep the tunnel operating as they work to make its future as productive and beneficial as its past.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:54 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagreed to the amendment of the Senate to the bill (H.R. 2419) entitled ''An Act making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes'', and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. HOBSON, Mr. FRELINGHUYSEN, Mr. LATHAM, Mr. WAMP, Mrs. EMERSON, Mr. DOOLITTLE, Mr. SIMPSON, Mr. REHBERG, Mr. LEWIS of California, Mr. VISCLOSKY, Mr. EDWARDS, Mr. PASTOR, Mr. CLYBURN, Mr. BERRY, and Mr. OBEY.

The message also announced that the House passed the following bills, in which it requests the concurrence of the Senate:

H.R. 758. An act to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation.

H.R. 3256. An act to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the ''Congressman James Grove Fulton Memorial Post Office Building''.

H.R. 3368. An act to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the ''Gagetown Veterans Memorial Post Office''.

H.R. 3675. An act to amend the Federal Trade Commission act to increase civil penalties for violations involving unfair or deceptive acts or practices that exploit popular reaction to an emergency or major disaster, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 269. Concurrent resolution recognizing the 40th anniversary of the White House Fellows Program.

MEASURES REFERRED

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

H.R. 758. An act to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation; to the Committee on Commerce, Science, and Transportation.

H.R. 3256. An act to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the ''Congressman James Grove Fulton Memorial Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3368. An act to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the ''Gagetown Veterans Memorial Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3675. An act to amend the Federal Trade Commission Act to increase civil penalties for violations involving unfair or deceptive acts or practices that exploit popular reaction to an emergency or major disaster, and to authorize the Federal Trade Commission to seek civil penalties for such violations in actions brought under section 13 of that Act; to the Committee on Commerce Science, and Transportation.

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

H. Con. Res. 269. Concurrent resolution recognizing the 40th anniversary of the White House Fellows Program; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–4404. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the July 2005 AMBER Alert Report; to the Committee on the Judiciary.

EC–4405. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report relative to legislation that would authorize the remaining bankruptcy judgeships recommended by the Conference in February 2005; to the Committee on the Judiciary.

EC–4406. A communication from the Acting Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Placement of Pregabalin into Schedule V'' (Docket No. DEA-267F) received on October 21, 2005; to the Committee on the Judiciary.

EC–4407. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Guaranteed Farm Ownership and Operating Loan Requirements'' (RIN0560-AG65) received on October 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4408. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dairy Disaster Assistance Program'' (RIN0560-AH28) received on October 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4409. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of nominations and the designation of acting officers for the positions of Assistant Secretary for Occupational Safety and Health and Assistant Secretary for Mine Safety and Health, received on October 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4410. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to adding a class of certain workers of Mallinckrodt Chemical Works to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–4411. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling; Nutrient Content Claims, Definition of Sodium Levels for the Term 'Healthy' '' (RIN0910-AC49) received on October 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4412. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a report on the President's Emergency Plan for AIDS Relief: Community and Faith-Based Organizations; to the Committee on Foreign Relations.

EC–4413. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the reports of a vacancy in the position of Inspector General and nominations for the positions of Inspector General and Assistant Administrator, received on October 21, 2005; to the Committee on Foreign Relations.

EC–4414. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 05-247–05-259); to the Committee on Foreign Relations.

EC–4415. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Philip R. Kensinger, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4416. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved

retirement of Vice Admiral Lowell E. Jacoby, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–4417. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Prohibition of Foreign Taxation on U.S. Assistance Programs'' (DFARS Case 2004-D012) received on October 21, 2005; to the Committee on Armed Services.

EC–4418. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Quality Control of Aviation Critical Safety Items and Related Services'' (DFARS Case 2003-D101) received on October 21, 2005; to the Committee on Armed Services.

EC–4419. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Extension of Partnership Agreement–8(a) Program'' (DFARS Case 2005-D020) received on October 21, 2005; to the Committee on Armed Services.

EC–4420. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Central Contractor Registration'' (DFARS Case 2003-D040) received on October 21, 2005; to the Committee on Armed Services.

EC–4421. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Advisory and Assistance Services'' (DFARS Case 2003-D042) received on October 21, 2005; to the Committee on Armed Services.

EC–4422. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Logistics Agency Waiver Authority'' (DFARS Case 2005-D019) received on October 21, 2005; to the Committee on Armed Services.

EC–4423. A communication from the Chairman, Flight 93 Advisory Commission, transmitting, pursuant to law, the Flight 93 National Memorial International Design Competition Summary Report to the Committee on Energy and Natural Resources.

EC–4424. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Standards for Certain Consumer Products and Commercial and Industrial Equipment'' (RIN1904-AB54) received on October 21, 2005; to the Committee on Energy and Natural Resources.

EC–4425. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Test Procedures for Residential Central Air Conditioners and Heat Pumps'' (RIN1904-AA46) received on October 21, 2005; to the Committee on Energy and Natural Resources.

EC–4426. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination notification for the Presidentially-appointed Senate-confirmed position of Assistant Secretary for Public and Indian Housing received on October 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4427. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Certification of the Sufficiency of the Washington Convention Center Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–4428. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Audit of Advisory Neighborhood Commission 3E for Fiscal Years 2003 and 2004''; to the Committee on Homeland Security and Governmental Affairs.

EC–4429. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Audit of Advisory Neighborhood Commission 2C for Fiscal Years 2003 Through 2005, as of March 31, 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–4430. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Audit of Advisory Neighborhood Commission 2F for Fiscal Years 2003 Through 2005, as of March 31, 2005''; to the Committee on Homeland Security and Governmental Affairs.

EC–4431. A communication from the Director, United States Holocaust Memorial Museum, transmitting, pursuant to law, a report entitled ''A Strategic Plan for the Second Decade''; to the Committee on Homeland Security and Governmental Affairs.

