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

AMENDMENT NO. 2283, AS FURTHER MODIFIED

Mr. HARKIN. Mr. President, I ask unanimous consent to call up amendment No. 2283.

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

Mr. HARKIN. Mr. President, I ask unanimous consent to send to the desk a modification of that amendment.

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

Mr. HARKIN. I ask that the amendment be so modified.

The PRESIDING OFFICER. Without objection, the amendment is modified.

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

On page 169, line 18, strike ''$183,589,000: *Provided*, That $120,000,000 of amounts available for influenza preparedness'' and replace with ''$8,158,589,000: *Provided*, That these funds shall be distributed at the discretion of the President, after consultation with the Chairmen and Ranking Members of the House and Senate Committees on Appropriations, the Chairmen and Ranking Members of the House and Senate Subcommittees on Labor, Health and Human Services, and Education Appropriations, the Chairmen and Ranking Member of the Senate Health, Education, Labor, and Pensions Committee, and the Senate Majority and Minority Leaders. *Provided further*, That $8,095,000,000 of amounts available for influenza and other potential pandemics preparedness 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 and''

Mr. HARKIN. Mr. President, I also would ask that Senator SPECTER be made a cosponsor of this amendment.

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

Mr. HARKIN. Mr. President, this is the amendment that a lot of us talked about earlier that provides funding for a possible avian flu pandemic. We have worked a lot on both sides of the aisle. I especially thank our chairman, Senator SPECTER, for his guidance and leadership on this amendment, for working this out and, again, ensuring that we can move ahead to make sure this country is ready with the funds we need to provide for better global surveillance, to provide for stockpiling of antivirals and vaccines, for money that is going to be needed for building flu vaccine manufacturing plants and for making sure our public health infrastructure is adequate and that we have the surge capacity in hospitals. That is all in this amendment.

Again, I thank Senator SPECTER for his leadership on this amendment in working it out so that we can move to a voice vote on this amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, very briefly, Senator HARKIN is due great credit for this very important amendment, having taken the lead in establishing the fund. We have structured it, after consultation with a number of our colleagues, so that funds will be expended at the discretion of the President, after consultation with certain named Members of both the House and the Senate. This is in anticipation of the administration sending over a proposal in which we should have ample time to give due consideration before the conference.

This is a very significant step forward so that we do not face a crisis where the administration wants something done, but only the Congress, under the Constitution, has the authority to appropriate the funds.

I salute my colleague, Senator HARKIN, and all those who worked on the amendment.

We jointly urge its adoption.

AMENDMENT NO. 2283, AS FURTHER MODIFIED

Mr. LIEBERMAN. Mr. President, I would like to take this opportunity to congratulate Senator SPECTER and Senator HARKIN and their staff on moving the avian influenza amendment forward in a bipartisan manner. They have done a tremendous job on coming to an agreement.

Senator HARKIN and Senator SPECTER's amendment includes my proposal for funding for migratory wild bird surveillance which I would like to take a moment to outline more thoroughly.

As we all know, the potential for an influenza pandemic is increasing as the H5N1 virus has now moved swiftly across Asia, Russia, Turkey and now the EU, killing millions of domesticated poultry and over 60 humans to date. History and science tell us that wild birds are the ones that spread deadly avian influenza viruses. It happened before during the 1918 influenza epidemic that killed an estimated 40 million people worldwide. We must act now to ensure that this does not happen again. We have the tools. We just need to increase and strengthen them.

My proposal seeks to provide funds supporting an early warning system for global influenza that starts with wild birds. This is a major gap in our flu tracking system. The proposed warning system would track and monitor avian viruses and their mutations carried by wild birds by expanding the Centers of Disease Control's wild bird surveillance efforts which are currently not extensive. The CDC's efforts must be tied together with the network of global organizations, including nongovernmental organizations that have the capacity to expand and comprehensively collect and disseminate these tracking data from around the world.

Just as we track hurricanes as they begin as a tropical storm, we must track wild birds and the viral storms they carry over oceans and continents and share that data with the world.

The purposes of my proposal are to support efforts: to more rapidly and efficiently detect, verify, and report on the presence of H5N1 and other highly pathogenic avian influenzas and infectious diseases in migratory wild birds and waterfowl; to use information on viral strains found in wild birds to better delineate any mutations in the virus; to use information on when and where highly pathogenic avian influenza viruses and other infectious diseases are identified in migratory birds to better guide preparedness in the U.S. and around the world, to carry out a comprehensive migratory bird surveillance program that will provide early warning to specific areas to enhance poultry biosecurity and surveillance, and other human protective measures as necessary; to create an open access database where information on highly pathogenic avian influenza viruses and other infectious diseases identified in migratory birds are shared in as close to real time as possible; to protect the health and safety of U.S. citizens and officials traveling and living abroad; and to protect the economic interests of the U.S. and its partners from threats to health, agriculture, and natural resources.

It is the intent of my proposal that within 90 days of the appropriation, the Centers for Disease Control's influenza branch enter into a contract with one or more nongovernmental organizations chartered in the U.S. with extensive global wildlife health experience in tracking disease in wild birds, including free-ranging, captive, and wild bird species, with a proven ability in identifying avian influenza in birds, and with accredited zoological facilities in the U.S.