EC–4432. A communication from the Acting Assistant Secretary and Chief Financial Officer, Department of State, transmitting, pursuant to law, a report on the Department's implementation of the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment and with a preamble:

S. Res. 255. A resolution recognizing the achievements of the United States Fish and Wildlife Service and the Waterfowl Population Survey.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 1285. A bill to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the ''Rosa Parks Federal Building''.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DEMINT (for himself and Mr. GRAHAM):

S. 1921. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and replacing such taxes with a national sales tax and a business tax; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. BAUCUS, Mr. THUNE, Mr. JOHNSON, Mr. BROWNBACK, Mr. DORGAN, Mr. BURNS, Mr. SALAZAR, Mr. TALENT, Mr. BOND, Mr. ENZI, Mr. THOMAS, Mrs. LINCOLN, Mr. CRAPO, Mr. CORNYN, Mr. CRAIG, Mr. COLEMAN, Mr. ALLARD, Mr. REID, and Mr. CHAMBLISS):

S. 1922. A bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. TALENT, and Mr. BOND):

S. 1923. A bill to address small business investment companies licensed to issue participating debentures, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. DURBIN:

S. 1924. A bill to strengthen civil-military relationships by permitting State and local governments to enter into lease purchase agreements with the United States Armed Forces; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. REID, Mr. HARKIN, Mr. DODD, Ms. MIKULSKI, Mr. REED, Mrs. BOXER, Mr. KERRY, Mr. DORGAN, Mr. SCHUMER, Mr. DAYTON, and Mr. LAUTENBERG):

S. 1925. A bill to provide for workers and businesses during the response to Hurricane Katrina and Hurricane Rita, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SCHUMER:

S. Res. 288. A resolution recognizing the life and accomplishments of Wellington Mara of New York; considered and agreed to.

ADDITIONAL COSPONSORS

S. 370

At the request of Mr. LOTT, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 370, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 407, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 492

At the request of Mr. FRIST, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 492, a bill to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

S. 632

At the request of Mr. LUGAR, the names of the Senator from New Jersey

(Mr. LAUTENBERG) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 632, a bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

S. 757

At the request of Mr. CHAFEE, the names of the Senator from Utah (Mr. BENNETT), the Senator from North Dakota (Mr. CONRAD), the Senator from Maine (Ms. SNOWE), the Senator from Vermont (Mr. LEAHY) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 939

At the request of Mr. MARTINEZ, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 939, a bill to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act.

S. 1002

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1002, a bill to amend title XVIII of the Social Security Act to make improvements in payments to hospitals under the medicare program, and for other purposes.

S. 1004

At the request of Mr. ALLEN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1004, a bill to provide the Federal Trade Commission with the resources necessary to protect users of the Internet from the unfair and deceptive acts and practices associated with spyware, and for other purposes.

S. 1110

At the request of Mr. PRYOR, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1138

At the request of Mr. ALLEN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1138, a bill to authorize the placement of a monument in Arlington National Cemetery honoring the veterans who fought in World War II as members of Army Ranger Battalions.

S. 1197

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1285

At the request of Ms. STABENOW, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1285, a bill to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the ''Rosa Parks Federal Building''.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1504

At the request of Mr. ENSIGN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1504, a bill to establish a market driven telecommunications marketplace, to eliminate government managed competition of existing communication service, and to provide parity between functionally equivalent services.

S. 1513

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1513, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 1779

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

S. 1841

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

S. 1864

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

S. 1920

At the request of Mr. OBAMA, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1920, a bill to amend the Clean Air Act to establish a renewable diesel standard, and for other purposes.

S. RES. 180

At the request of Mr. SCHUMER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 273

At the request of Mr. COLEMAN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 273, a resolution expressing the sense of the Senate that the United Nations and other international organizations shall not be allowed to exercise control over the Internet.

S. RES. 282

At the request of Mr. BIDEN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 282, a resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should raise awareness of domestic violence in the United States and its devastating effects on families.

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. Res. 282, supra.

S. RES. 287

At the request of Mr. LEVIN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. BAUCUS), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. CARPER), the Senator from North Dakota (Mr. CONRAD), the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN), the Senator from Wisconsin (Mr.

FEINGOLD), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), the Senator from Rhode Island (Mr. REED), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. SALAZAR), the Senator from Maryland (Mr. SARBANES) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 287, a resolution honoring the life of and expressing the condolences of the Senate on the passing of Rosa Parks.

AMENDMENT NO. 2193

At the request of Mr. THUNE, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Montana (Mr. BURNS) were added as cosponsors of amendment No. 2193 proposed to H.R. 3010, a bill 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.

AMENDMENT NO. 2194

At the request of Mr. REED, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 2194 proposed to H.R. 3010, a bill 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.

AMENDMENT NO. 2200

At the request of Mr. NELSON of Florida, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 2200 intended to be proposed to H.R. 3010, a bill 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.

AMENDMENT NO. 2218

At the request of Mr. BINGAMAN, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mrs. MURRAY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 2218 proposed to H.R. 3010, a bill 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.

AMENDMENT NO. 2219

At the request of Mr. BINGAMAN, the names of the Senator from Nevada (Mr. REID), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 2219 proposed to H.R. 3010, a bill 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.

AMENDMENT NO. 2228

At the request of Mr. DURBIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 2228 proposed to H.R. 3010, a bill 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.

AMENDMENT NO. 2246

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2246 proposed to H.R. 3010, a bill 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.

AMENDMENT NO. 2254

At the request of Mr. DODD, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Ms. STABENOW) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 2254 proposed to H.R. 3010, a bill 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.

AMENDMENT NO. 2257

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mr. SCHUMER), the Senator from New Jersey (Mr. CORZINE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 2257 intended to be proposed to H.R. 3010, a bill 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.

AMENDMENT NO. 2261

At the request of Mr. COLEMAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 2261 intended to be proposed to H.R. 3010, a bill 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.

AMENDMENT NO. 2262

At the request of Mr. BINGAMAN, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Nevada (Mr. REID), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mrs. MURRAY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 2262 proposed to H.R. 3010, a bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Mr. TALENT, and Mr. BOND):

S. 1923. A bill to address small business investment companies licensed to issue participating debentures, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise to support the ''Small Business Investment and Growth Act of 2005,'' which I have introduced today to facilitate increased investments in small businesses throughout this country. I am pleased to be joined by my esteemed colleagues from Missouri, Senator Jim Talent and Senator Kit Bond, in sponsoring this bill.

As Chair of the Senate Committee on Small Business and Entrepreneurship, I am committed to supporting our Nation's small businesses by increasing their access to capital. Small businesses comprise 99.7 percent of all businesses in the United States. Moreover, small businesses employ more than half, 57 percent, of the total private-sector workforce, and are responsible for the creation of more than two-thirds of all new jobs. Clearly, increasing investments in small businesses is crucial to our on-going economic success.

This bill will reform and enhance the Small Business Administration's SBIC program, a program that is vital to fostering innovation, growth, and job creation in small businesses throughout our country. Small Business Investment Companies (SBICs) are privately-owned and managed venture capital investment companies that are licensed and regulated by the SBA. SBICs use their own capital, combined with funds borrowed from other private investors and supported by an SBA guarantee, to make equity and debt investments in qualifying small businesses. The SBA shares in the profits of SBICs. The structure of the program is unique and has been a model for similar public-private partnerships around the world.

The program has been successful in mobilizing private venture capital investment, and leveraging that private investment with additional funds supported by SBA guarantees. According to the SBA's annual reports to Congress, the SBIC program has provided over $17.2 billion in financing to small businesses since the beginning of Fiscal Year 1999. Each year, this financing allows small businesses to create or retain tens of thousands of jobs. For instance, according to the SBA's Office of Advocacy, in 2004 alone SBIC investments helped small businesses create or retain approximately 81,042 jobs.

There are currently two types of SBIC Programs, the Participating Securities Program and the Debenture Program. Unfortunately, the Participating Securities Program stopped issuing new financing to SBICs at the beginning of FY 2005 because the program had ceased to be a zero-subsidy program, and there were no Federal appropriations to support the program. The Debenture Program has not suffered similar losses, and is unaffected by this bill.

This bill would create a third type of SBIC program, the ''Participating Debenture'' SBIC Program, that would replace the Participating Securities program. This new program would be a ''zero-subsidy'' program, with no Federal appropriations necessary, that would provide financing with equity characteristics to small businesses. In response to two major problems suffered by the Participating Securities Program, the new Participating Debenture program would seek to a, ensure that a participating debenture is considered a debt instrument for Federal budgetary purposes, and b, prevent financial losses by the SBA by increasing the SBA's share of SBICs' profits.

Together with Senator TALENT and Senator BOND, I plan to foster a debate in the Small Business Committee about this bill and move toward a successful rejuvenation of the equity portion of the SBIC program. I believe that a full discussion about the proposal by the SBA, the SBICs, and experts in the venture capital industry will be necessary to achieve this progress.

In July 2005 a bill, H.R. 3429, was introduced in the House that would also create a new program to replace the Participating Securities program. The bill we are introducing has some elements in common with that House bill, but goes further to clarify the manner in which the SBIC program would operate, and to bring the program into greater compliance with budgetary guidelines.

This bill will allow the SBA to guarantee the repayment of the redemption price, principal, and interest for a new type of security, a ''participating debenture,'' issued by a SBIC. This type of guarantee (of principal and interest for a security issued by an SBIC) existed in the two other SBIC programs, and for those other two programs it was explicitly authorized in the Small Business Investment Act of 1958 (the SBIA). This bill will also authorize the SBA to guarantee the repayment to an ''interim funding provider'' (an IFP) of any funds lost by the IFP because of the default of an SBIC during the period after the IFP has advanced monies to the SBIC, and before the IFP has been repaid for those funds. This type of guarantee existed in practice in the two other SBIC programs, but was not authorized by the SBIA Thus, this provision rectifies that problem and brings the new program into compliance with the Federal Credit Reform Act of 1990 (the FCRA).

Another section of the bill authorizes the SBA to guarantee the payment of the redemption price and interest for a trust certificate issued by a trustee of a pool of PDs. This type of guarantee existed in the two prior SBIC programs, but was not authorized by the SBIA. Similar to the current Participating Securities and Debenture SBIC programs, the Participating Debenture (PD) program will raise funds by pooling the securities issued by SBICs into a pool and selling trust certificates that represent interests in that pool. Thus, this provision rectifies that problem and brings the new program more into compliance with the FCRA.

Our bill includes all of the provisions of H.R. 3429 that address redemption and interest, and also includes several additional provisions. First, the bill includes repayment in default. It authorizes the SBA to guarantee repayment to IFPs for funds lost due to the default of an SBIC. The bill also authorizes the SBA to guarantee the payment of the redemption price and interest for trust certificates issued by a trustee of a pool of PDs. For each of the guarantees authorized here, the SBA is empowered to charge a fee.

The fee authorized above will be sufficient to reduce to zero the net cost to the SBA of each guarantee. For the other two SBIC programs, the SBIA only explicitly authorized such a fee for the first guarantee, mentioned above, and did not authorize such a fee for the other two types of guarantees. Thus, this provision rectifies that problem and brings the new program into compliance with the FCRA. This section is not found in H.R. 3429.

The obligations that each SBIC hold to repay the SBA will be identical, or ''matched'', in both size and timing to the obligations that the SBA holds to repay to the trust certificate holders that have purchased trust certificates in the pool that holds that particular SBICs' PDs. For advancing funds to an SBIC in accordance with the SBIC's license agreement with the SBA, an IFP shall have the right to receive interest from the SBIC. The manner of calculating and collecting this interest is specified. These sections is not found in H.R. 3429. The aggregate unpaid principal balance of the PDs issued by a SBIC must not exceed 200 percent of that company's private capital. In other words, the maximum ratio of the SBA's outstanding investment in the SBIC, when compared to the private investors' investment, is 2:1. This method would be identical to the two current SBIC programs.

The bill permits the SBA may authorize a trust or pool acting on behalf of the SBA to purchase PDs from an SBIC. This practice occurs in the other two SBIC programs, but is not explicitly authorized by the SBIA. The principal balance of each PD will be payable in full not later than the tenth anniversary of the date of issuance of that PD. If a SBIC fails to make this payment they default immediately and are liquidated. This was not the case in the other two SBIC programs. Thus, both of these provisions bring this new program more into compliance with the FCRA.