The influenza branch and the contracting nongovernmental organization(s) will collaborate with appropriate Federal and State agency partners, including the Department of Agriculture acting through the Agricultural Research Service and the Animal and Plant Health Inspection Service, the U.S. Geological Survey, and the U.S. Fish and Wildlife Service; various U.S. State wildlife agencies, multilateral agency partners, including the Food and Agriculture Organization, the World Health Organization, the Office International des Epizooties, and the World Conservation Union; conservation organizations with expertise in international and domestic bird monitoring surveillance; accredited colleges of veterinary medicine; and other national and international partners, as necessary.

The contracting nongovernmental organization, in coordination with the influenza branch of the CDC, shall manage an international surveillance program in which all partners named above are encouraged: to monitor and test for the presence or arrival of avian influenza and other significant avian pathogens at important bird areas around the world and in marketplaces with intense trade in wild birds; to use trained professionals to collect samples and other data and send samples to appropriate diagnostic centers; to use the international surveillance network to conduct disease surveillance activities on migratory birds worldwide, domestic and international field investigations on migratory birds, training and

capacity-building activities related to the relationships between human health, domestic and animal health, and wildlife health, and research on methods and approaches for the detection and enhanced surveillance of highly pathogenic avian influenza and other infectious diseases in migratory birds; and to send samples for avian influenza testing to certified laboratories that meet internationally established methods standards. These certified laboratories are located at the influenza branch of the CDC, the Office International des Epizooties, the Food and Agriculture Organization, the National Veterinary Services Laboratory of the Department of Agriculture, and the Agricultural Research Service. These findings should be reported back to the contracting nongovernmental organization and the international surveillance network partners.

The CDC's influenza branch and the eligible organization, in coordination with the partners of the international surveillance network, will use surveillance reports and other formal and informal sources of information to identify and investigate local disease outbreaks of avian influenza; will develop a long-term baseline of regional data related to highly pathogenic avian influenza and pathogens in migratory birds for analysis between and across sites to create a system to identify when and where outbreaks might occur and paths of dispersal; will provide technical assistance for disease prevention and control programs based on a scientific understanding of the relationships between wildlife health, animal health, and human health; will provide analytic disease findings regularly to the influenza branch of the CDC and other international network surveillance partners to prevent and combat diseases; and will conduct other activities as necessary to support the international network and its partners. The surveillance network will be coordinated from the headquarters of the contracting nongovernmental organization.

The CDC's influenza branch and the contracting nongovernmental organization, manage, map, and make available an online database containing all the results and information gathered through the international surveillance network. The database shall provide geographic data on wild bird populations and the movements of the populations. The laboratory test results will be available for viewing by any Federal agency, foreign country, multilateral institution, organization, or individual.

The CDC's influenza branch and the contracting nongovernmental organization, will request accredited colleges of veterinary medicine and other partners of the international surveillance network to monitor important bird areas around the world and to test for the presence or arrival of avian influenza and other significant avian pathogens of zoonotic concern.

Expanding the CDC's efforts by supporting an international surveillance network, allows us to focus limited resources and prepare communities in the infected wild birds' flight path. If we have this information, our menu of interventions can include: providing available antivirals or vaccines to those at-risk, protecting poultry farms, preparing hospitals to take on thousands of patients, and even keeping people indoors. By tracking wild birds we may even be able to produce an avian flu vaccine faster by understanding which influenza virus is the killer. The current H5N1 virus is not the one that could cause widespread devastation to humans because it hasn't led to sustained human to human transfer, yet.

This amendment provides $10,000,000 in 2006 to the CDC to work with U.S. and international partners to strengthen a global wild bird surveillance system. Ten million dollars is a small sum in comparison to the tens of billions of dollars for vaccine research and antiviral stockpiling. Vaccines and stockpiling are our current focus and we should be thinking about them, but it is equally important to think about being prepared for outbreaks and trying to keep a pandemic from ever hitting. This funding would enable the CDC's influenza branch to contract with one or more expert organizations with the capacity to quickly put into place the tracking and analytical systems we need.

As we speak, some countries and organizations have started to collect information in the U.S. and the world. But while we are collecting data, they are not being stored in any kind of organized manner to make it available for easy study and response.

To summarize, we have a major gap now in avian flu preparedness. We are not adequately tracking the wild birds that will be the flu transfer agents. We need to have a stronger and much better tracking system right now. Second, we have to do a much better job collecting and analyzing the information we have and will get so we can prepare our communities.

I thank Senators HARKIN and SPECTER and their staff for their work preparing our Nation for a possible pandemic. My proposal, which they have incorporated into their amendment, is relatively small but addresses a big gap that no one is thinking about. It's the big bird in the room.

Mrs. CLINTON. Mr. President, today I rise to discuss an important flu amendment that Senator HARKIN and I and several of our colleagues are offering to increase the amount of funding for the Centers for Disease Control and Prevention and their efforts to help our Nation prepare for both pandemic and seasonal influenza.

Since December 2004, 77 cases of avian influenza have been confirmed in Indonesia, Vietnam, Thailand and Cambodia, and 30 of these cases have been fatal. In countries across Asia and Europe, farmers have been culling their poultry stocks because of fears of infection.

We need to prepare for the moment when—not if, but when—avian influenza hits our shores.

What is particularly worrisome to me, when thinking about our Nation's ability to face the threat posed by pandemic or avian influenza, is the fact that we aren't even prepared to deal with the seasonal influenza epidemic that we face every year. Our efforts to prepare for pandemic influenza should be linked to efforts to reform and rebuild our Nation's seasonal flu vaccine infrastructure.

Approximately 36,000 Americans die of the flu each year, with another 200,000 people requiring hospitalization because of the flu. These deaths are largely preventable. We could stop them if we had a secure vaccine market, if we could improve our communications between the Government and our State and local public health partners, if we could better distribute and track vaccines, and if we made sure that everyone understood the importance of getting their annual flu shot.

Since 2000, our Nation has had three shortages of flu vaccine, which resulted in senior citizens lining up for hours to obtain flu vaccine, unscrupulous distributors attempting to sell scarce vaccine to the highest bidder, and millions of Americans delaying or deferring necessary flu shots.

In order to address these issues, we need to increase the resources that we are committing to our public health infrastructure.

The amendment Senator HARKIN is proposing will provide nearly $8 billion to the CDC, allowing us to respond to the threat posed by avian influenza and our seasonal flu outbreaks.

It will increase funding for stockpiling of vaccine and antivirals, and improve our domestic production capacity to produce these items.

It will allow us to upgrade our public health infrastructure with additional funding for hospital surge capacity and grants enabling State and local health departments to prepare for public health emergencies like vaccine shortages and pandemic outbreaks.

And it will provide funding so that we can increase our global and domestic surveillance around pandemic and seasonal flu, including improvements to our health information technology infrastructure.

Yet while this amendment provides the CDC with much needed resources for our public health infrastructure, it does not diminish the need for legislation to reform our Nation's vaccine production and delivery infrastructure.

In response to the delays in distribution of this year's vaccine, CDC director Julie Gerberding has indicated that the agency is unable to obtain real-time data on vaccine shipments and delivery, citing concerns over disclosure of proprietary information.

Having an adequate supply of vaccine does us no good if it can't get to the

people who need it. In last season's epidemic, we had problems matching existing stocks of vaccine to the high priority populations, like senior citizens, who were in need of vaccine. It took weeks before we could determine how much vaccine was actually in communities, and where it was needed. We wasted lots of time and resources, valuable public health resources, in trying to track this vaccine.

Earlier this month, Senator ROBERTS and I introduced the Influenza Vaccine Security Act, legislation that contains many of the provisions that would be funded through the Harkin amendment.

Complementing this amendment, the Influenza Vaccine Security Act would further give the Department of Health and Human Services the authority to track vaccine distribution in a manner that addresses concerns about the protection of proprietary information, allowing providers to vaccinate patients without the current uncertainties over supply.

While there is no vaccine shortage expected this year, delays in production have resulted in diminished supplies for many providers, who are unable to carry out full vaccination of their high priority populations, let alone any other patients who are in the habit of seeking an annual flu shot.

Because we have no tracking system, we can't tell the providers and patients who are looking for flu shots when vaccines might be available in their local area.

So it is clear that we need not only increased funding, provided through this amendment, for our public health infrastructure, but increased authority for our public health officials to ensure that our system of vaccine outreach, delivery and distribution for both pandemics and seasonal flu can operate as smoothly as possible.

There is a clear need to implement legislation like the Influenza Vaccine Security Act that will allow our Government to plan for flu outbreaks, instead of scrambling to address shortages and epidemics once they have already occurred. We have done too much of that already, in the three shortages we have faced since 2000.

I would urge my colleagues to not only pass the Harkin amendment today, but to work to bring legislation on seasonal and pandemic flu to the floor as quickly as possible, so that we can make needed reforms before our next vaccine shortage.

Ms. MIKULSKI. Mr. President, I rise today in support of the pandemic flu preparedness amendment that my colleague from Iowa, Mr. HARKIN, has offered to the fiscal year 2006 Labor/Health and Human Services/Education appropriation bill.

I thank Senator HARKIN for taking the lead in addressing the important issue of pandemic flu on the floor of the Senate. Over the past few months, we have heard from leading public health experts such as Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, at the National Institutes of Health, and Dr. Julie Gerberding, Director of the Centers for Disease Control and Prevention that it is no longer a question of if a pandemic flu will occur, but instead when the threat does occur will we be prepared as a nation. Public health experts have warned that an avian influenza outbreak could ignite a worldwide pandemic that would threaten the lives of millions of Americans. The consequences of a pandemic could be far reaching, impacting every sector of our society and our economy.

Past influenza pandemics have led to high levels of illness, death, social disruption, and devastating economic losses; the 1918 ''Spanish Flu'', took the lives of more than 500,000 Americans, the 1957 ''Asian Flu'' caused more than 70,000 American deaths and the 1968 ''Hong Kong Flu'' is attributed to more than 34,000 American deaths.

Our Nation is facing a major health threat. Experts have told us that the next pandemic has the potential to be every bit as devastating as what the world witnessed over 100 years ago. With the rapid travel around the globe compared to 1918, and the interdependence of our economic markets compared to 1918, the potential human and economic costs of the next pandemic are unimaginable.

We must take the necessary steps to adequately prepare for a potential pandemic. We must heed the warning we have been given. That is why I support Senator HARKIN's pandemic flu amendment. Senator HARKIN's amendment provides necessary funding that would be used to expand and strengthen efforts at the Centers for Disease Control and Prevention, as well as at the State and local level related to pandemic flu and public health preparedness. The amendment would provide additional funding to expand CDC's global disease surveillance capabilities, provide additional support for State and local public health facilities, increase hospital surge capacity and scale up vaccine manufacturing to make sure the American people are protected against pandemic threats.

First, the amendment provides additional funding to expand and support the strategic national stockpile to ensure antivirals, as well as necessary drugs, vaccines and other supplies are secured to respond to a pandemic flu and/or other pandemic threats.

Second, this amendment provides additional funding to build up and support one of the most important components to public health and threat assessments, which is global disease surveillance. One of the best first defenses to limiting the scope and consequences of any outbreak within a short turn around is to rapidly detect and contain the spread of a new influenza strain.