Our bill, unlike the House bill, adds that if an SBIC fails to repay the required principle and interest by a date no later than the tenth anniversary of the original issuance, the SBIC defaults immediately and must be liquidated. Beginning on the date of issuance, interest on the principal balance outstanding of a PD shall accrue on a daily basis, and unpaid accrued interest shall compound every six months. There are no interest payments during the first five years of a PD. All unpaid interest on a PD accruing during the first five years will be due and payable in full out of gross receipts on the fifth anniversary. Interest accruing on a PD after the fifth anniversary will be due and payable semi-annually. Interest payments used to be contingent on a SBIC's profitability. In this proposal, the payments are due regardless of a SBIC's financial situation and if a payment is missed the SBA has the right to liquidate the SBIC. Thus, this provision brings this new program more into compliance with the FCRA.

In addition, the SBA is authorized to charge an additional fee, as necessary to reduce the cost of the program to zero, as that term is defined in the FCRA, but the fee is capped at 1.5 percent, this may need to be adjusted. This type of fee existed in the other two SBIC programs. If a SBIC fails to pay any principal or interest on a PD when due, the Administration, in addition to any other remedies that it may have, can demand immediate repayment of the principal balance and all accrued interest on all outstanding PDs of that SBIC. This was not the case in the other two programs; thus, this provision brings the new program more into compliance with the FCRA. If a default occurs, the SBA has the right to charge a default rate of interest. Again, this is an improvement on the existing program. Finally, if a default occurs, the SBA may apply the SBIC's private collateral, its private investments, to pay any interest or principal that the SBIC owes the SBA. Again, this is an improvement (a crucial improvement) on the existing program.

The bill offers several additions, in this regard, to the House bill. If default occurs, the SBA can charge a default rate of interest. The SBA can also make use of private investments to pay any interest or principle owed to the SBA by the SBIC. In the event of a SBIC's liquidation, a PD will be senior in priority for all purposes to any equity interests, in other words, the SBA will have first priority to reimbursement. Also, the SBIC's private collateral may, at the option of the SBA, be applied to pay accrued interest and principal of outstanding PDs.

In the event of a default by an SBIC, a PD will be senior in priority for all purposes to any equity interests, in other words, the SBA will have first priority to reimbursement. Also, the SBIC's private collateral may, at the option of the SBA, be applied to pay accrued interest and principal of outstanding PDs. The bill has an additional section for the defaults of the SBIC. The section creates rights for the SBA, in case of default, that are the same as the SBA's rights in liquidation. An SBIC also commits to invest private equity in small businesses, to match the capital raised by its PDs. An SBIC in this program shall have no other debt other than financing obtained pursuant to this program.

Unless otherwise allowed by the SBA, an SBIC may used the proceeds of a PD issued by the company to pay the principal and interest due on outstanding Pds issued by that company, if the SBIC has outstanding private equity capital invested in an amount equal to that being refinanced. This section of the Senate bill adds that an SBIC may use proceeds of a PD if it has outstanding private equity capital invested in an amount equal to that be refinanced.

Unless otherwise provided, an SBIC's gross receipts shall be used first for the payment of accrued interest on PDs, and then for repayment of PD principal and private investments into the SBIC, and then for profit distributions. Gross Receipts means all cash received by a SBIC, including proceeds of the sale of securities, management or other fees, and cash representing return of invested capital, other than capital contributed by partners, the proceeds of the issuance of PDs, and money borrowed from other sources, if any. Marketable Securities that the company distributes in kind will be distributed as if they were Gross Receipts.

When an SBIC misses a payment, the SBA may choose not to liquidate the SBIC and the SBIC may continue to operate. In such a case, a SBIC must use Gross Receipts within 10 days after receipt to repay any outstanding past due interest and past due principal. If a SBIC has no outstanding past due interest or principal, it must use Gross Receipts to prepay accrued interest. Such prepayment will be due not later than the end of the calendar quarter during which such Gross Receipts were received. Failure to prepay accrued interest will be deemed a Payment Default. At such time as there is no unpaid, accrued interest or past due principal outstanding on a SBIC's PDs, the SBIC may use Gross Receipts to prepay PD principal that is not past due. If any Gross Receipts remain, they may be paid to private investors to repay their investments. As long as there are any outstanding PDs, a SBIC may distribute Gross Receipts to its limited partners but only if they distribute at least a pro-rata share simultaneously to the administration.

If Gross Receipts remain after the payment of all required payments, remaining funds can be used for profit distributions. When all PD principal and all private capital has been repaid in full, post-amortization payments may made be made to the administration. The payments are 25 precent of their pro-rata share until private investors have received 100 percent of their principal; and thereafter, 50 percent of their pro-rata share. The order of payments are: interest payments, principal payments, pre-payments, pre-amortization payments, and post-amortization payments. This provision provides for tax distributions that are required by law, as necessary. No distribution may violate liquidity requirements or other restrictions imposed by the SBA's regulations or any State's law.

At any time a SBIC is in restricted operation or liquidation by reason of capital impairment or regulatory violation, the maturity date of the SBIC's PDs, including principal and accrued interest, is subject to acceleration at the option of the administration, and whether or not there has been such an acceleration, up to 100 percent of all Gross Receipts and unfunded private investor commitments may, at the option of the administration, be required to be distributed to the administration until all accrued interest and principal on the SBIC's PDs have been paid in full. No distributions will be made to limited partners when a SBIC is in restricted operations or liquidation due to capital impairment or regulatory violation. This section of the bill details the procedures and requirements that would apply if an SBIC provided a partial repayment to the SBA in the form of securities, rather than cash.

Another section details the schedule under which payments will be made to the SBA by an SBIC. Subject to SBA regulations and the permission of private investors, an SBIC may reinvest Gross Receipts back into small businesses. In addition, the bill provides that after re-payments have occurred in this program, the SBA's share of such re-payments shall not be reduced or recalculated. This section does not create any ownership interest for the SBA in any SBICs. Rather, the relationship is one of lender-borrower.