Third, this amendment funds research efforts to discover new vaccine treatments to deal with pandemic flu infections. Currently, there is no vaccine available to protect humans against a pandemic influenza. There is some vaccine development underway, but these efforts need to be strengthened, sustained, and tested to protect our Nation against pandemic flu.

Lastly, this amendment provides additional funding for State and local public health preparedness initiatives. If a pandemic were to spread in the United States, State and local health departments would be on the front lines. However, State and local entities are woefully unprepared. Additional funds are needed for terrorism response planning, training, strengthening epidemiology, and surveillance, upgrading lab capacity and communications systems and other related activities. They must be given adequate resources. We must take the lessons learned from Hurricanes Katrina and Rita. It was evident that our country's public health infrastructure was not adequately prepared to address the needs of the people affected by Hurricanes Katrina and Rita. We cannot let that happen again. We can do better, and we must do better.

Our Nation's public health experts have done their jobs—they have told us what needs to be done. We must heed their warning. Again, I thank Senator HARKIN for his work on this important issue, and I support the amendment as a cosponsor.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2283, as further modified.

The amendment (No. 2283), as further modified, was agreed to.

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.

Mr. SPECTER. Mr. President, we are now in a position to move to a number of amendments on which there is agreement. As we review the bidding here, there are prospects for several more rollcall votes. It is, as usual, impossible to tell whether we will need the rollcall votes. We are calling the Senators rather than identifying them on the floor—identifying them on the floor is the next step—but Senators know who they are, where they are on the prospect of rollcall votes, and they ought to come to the Chamber because we have had many inquiries as to when we are going to conclude this bill. We are getting very close.

AMENDMENT NO. 2324

Mr. SPECTER. Mr. President, I call up amendment No. 2324 on behalf of Senators Warner and Allen. This amendment expresses the sense of the Senate that the Administrator of the Centers for Medicare and Medicaid Services work with the Commonwealth of Virginia to resolve their Medicaid issues.

I urge adoption of the amendment. It has been cleared with Senator HARKIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. ALLEN, for himself, and Mr. WARNER, proposes an amendment numbered 2324.

The amendment is as follows:

(Purpose: To express the Sense of the Senate concerning the treatment of physician costs in the calculation of the Medicaid disproportionate share hospital uncompensated cost limit by the State of Virginia)

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.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2324.

The amendment (No. 2324) was agreed to.

AMENDMENT NO. 2279, AS MODIFIED

Mr. SPECTER. Mr. President, I now call up Senator FEINGOLD's amendment No. 2279, as modified.

The PRESIDING OFFICER. The amendment is pending.

The question is on agreeing to amendment No. 2279, as modified.

The amendment (No. 2279), as modified, was agreed to.

AMENDMENT NO. 2299

Mr. SPECTER. Mr. President, I now call up amendment No. 2299, proposed by Senator COCHRAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. COCHRAN, proposes an amendment numbered 2299.

The amendment is as follows:

(Purpose: To provide additional public health funding)

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.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2299.

The amendment (No. 2299) was agreed to.

AMENDMENT NO. 2301

Mr. SPECTER. Mr. President, I now call up amendment No. 2301, proposed by Senator OBAMA, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Obama, for himself, Mr. DURBIN, Mr. KERRY, Mrs. CLINTON, Mr. DODD, and Mr. CORZINE, proposes an amendment numbered 2301.

The amendment is as follows:

(Purpose: To increase funds to the Thurgood Marshall Legal Educational Opportunity Program and the Office of Special Education Programs of the Department of Education for the purpose of expanding positive behavioral interventions and supports)

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.).

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2301.

The amendment (No. 2301) was agreed to.

AMENDMENT NO. 2327

Mr. SPECTER. Mr. President, I now call up amendment No. 2327, proposed by the distinguished Senator from Minnesota, Mr. COLEMAN, and the distinguished Senator from New Mexico, Mr. BINGAMAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. COLEMAN, for himself, and Mr. BINGAMAN, proposes an amendment numbered 2327.

The amendment is as follows:

(Purpose: To develop a strategic plan for increasing the number of foreign students attending institutions of higher education in the United States)

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:''.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2327.

The amendment (No. 2327) was agreed to.

AMENDMENT NO. 2248, AS MODIFIED

Mr. SPECTER. Mr. President, I now call up amendment No. 2248, as modified, for Senator LANDRIEU.

The PRESIDING OFFICER. The amendment is pending.

The question is on agreeing to amendment No. 2248, as modified.

The amendment (No. 2248), as modified, was agreed to, as follows:

(Purpose: To increase appropriations for the Federal TRIO programs)

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

(a) 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.).

(b) On page 190, line 3 strike ''$2,104,508,000'' and insert ''$2,099,508,000''.

AMENDMENT NO. 2250, AS MODIFIED

Mr. SPECTER. Mr. President, I now call up amendment No. 2250, as modified, proposed by Senator LANDRIEU.

The PRESIDING OFFICER. The amendment is pending.

The question is on agreeing to amendment No. 2250, as modified.

The amendment (No. 2250), as modified, was agreed to, as follows:

(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).

AMENDMENT NO. 2215, AS FURTHER MODIFIED

Mr. SPECTER. Mr. President, I call up amendment No. 2215, as further modified, proposed by Senator SUNUNU.

The PRESIDING OFFICER. Without objection, amendment No. 2215, as further modified, is agreed to.

The amendment (No. 2215), as further modified, was agreed to, 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 $50,000,000. The amount appropriated for Facilities Construction funded by the Health Resources and Services Administration is further reduced by $50,000,000.

AMENDMENT NO. 2276, AS MODIFIED

Mr. SPECTER. Mr. President, I now call up amendment No. 2276, as modified, proposed by Senator DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. DOMENICI, proposes an amendment numbered 2276, as modified.

The amendment is as follows:

(Purpose: To provide appropriations for the National Youth Sports Program, a private, nonprofit organization to provide recreational activities for low-income youth, primarily in the summer months, which employs college and university athletic facilities)

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 $10,000,000, which shall be for carrying out the National Youth Sports Program under the Community Services Block Grant Act.

On page 137, line 9, both of the amounts are further reduced by $10,000,000.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, if my colleagues will withhold for just a second, I do not seem to have that amendment in front of me.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I do not have any objection to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2276, as modified.

The amendment (No. 2276), as modified, was agreed to.

AMENDMENT NO. 2262, AS MODIFIED

Mr. SPECTER. Mr. President, I now call up amendment No. 2262, as modified, proposed by Senator BINGAMAN.

The PRESIDING OFFICER. The amendment is pending.

The yeas and nays have been ordered on this amendment, so it cannot be adopted by a voice vote.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Is that on amendment No. 2262?

The PRESIDING OFFICER. Yes.

Mr. HARKIN. I believe in my conversations with both Senator BINGAMAN and Senator HUTCHISON that they agreed to a voice vote on this amendment. So I ask unanimous consent to vitiate the yeas and nays on this amendment.

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

Mr. SALAZAR. Mr. President, I rise to lend my support to amendment No. 2262 to the Labor, Health and Human Services and Education Appropriations Act for fiscal year 2006. I am proud to be cosponsor of this amendment, which was introduced by Senator BINGAMAN. The amendment adds $60 million to key education programs that are critical to improving Hispanic educational opportunities. If approved, the money will be put to good use by State and local entities to invest in our country's most precious resource: Our youth.

The Hispanic community is an integral component of our American workforce. By ensuring that the 8.7 million Hispanic youth enrolled in our Nation's schools succeed in education, we make a down payment on our Nation's future economic security.

I note that the Hispanic Education Coalition, a group of diverse national education, civil rights, and Hispanic organizations, supports amendment No. 2262.

The amendment will restore $5 million in funding to the School Dropout Prevention Program that was authorized by the No Child Left Behind Act, and long championed by my colleague Senator BINGAMAN. It increases funding for civics and English as a Second Language, ESL, programs by $6.5 million for parents, workers and citizens who want to learn more about our country's history and enhance their language skills in English, the language of opportunity in America and throughout the world.

In addition, funding for two small but incredibly effective programs, the High School Equivalency Program, HEP, and the College Assistance Migrant Program, CAMP, would be reinstated to their Fiscal Year 2004 levels. As a product of rural America, I have known and met many migrant worker families. They work hard to provide the wonderful grains, vegetables, and fruits we eat at our dinner table. In Colorado and other parts of the country, HEP–CAMP works to keep migrant students in high school through graduation, with the ultimate goal of sending them off to college.

This amendment also provides an additional $13 million in funding for Parent Assistance and Local Family Information Centers. The Colorado Parent Information and Resource Center in Denver uses this funding to help low income parents understand and navigate the school system and encourages their involvement in the school community. Parental involvement is critical to children's success and I strongly support efforts that engage parents in their children's education.

Finally, there are modest increases for our Nation's Hispanic-Serving Institutions and for bilingual and migrant education.

I urge the Senate's support of amendment No. 2262 because I believe we will all reap the benefits of increasing Hispanic educational achievement.

Mr. OBAMA. Mr. President, I rise today to support an amendment introduced by Senator BINGAMAN to increase funding for education programs for Hispanic students. This important group of Americans has long been underserved by our public schools, and the actions proposed in this amendment are an important remedy.

In America, the promise of a good education for all makes it possible for any child to rise above the barriers of race or class or background and achieve his or her potential. We live in a world where the most valuable skill you can sell is knowledge. Yet we are denying this skill to too many of our children.

This denial has grave consequences, with those consequences falling inequitably on children of color. Of every 100 white kindergartners, 93 graduate from high school, and 33 earn at least a bachelor's degree. But for every 100 Hispanic kindergartners, only 63 graduate from high school, and only 11 obtain that college degree. The school age population of Hispanic students is growing five times faster than the student population at large. If we fail to do better in educating deserving Hispanic youth, this failure will have grave consequences for us all, not just with increased unemployment but in missed opportunities for innovation and competitiveness.

This failure of our education system is not easy to address. There is no single, simple solution. This amendment recognizes this fact by proposing a variety of programs to help Hispanic students. Among these programs, Support

for Hispanic Serving Institutions will help those colleges that now grant diplomas to over 50 percent of all Hispanic graduates. Language Acquisition Grants address those students who struggle to learn because they do not yet have full fluency in English, a number which includes nearly half of the Hispanic students in our public schools. The School Dropout Prevention Program addresses one of the most significant problems for children of color. In Illinois, only 53 percent of Hispanics graduate from high school, compared with 83 percent of whites.

We must do better. We must not lower our standards. Instead, we must increase our support for those students who are eager to succeed. In many situations, it is clear that children of color, when provided appropriate support and effective teachers, can rise to meet our expectations and fulfill their hopes and the dreams of their families. I am proud to support Senator BINGAMAN in this effort.

The question is on agreeing to amendment No. 2262, as modified.