I urge my colleagues to support this bill. Too much is at stake for small businesses, and the economy as a whole, to allow this critical legislation to languish. Congress must find essential agreement and fulfill its obligation to America's small businesses. Failing to advance this bill would diminish our chances for innovation, and stifle the entrepreneurial opportunities this program will produce. Instead, we have an opportunity to support these key attributes of American small businesses.

By Mr. DURBIN:

S. 1924. A bill to strengthen civil-military relationships by permitting State and local governments to enter into lease purchase agreements with the United States Armed Forces; to the Committee on Armed Services.

Mr. DURBIN. Mr. President, I have often said here on the floor of the Senate that by working together, we in America can build a better future for all of us. Rather than limit our potential with an every-man-for-himself philosophy, we should find ways to work together. Anyone who has ever played sports can recall their coach's encouragement to use teamwork. That was good advice for athletics and it's a good idea in public policy too. America could use a little bit more of a teamwork society.

Today I rise to introduce the Base and Community Lease-Purchase Expansion Act. The purpose of this bill is to provide more opportunity for military bases to enter into cooperative agreements with the governments of the communities in which they are located.

One of the options available to the military for obtaining the facilities and office space it needs is the lease-purchase agreement. In this sort of arrangement, the military service contracts with an entity that agrees to construct a building on military land. The military then makes lease payments over a term of several years. At the end of that term the building becomes the property of the government. Current law says that the military services may enter into an agreement such as this only with a ''private contractor.''

The bill I offer today expands the range of entities with which the military can enter into these agreements so that the door can be opened to cooperative lease-purchase arrangements between the military and governments at the local and State level.

We know from the recent round of base closures and realignments that communities across the Nation are closely connected to the military installations situated nearby. The health and prosperity of one has a direct effect on the health and prosperity of the other. It is only prudent to allow the two to work together when it will benefit both the base and the community to do so. And what more stable partner could a military base have than the local government that welcomes its presence and role in the local community?

In my own State of Illinois, for example, we are very proud to be host to

Scott Air Force Base, home to the United States Transportation Command, the Air Force's Air Mobility Command, and some tireless flying units that move troops and materials all over the world in defense of our Nation. St. Clair County, where Scott Air Force Base is located, has for some time been willing to discuss with the Air Force the idea of working together on a lease-purchase agreement. That idea cannot get off the ground; much less take flight, however, so long as the current law strictly limits such agreements to private contractors.

This is just one example from my own State of Illinois. I expect there may be other military installations and their neighboring jurisdictions that also might like to work together in a similar fashion. The Base and Community Lease-Purchase Expansion Act which I introduce today will help open the door to that sort of teamwork.

America is strongest when the military and civilian parts of our society work together in partnership on projects of mutual benefit. To that end we must work to reduce barriers and seize opportunities to foster cooperation between military installations and the states and local jurisdictions in which they are located. In so doing, we lay the foundation for mutual understanding, a strong military and enduring communities.

SUBMITTED RESOLUTIONS—OCTOBER 25, 2005

SENATE RESOLUTION 286—COMMENDING THE GRAND OLE OPRY ON THE OCCASION OF ITS 80TH ANNIVERSARY FOR ITS IMPORTANT ROLE IN THE POPULARIZATION OF COUNTRY MUSIC AND FOR ITS 8 DECADES OF MUSICAL AND BROADCAST EXCELLENCE

Mr. FRIST (for himself and Mr. ALEXANDER) submitted the following resolution; which was considered and agreed to:

S. RES. 286

Whereas the Grand Ole Opry is a pioneer of commercial radio in the United States, and is the longest running continuous radio program in the United States, having operated since November 28, 1925, and having broadcasted over 4,000 consecutive Saturday evening shows on WSM Radio, Nashville, Tennessee;

Whereas the Grand Ole Opry played an integral role in the commercial development of the country music industry, and in establishing Nashville, Tennessee, as ''Music City USA'';

Whereas the Grand Ole Opry has consistently promoted the best in live entertainment and provided a distinctive forum for connecting country music fans to musicians so as to promote the popularity of this uniquely American genre;

Whereas the Grand Ole Opry serves as a unique American icon that enshrines the rich musical history of country music, and preserves the tradition and character of the genre through commemorative performances and events;

Whereas the Grand Ole Opry is committed to quality performances, and the membership of the Grand Ole Opry represents the elite of country music performers, including generations of America's most talented musicians, encompassing the music legends of old and the superstars of today that continue to define American country music;

Whereas performers at the Grand Ole Opry have included such universally recognized names as Roy Acuff, Chet Atkins, Garth Brooks, Johnny Cash, Patsy Cline, Vince Gill, Alan Jackson, Grandpa Jones, Loretta Lynn, Uncle Dave Macon, Dolly Parton, Minnie Pearl, Jim Reeves, Ernest Tubb, Hank Williams, Trisha Yearwood, and many more;

Whereas the Grand Ole Opry celebrates the diversity of country music, with membership spanning both generation and genre, representing the best in folk, country, bluegrass, gospel, and comedy performances;

Whereas the Grand Ole Opry continues to utilize technological innovations to develop new avenues of connecting country music to its fans, and can be seen and heard around the world via television, radio, satellite radio, and the Internet;

Whereas the Grand Ole Opry provides heartening support to members of the Armed Forces by participating in the Department of Defense's America Supports You Program, providing live performances to American Forces serving abroad via the American Forces Radio and Television Services network;

Whereas the Grand Ole Opry is recognized as the world's premiere country music show, and continues to entertain millions of fans throughout the world, including United States Presidents and foreign dignitaries, and serves as an emissary of American music and culture; and

Whereas the Grand Ole Opry will continue to impact American culture and music, and play an important role in presenting the best in country music to new generations of fans throughout the world, touching millions with music and comedy: Now, therefore, be it

Resolved, That the Senate commends the Grand Ole Opry on the occasion of its 80th anniversary for its important role in the popularization of country music, and for its 8 decades of musical and broadcast excellence.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 288—RECOGNIZING THE LIFE AND ACCOMPLISHMENTS OF WELLINGTON MARA OF NEW YORK