The amendment (No. 2262), as modified, was agreed to, 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 $4,800,000 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 $7,650,000 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 $2,850,000 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) 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 $3,250,000 for English as a second language programs and civics education programs under the Adult Education Act (20 U.S.C. 9201 et seq.).

(e) 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 $6,500,000 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.).

(f) 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, $4,950,000 for Hispanic-serving institutions under title V of the Higher Education Act of 1965 (20 U.S.C. 1101 et seq.).

(g) OFFSET.—The first amount on page 123, line 15 and the amount on line 21 are further reduced by $30,000,000.

AMENDMENT NO. 2259

Mr. HARKIN. Mr. President, I ask unanimous consent to bring up amendment No. 2259.

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

Mr. HARKIN. Mr. President, amendment No. 2259 is an amendment that was offered by Senator BINGAMAN and Senator SMITH. This amendment funds money for the AIDS Drug Assistance Program. It was mentioned earlier. I know that Senator BINGAMAN and others wanted a rollcall vote on amendment No. 2259. I believe all debate has transpired. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment provides for an additional $75 million from the AIDS Drug Assistance Program. The bill currently contains $797,521,000. It has an increase of $10 million over last year. As is the case with so many of the items, it is a very good program. We would like to have more money, but we simply do not have an offset.

If the sponsors of the amendment have some offset and want to talk about priorities, we will be glad to listen, but on this state of the record, we are constrained to oppose the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2259. The yeas and nays have been ordered. The clerk will call the roll.

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. 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. KENNEDY. Mr. President, I strongly support the amendment offered by Senator BINGAMAN to provide $60 million to strengthen programs critical to the success of Hispanic children and youth in our schools, community colleges, and universities.

The No Child Left Behind Act laid a new foundation for our commitment to a quality education for all children. That landmark legislation, enacted 3 years ago, contained the formula for success for all students: well-qualified teachers, effective instruction, especially for children with limited English skills, additional assistance for students who fall behind in school, and the accountability essential to ensure that no child is in fact left behind. But none of those reforms can succeed without the resources necessary to make them possible.

The bill before us falls far too short of delivering the educational opportunity promised to Hispanic students in the No Child Left Behind Act. We can clearly do more to enable Hispanic children to have access to the best possible education. The Bingaman amendment before us will add urgently needed funds and restore the integrity of key Hispanic programs that have been eliminated or underfunded in the bill.

Hispanic children are the Nation's fastest growing student population. The number of Hispanic students in America's classrooms has grown by 61 percent since 1990. Despite this growth, too many of these children are being denied the support they need to succeed in school. In fact, Hispanic students drop out of high school at an unacceptable rate of 52 percent.

The Bingaman amendment restores funding for the School Dropout Prevention Program, which helps States and school districts implement research-based, sustainable dropout prevention programs and re-entry programs to help students who fall behind academically. At a time when we are working to narrow achievement gaps, this important program is more essential than ever, and is geared to ensure that all children graduate with a high school diploma. By contrast, the underlying bill eliminates this program entirely and is an insult to every Hispanic child in America.

The amendment also invests an additional $10 million to restore title III and expand its services to an additional 16,000 English-language-learners throughout the Nation. This year, we are adequately serving only 1 in every 5 of these students under title III. All English language-learners deserve access to good bilingual programs, with well-qualified teachers to help them learn English and meet high academic standards.

The Bingaman amendment also provides funds for another provision in the No Child Left Behind Act, the Parent Information Resource Centers and Local Family Information Centers programs. The amendment adds $13 million for Parent Information Resource Centers, bringing total funding to $55 million. Because Local Family Information Centers can be funded only if funds for the parent centers are over $50 million, the Bingaman amendment enables the local centers to receive funding for the first time ever. The $5 million that the amendment provides for the Local Family Information Centers is an important step in involving parents in their children's education, and is especially important for parents of English-language-learners who may need more assistance in navigating the school system.

The amendment also benefits the 750,000 children of migrant farmworkers, by providing an additional $9

million for the Migrant Education Program. These children face many obstacles to their education, including dire poverty, geographic and cultural isolation, and outright bigotry. The Migrant Education Program was created in 1966 to reduce these obstacles, coordinate educational services to migrant children, and lay the foundation for them to succeed in school and in life. This amendment will provide a range of supplemental support services to migrant students, including the assurance that their school records will follow them from school to school as their families relocate to new areas of the region of the Nation.

The Bingaman amendment will also help migrant students go to college and complete college, by investing an additional $5 million in the High School Equivalency Program and the College Assistance Migrant Program. These two programs are lifelines of college opportunity for migrant students. They use proven strategies to help migrant students complete high school and graduate from college. They provide instruction and counseling for those who have dropped out of school to get back on track, and they provide valuable guidance to migrant high school graduates in their first year of college.

By contrast, the bill before us freezes funding for these two programs at this year's levels of $18.7 million for the high school program and $15.5 million for the freshman college program. It carries forward a cut of $4.4 million from last year, which resulted in the elimination of five parts of the high school program. We need to do more, not less, to help migrant students succeed in school and college. Reductions in these valuable programs should be unacceptable to us all.

Finally, the Bingaman amendment provides an additional $9.9 million to support the nearly 250 colleges and universities across the country designated as Hispanic Serving Institutions. Over half of all Hispanic students enrolled in higher education are served by these colleges and universities. They enable tens of thousands of Hispanic students every year to continue their education and obtain a college degree.

Investing in the education of Hispanic children is a vital part of assuring the future strength and well-being of our Nation. I strongly urge the Senate to support the Bingaman amendment.

Mr. KOHL. Mr. President, I rise today in strong support of the Bingaman amendment. This amendment provides $74 million in much needed additional support for the AIDS Drug Assistance Program.

Yesterday, the Senate overwhelmingly defeated an amendment by Senator COBURN that would have increased ADAP funding at the expense of the Centers for Disease Control construction and renovations account. CDC buildings and labs haven't been updated in years, and in some cases decades. Today, we are asking CDC to do more to protect public health than ever before, especially in light of important priorities like avian flu preparedness and combating bioterrorism. It doesn't make sense to cut the funds that would help them build the facilities to do it, which is why I could not support the Coburn amendment.

The Bingaman amendment will help provide additional funding for life-saving medications to nearly 150,000 low-income, uninsured or underinsured people in the United States. And it does not cut other important public health programs to do it. The CDC estimates that over 212,000 people in the U.S. who have been diagnosed with HIV are not receiving treatment, making this additional ADAP funding a critical priority. I urge my colleagues to help those not receiving treatment by supporting this important amendment.

Mr. SMITH. Mr. President, I would like to talk briefly about the importance of the AIDS Drug Assistance Program, or ADAP. ADAP is a vital resource for low-income individuals who are living with HIV/AIDS. It helps get medications to those who most need them so that they can stay healthy and avoid more costly health care treatments that are required if their condition worsens. To date, ADAP has been a successful partnership between Federal and State governments, but it is rapidly buckling under the strain of budget shortfalls and rising demand for services.

Currently, there are over one million individuals living with HIV in the United States, many of whom rely upon expensive medications to stay alive. While we have made significant strides in stabilizing the spread of HIV in recent years, it is the most vulnerable individuals who are unable to afford medications to treat their condition. These are the people that ADAP helps. They are not eligible for Medicaid—as most State programs only cover those individuals who have been disabled by full-blown AIDS. They are individuals who simply cannot afford to purchase all the medications required to keep them healthy and active members of the community and the workforce.

Each year, ADAP caseloads increase by 7,000 to 8,000 people. Yet funding has not kept pace with that growth. It has been estimated that ADAP would need an additional $100 million each year to keep pace with increased demand. While increases in drug rebates or State funding could contribute to part of that need, they will by no means cover the entire amount. The Federal Government must also step up its financial commitment to ensure that all individuals, including those new to the program, get the care they need.

Unfortunately, we have not met the new demand. In the budget we are debating today, ADAP has only received a $10 million increase over amounts appropriated in 2005, the same amoun recommended by the House. In 2004, funding for ADAP only increased by $34 million. Year after year, ADAP goes underfunded, which means more and more low-income individuals are unable to access medications that may keep them alive. In my opinion, that is simply wrong.

In response to funding shortfalls, many states, struggling with their own budgetary difficulties, have been forced to create waiting lists, implement additional cost sharing requirements or create restrictive formularies that create barriers for many individuals to access treatment. Other states with lower than average eligibility guidelines have been unable to extend coverage to individuals who live in poverty because they do not meet restrictive income and asset tests.

The State of Oregon has done its best to keep ADAP service levels constant, with the support of organizations like Cascade AIDS. But it is becoming increasingly more difficult to meet the rowing need for assistance. Oregon's ADAP has been forced to implement priority service ran kings and may have to consider additional cost-sharing requirements next year. Our income eligibility guidelines have also been lowered, a change which means more individuals are going to go without the medications they need. Oregon is not alone.

Currently, 2,185 low-income individuals are on waiting lists for ADAP nationwide. Some of these individuals have been fortunate enough to receive temporary assistance through an emergency initiative launched last year by the President. However, that program expired in September and will be entirely phased out by the end of the year. Individuals on waiting lists are sick and in most cases they only get sicker while they wait for treatment.

Sadly, individuals on waiting lists in Kentucky and West Virginia died while waiting for acceptance into their States drug assistance programs. In a nation with wealth such as ours, it is unacceptable that individuals face the threat of dying from AIDS because we do not adequately fund the programs such as ADAP. Now is the time for Congress to act so further tragedies like these do not occur again.

Apart from these unfortunate examples, others who are on waiting lists are only likely to see their conditions worsen, which means they may one day require more costly health care treatment. It is not good fiscal policy to continually fail to invest in medical treatments that could prevent HIV cases from progressing to full-blown AIDS. It is a fact that treating AIDS is much more expensive than treating HIV. The more we can do to keep individuals healthier, longer, the better, not only in terms of cost savings for the government, but in extending the chance that those living with HIV/AIDS can live to see a cure for their illness.

As a matter of fiscal and moral responsibility, Senator BINGAMAN and I

are offering an amendment today that would increase funding to ADAP programs by $74 million in the 2006 budget. That amount, combined with the new funding already in the bill, should just barely cover the costs associated with new caseload growth in the coming year. I know it will not be enough to address past funding inequities, but it is a start. We have to act now to do something to address ADAP waiting lists and support those States—like Oregon—that have fought to keep their programs whole, but often at the expense of imposing increased cost-sharing and additional access barriers.

I understand there are enormous demands on the Federal budget, but this isn't an issue of increased spending, but of priorities. ADAP has the potential to save lives and must be a priority of this Congress. For too many years, appropriations have not kept pace with new case growth, and the situation is becoming unsustainable. We must act now to better support some of our most vulnerable citizens who live with HIV and that is why I am asking you to support my amendment.