Mr. SCHUMER submitted the following resolution; which was considered and agreed to:

S. RES. 288

Whereas Tim Wellington Mara was born on August 14, 1916 in New York City;

Whereas Wellington Mara became a ball boy for the New York Giants at the age of 9;

Whereas Wellington Mara was made co-owner of the New York Giants in 1930 at the age of 14;

Whereas Wellington Mara graduated from Loyola High School, a Jesuit institution in Manhattan, and then attended Fordham University;

Whereas the only interruption in Wellington Mara's 81 years with the New York Giants organization occurred during World War II, when he served with distinction for more than 3 years in the Navy, seeing action in both the Atlantic and Pacific theaters aboard aircraft carriers;

Whereas Wellington Mara was instrumental in crafting an agreement in which larger market teams shared television revenue with smaller market teams, thereby allowing football to thrive throughout the United States;

Whereas under nearly 80 years of Wellington Mara's leadership, the New York Giants made 26 postseason appearances, the second highest in league history, including 18 National Football League Divisional championships, and 6 National Football League championships;

Whereas Wellington Mara displayed an unwavering commitment to his players and coaches by finding doctors for former players, paying for medical expenses, and arranging help for their families;

Whereas Wellington Mara was an invaluable contributor to the National Football League as a member of many ownership committees and has been recognized for always putting the interests of the game ahead of what was best for the New York Giants;

Whereas, in 1997, Wellington Mara was elected to the Professional Football Hall of Fame, joining his father, Tim Mara, who was a charter member of the Hall of Fame; and

Whereas, at the end of a life dedicated to the great game of football, its fans, and players, Wellington Mara passed away on October 25, 2005, at the age of 89: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its most sincere condolences to the family of Wellington Mara, the former Ann Mumm, whom he married in 1954, their 11 children, and 40 grandchildren; and

(2) recognizes the life and accomplishments of Wellington Mara, who, for more than 8 decades, dedicated his life to the New York Giants and their millions of fans and supporters.

AMENDMENTS SUBMITTED AND PROPOSED

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.

SA 2269. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2270. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2271. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 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, supra; which was ordered to lie on the table.

SA 2273. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 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, supra; which was ordered to lie on the table.

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, supra.

SA 2276. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2277. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2278. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2279. Mr. FEINGOLD (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2280. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 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, supra; which was ordered to lie on the table.

SA 2282. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2283. 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) proposed an amendment to the bill H.R. 3010, supra.

SA 2284. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2285. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra.

SA 2286. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2287. Mrs. BOXER (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra.

SA 2288. Ms. STABENOW (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2289. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2290. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2291. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

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, supra.

SA 2293. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2294. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2295. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2296. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2297. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2298. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2299. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 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, supra.

SA 2301. Mr. OBAMA (for himself, Mr. 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, supra; which was ordered to lie on the table.

SA 2302. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2303. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 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, supra; which was ordered to lie on the table.

SA 2305. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2306. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2307. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2308. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2309. Ms. COLLINS (for herself and Mr. REED) submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2310. Mr. STEVENS (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2311. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2312. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2313. Mrs. CLINTON (for herself and Mr. SCHUMER) proposed an amendment to the bill H.R. 3010, supra.

SA 2314. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2315. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2316. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2317. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2318. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2319. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2320. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2321. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2322. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra.

SA 2323. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2324. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2325. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2326. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2327. Mr. COLEMAN (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2328. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2329. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 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''.

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.

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, supra; which was ordered to lie on the table.

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, supra; which was ordered to lie on the table.

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, supra; which was ordered to lie on the table.

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 liability which is the subject of such offer-in-compromise is in dispute in any judicial proceeding shall not be taken in to 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 1of 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 Rollover 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

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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 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 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 (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 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 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.

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 a 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

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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 appropriate 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 interagency 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)''; and

(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 by 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 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 (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 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 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 assault, 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 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.

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 2:30 p.m. to hold its second hearing on Eco-terrorism specifically examining Stop Huntingdon Animal Cruelty (''SHAC'').

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 26, 2005, at 2:30 p.m., to hold a hearing on Nominations.

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

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Habeas Reform: The Streamlined Procedures Act'' on Wednesday, October 26, 2005 at 9 a.m., in the Dirksen Senate Office Building, room 226.

Witness List: Seth Waxman, Esq., Former Solicitor General of the United States, Partner, Wilmer, Cutler, Pickering, Hale and Dorr, Washington, DC; Ronald Eisenburg, Esq., Deputy District Attorney, Philadelphia District Attorney's Office, Philadelphia, PA; Stephen Saltzburg, Esq., Wallace and Beverly Woodbury University Professor of Law, George Washington University School of Law, Washington, DC; Kent Scheidegger, Esq., Legal Director, Criminal Justice Legal Foundation, Sacramento, CA.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 26, 2005 at 2:30 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on ''Revisiting Proposals to Split the Ninth Circuit: An Inevitable Solution to a Growing Problem'' on Wednesday, October 26, 2005 at 2:30 p.m. in Room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: Circuit Judge Diarmuid O'Scannlain, U.S. Court of Appeals for the Ninth Circuit Portland, OR; Circuit Judge Richard Tallman, U.S. Court of Appeals for the Ninth Circuit, Seattle, WA; Chief Judge Mary Schroeder U.S. Court of Appeals for the Ninth Circuit, Phoenix, AZ; and Circuit Judge Alex Kozinski U.S. Court of Appeals for the Ninth Circuit, Pasadena CA.

Panel II: Circuit Judge Andrew Kleinfeld U.S. Court of Appeals for the Ninth Circuit, Fairbanks, AK; District Judge John Roll, U.S. District Court, District of Arizona, Tuscon, AZ; Circuit Judge Sidney T. Thomas, U.S. Court of Appeals for the Ninth Circuit, Billings, MT; and Chief Judge Emeritus Marilyn Huff, U.S. District Court, Southern District, CA, San Diego, CA.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Wednesday, October 26, 2005, at 2:30 p.m. for a hearing regarding ''Uncollected Taxes: Can We Reduce the $300 Billion Tax Gap?''

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND HOMELAND SECURITY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology, and Homeland Security be authorized to meet to conduct a hearing on ''Terrorism: Emergency Preparedness,'' on Wednesday, October 26, 2005, at 10:30 a.m. in Room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: Former Senator Slade Gorton, 9/11 Public Discourse Project, Seattle, WA; Wayne Thomas, Vice-President of Homeland Security, Innovative Emergency Management, Inc., Baton Rouge, LA; Henry Renteria, Director, California Governor's Office of Emergency Services, Mather, CA; Matt Bettenhausen, Director, California Office of Homeland Security, Sacramento, CA; Michael O'Hanlon, Senior Fellow and co-holder of Sydney Stein chair, Foreign Policy Studies Program, Brookings Institution, Washington, DC.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Jacob Cilek of my staff be granted the privilege of the floor for the duration of today's session.

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

Mr. DODD. Madam President, I ask unanimous consent that privilege of the floor be granted to two fellows in my office, Elizabeth Hoffman and Regan Fitzgerald, during consideration of this legislation.

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

Mr. HARKIN. I ask unanimous consent that Matt Ryno of my staff be granted the privilege of the floor for the duration of today's session.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 370, 371, and 373. I further ask unanimous consent that the nominations be confirmed and the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and finally the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF VETERANS AFFAIRS

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

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

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

NOMINATION OF LISETTE MONDELLO

Mrs. HUTCHISON. Mr. President, today I wish to congratulate a friend and fellow Texan, Ms. Lisette Mondello, who is being confirmed to be Assistant Secretary of Public and Intergovernmental Affairs at the Department of Veterans Affairs. She is one of the finest and most qualified individuals for this position.

Ms. Mondello has been serving as the senior advisor to the Secretary of Education. This experience is invaluable and has provided exceptional training for the position of Assistant Secretary.

Prior to her position with the Department of Education, Ms. Mondello was the director of communications in my office for 4 years. During that time I valued her counsel and commitment. In fact, her husband Joe Mondello, was my legislative director for several years. Prior to that, she worked for our colleague, Senator Alfonse D' Amato.

Additionally, Ms. Mondello has held several positions in the private sector and with grassroots organizations. These experiences have contributed to an understanding of political and public relations from two distinctive viewpoints. She will bring an enormous wealth of knowledge and understanding to the Department of Veterans Affairs.

Ms. Mondello received bachelor of arts degree from Trinity University in San Antonio, TX. She obtained a Certificate in Finance from Southern Methodist University in Dallas, TX.

Given Ms. Mondello's rich and diverse background, she is ideally suited

to serve as the department's lead in public and intergovernmental affairs. She has earned an impressive record of accomplishment and will bring great enthusiasm and honor to this position.

LEGISLATIVE SESSION

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

RECOGNIZING THE LIFE AND ACCOMPLISHMENTS OF WELLINGTON MARA OF NEW YORK

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 288 submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 288) recognizing the life and accomplishments of Wellington Mara of New York.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statement relating thereto be printed in the RECORD as if read, without intervening action or debate.

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

The resolution (S. Res. 288) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 288

Whereas Tim Wellington Mara was born on August 14, 1916 in New York City;

Whereas Wellington Mara became a ball boy for the New York Giants at the age of 9;

Whereas Wellington Mara was made co-owner of the New York Giants in 1930 at the age of 14;

Whereas Wellington Mara graduated from Loyola High School, a Jesuit institution in Manhattan, and then attended Fordham University;

Whereas the only interruption in Wellington Mara's 81 years with the New York Giants organization occurred during World War II, when he served with distinction for more than 3 years in the Navy, seeing action in both the Atlantic and Pacific theaters aboard aircraft carriers;

Whereas Wellington Mara was instrumental in crafting an agreement in which larger market teams shared television revenue with smaller market teams, thereby allowing football to thrive throughout the United States;

Whereas under nearly 80 years of Wellington Mara's leadership, the New York Giants made 26 postseason appearances, the second highest in league history, including 18 National Football League Divisional championships, and 6 National Football League championships;

Whereas Wellington Mara displayed an unwavering commitment to his players and coaches by finding doctors for former players, paying for medical expenses, and arranging help for their families;

Whereas Wellington Mara was an invaluable contributor to the National Football League as a member of many ownership committees and has been recognized for always putting the interests of the game ahead of what was best for the New York Giants;

Whereas, in 1997, Wellington Mara was elected to the Professional Football Hall of Fame, joining his father, Tim Mara, who was a charter member of the Hall of Fame; and

Whereas, at the end of a life dedicated to the great game of football, its fans, and players, Wellington Mara passed away on October 25, 2005, at the age of 89: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its most sincere condolences to the family of Wellington Mara, the former Ann Mumm, whom he married in 1954, their 11 children, and 40 grandchildren; and

(2) recognizes the life and accomplishments of Wellington Mara, who, for more than 8 decades, dedicated his life to the New York Giants and their millions of fans and supporters.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 282 and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 282) supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should raise awareness of domestic violence in the United States and its devastating effects on families.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 282) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 282

Whereas 2005 marks the 11th anniversary of the enactment of the Violence Against Women Act of 1994 (Public Law 103–322, 108 Stat. 1902);

Whereas since the passage of the Violence Against Women Act of 1994, communities have made significant progress in reducing domestic violence such that between 1993 and 2001, the incidents of nonfatal domestic violence fell 49 percent;

Whereas the Violence Against Women Act of 1994 cost $15.50 per woman to implement, and has been estimated to save $159 per woman, totaling a savings of nearly $14,800,000,000 since its creation in averted costs of victimization;

Whereas since it was created by the Violence Against Women Act of 1994, the National Domestic Violence Hotline has been used to answer over 1,000,000 calls;

Whereas States have passed over 660 State laws pertaining to domestic violence, stalking, and sexual assault;

Whereas the Violence Against Women Act of 1994 has helped make strides toward breaking the cycle of violence, but there remains much work to be done;

Whereas the Senate recently passed the Violence Against Women Act of 2005 which reauthorized critical components of the original Act and established additional protections for battered immigrants and victims of human trafficking in order to further combat domestic violence and sexual assault;

Whereas domestic violence affects women, men, and children of all racial, social, religious, ethnic, and economic groups in the United States;

Whereas protecting the economic security of victims can help break the cycle of domestic violence;

Whereas abusers frequently seek to control their partners by actively interfering with the ability of their partners to work, including by preventing their partners from going to work and harassing their partners at work;

Whereas only 28 States and the District of Columbia have laws that explicitly provide unemployment insurance to victims of domestic violence under certain circumstances;

Whereas, on average, more than 3 women are murdered by their husbands or boyfriends in the United States every day;

Whereas women who have been abused are much more likely to suffer from chronic pain, diabetes, depression, unintended pregnancies, substance abuse, and sexually transmitted infections, including HIV/AIDS;

Whereas only about 10 percent of primary care physicians routinely screen for domestic violence during new patient visits, and 9 percent routinely screen during periodic checkups;

Whereas each year, about 324,000 pregnant women in the United States are battered by the men in their lives, leading to pregnancy complications, such as low-weight gain, anemia, infections, and first and second trimester bleeding;

Whereas every 2 minutes, someone in the United States is sexually assaulted;

Whereas almost 25 percent of women surveyed had been raped or physically assaulted by a spouse or boyfriend at some point in their lives;

Whereas in 2002 alone, 250,000 women and girls older than the age of 12 were raped or sexually assaulted;

Whereas 64 percent of women have reported being raped, physically assaulted, or stalked since age 18 by their current or former intimate partner;

Whereas 1 out of every 12 women has been stalked in her lifetime;

Whereas approximately 503,000 women are stalked by an intimate partner annually in the United States;

Whereas the influence of cultural norms, economics, language barriers, and limited access to legal services and information may render some immigrant women particularly vulnerable to abuse;

Whereas 1 in 5 adolescent girls in the United States becomes a victim of physical or sexual abuse, or both, in a dating relationship;

Whereas 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend;

Whereas approximately 8,800,000 children in the United States witness domestic violence each year;

Whereas witnessing domestic violence increases the risk of developing long-term physical and mental health problems, future struggles with substance abuse, and experiencing domestic abuse as a victim;

Whereas a boy who witnesses his father's domestic violence is 10 times more likely to engage in domestic violence than a boy from a nonviolent home;

Whereas almost 37 percent of all women who sought care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend, or girlfriend;

Whereas the cost of domestic violence, including rape, physical assault, and stalking, exceeds $5,800,000,000 each year, of which $4,100,000,000 is spent on direct medical and mental health care services;

Whereas 44 percent of the mayors of the United States have identified domestic violence as a primary cause of homelessness;

Whereas over 50 percent of abused women lose at least 3 days of work per month due to domestic violence, 60 percent of battered women endure reprimands for arriving late to work and displaying other work-related problems associated with abuse, and 70 percent report difficulties in performing their work due to the effects of domestic violence;

Whereas existing statistical data suggests that forced prostitution, trafficking for sex, and sex tourism has increased throughout the world;

Whereas the need to increase the public awareness and understanding of domestic violence and the needs of battered women and their children continues to exist;

Whereas the month of October 2005 has been recognized as National Domestic Violence Awareness Month, a month for activities furthering awareness of domestic violence; and

Whereas the dedication and successes of those working tirelessly to end domestic violence and the strength of the survivors of domestic violence should be recognized: Now, therefore, be it

Resolved, That the Senate

(1) supports the goals and ideals of National Domestic Violence Awareness Month; and

(2) expresses the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating impact on families.

ORDERS FOR THURSDAY, OCTOBER 27, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, October 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, the Senate resume consideration of H.R. 3010, the Labor-HHS appropriations bill, and the time until 10 a.m. be equally divided between the majority and minority. I further ask unanimous consent that at 10 a.m., the Senate proceed to a vote on the motion to invoke cloture. I further ask that Senators have until 10 a.m. to file second-degree amendments.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will continue consideration of the Labor-HHS appropriations bill. There will be a cloture vote on the bill at 10 a.m. I encourage Members to invoke cloture so that we can expedite passage of this final appropriations bill this year. Once cloture is invoked, we should be able to conclude the amendment process and move to final passage tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:51 p.m., adjourned until Thursday, October 27, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 26, 2005:

DEPARTMENT OF STATE

BERNADETTE MARY ALLEN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

JANICE L. JACOBS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SENEGAL, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA-BISSAU.

MARILYN WARE, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FINLAND.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

ROBERT DEMPSTER, 0000

To be lieutenant colonel

PHILIP PARK, 0000

To be major

MARY HARRELL, 0000
KRISTINE KNUTSON, 0000
ERROL LADER, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

MIMMS MABEE, 0000
JACK MARKUSFELD, 0000
ROY MAROKUS, 0000
RICKY SNYDER, 0000

To be lieutenant colonel

JAMES BENTLEY, 0000
GEORGE BERNDT, 0000
JAMES FEELEY, 0000
ROGER JONES, 0000
LAWRENCE MCCHESNEY, 0000
MARY SHEPHERD, 0000
STEVE WAXMAN, 0000

To be major

FATEN ANWAR, 0000
HANS BAKKEN, 0000
PAUL BRISSON, 0000
BRIAN EASTRIDGE, 0000
VALERIE FIELDS, 0000
SAMUEL GALIB, 0000
JOSEPH GRILLO, 0000
ANTHONY MICKELSON, 0000
MOHAMMAD NAEEM, 0000
RICHARD NAHOURAII, 0000
JIMMIE PEREZ, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531, AND 3064:

To be major

MICHELLE BEACH, 0000
HELEN LAQUAY, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

GREGORY BREWER, 0000
CHRISTOPHER CHANDLER, 0000
CLIFFORD HOPEWELL, 0000
TERRELL MORROW, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, October 26, 2005:

DEPARTMENT OF VETERANS AFFAIRS

ROBERT JOSEPH HENKE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (MANAGEMENT).

WILLIAM F. TUERK, OF VIRGINIA, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS.

LISETTE M. MONDELLO, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (PUBLIC AND INTERGOVERNMENTAL AFFAIRS).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.