I realize I do not have an offset for my request and I respect Chairman SPECTER's position to keep the pending bill in balance. But at the same time, there are some issues that are of such great importance that they require us to commit new funding, regardless of whether it was accounted for in our original spending plan. ADAP is one of them. In a bill that appropriates almost $150 billion, I don't believe $74 million is too much to ask, especially if it could save someone's life.

Mr. SPECTER. Mr. President, I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation under the fiscal year 2005 concurrent resolution on the budget.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. 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 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 are ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from North Carolina (Mr. BURR).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The yeas and nays resulted—yeas 46, nays 50, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—46

Akaka	Dorgan	Mikulski
Baucus	Durbin	Murray
Bayh	Feingold	Nelson (FL)
Biden	Feinstein	Obama
Bingaman	Harkin	Pryor
Boxer	Jeffords	Reed
Byrd	Johnson	Reid
Cantwell	Kennedy	Salazar
Chafee	Kerry	Sarbanes
Clinton	Kohl	Schumer
Coleman	Landrieu	Smith
Collins	Lautenberg	Stabenow
Conrad	Leahy	Talent
Dayton	Levin	Wyden
DeWine	Lieberman	
Dodd	Lincoln	

NAYS—50

Alexander	Domenici	McConnell
Allard	Ensign	Murkowski
Allen	Enzi	Nelson (NE)
Bennett	Frist	Roberts
Bond	Graham	Santorum
Brownback	Grassley	Sessions
Bunning	Gregg	Shelby
Burns	Hagel	Snowe
Carper	Hatch	Specter
Chambliss	Hutchison	Stevens
Coburn	Inhofe	Sununu
Cochran	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner
Dole	McCain	

NOT VOTING—4

Burr	Inouye
Corzine	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 50. 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. 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.

Mr. SPECTER. Mr. President, the Senator from Massachusetts has an amendment which Senator HARKIN and I have discussed with him. I believe it is acceptable. I yield now to Senator KERRY so he can state his amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2216

Mr. KERRY. Mr. President, I ask the pending amendment be set aside and amendment No. 2216 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2216.

Mr. KERRY. 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 a limitation on funds)

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

SEC. ____. None of the funds made available in this Act may be used to implement any strategic plan under section 3 of Executive Order 13335 (regarding interoperable health information technology) that lacks a provision that requires the Department of Health and Human Services to give notice to any patient whose information maintained by the Department under the strategic plan is lost, stolen, or used for a purpose other than the purpose for which the information was collected.

Mr. KERRY. Mr. President, very quickly, this is an amendment that makes clear as we gather this gigantic database of information, medical information, that we apply the same privacy rights to that information we have applied with respect to banking information, so if indeed it were either hacked or there were a theft or loss of that information, any individual whose information is contained therein would be notified so they would be aware of it and able to take any steps necessary to protect themselves.

I thank the distinguished chairman and ranking member for being willing to accept this amendment.

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

The amendment (No. 2216) 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.

Mr. HARKIN. Mr. President, again we are very close to finishing up this appropriations bill. There may be one or two other amendments. I am hopeful. Please come. I have been deceived by people saying they have a plane to catch, they have this or that. But those who have any amendments, if they haven't been over here—otherwise, I defer to my distinguished chairman.

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

Mr. HARKIN. I will.

Mr. SPECTER. We have an amendment by the Senator from California, Mrs. BOXER, who is on the floor and ready to go with her amendment. My suggestion would be—we have culled the list, we have called everyone, we know of no other rollcall votes—that we move to third reading when we conclude the Boxer amendment.

We have had continuous requests, multiple requests. Senators want to know when we are going to conclude. We are very close to concluding. Let us, if it is agreeable to my ranking member, take up the Boxer amendment, and then have an interlude for anybody else who has an amendment. Then we will go to third reading and final passage.

As previously announced, Senator BOXER is next. Then we have the amendment of the Senator from Nevada, Mr. ENSIGN. We will have two back-to-back rollcall votes on Senator BOXER's amendment and Senator ENSIGN's amendment. Then we will be in a position to have some additional voice votes on about half a dozen amendments. Then we are in a position to go

to final passage. Our colleagues can be informed that we are moving right along. That should conclude the bill.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my friend from Pennsylvania and my friend from Iowa for being courteous as we tried to work something out. It appears we are going to have to vote on this amendment. I urge my colleagues to support afterschool programs.

I send a modification to amendment No. 2287 to the desk and ask for immediate consideration of the modified amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment (No. 2287), as modified, is as follows:

AMENDMENT NO. 2287, AS MODIFIED

(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.).

Mrs. BOXER. Mr. President, I will use a very short amount of time, knowing colleagues are anxious to get moving on this bill.

I feel heavy in my heart because this Senate is such a wonderful institution when we authorize afterschool programs in the United States of America. We did that, and we have had a very sad response in terms of the funding that does not match the authorization.

I think my colleagues know full well the FBI says there is no program that does more to keep our kids out of trouble than afterschool programs. That is why Senator ENSIGN and I teamed up originally to get the first of afterschool programs authorized by this Congress. But it has been very sad.

I know the Senator from Pennsylvania supports this program. I know the Senator from Iowa, who heads this important subcommittee, supports these programs. Most Senators support these programs. But right now is a moment when we have to stand up for our kids.

Look at what has happened. Despite the fact we are supposed to be going toward $2.25 billion, we are actually now funding afterschool at less than $1 billion—less than we were in 2002 because the afterschool programs have not been exempted from across-the-board cuts.

What we will do today with this amendment is add back—this is very important—$51.9 million, which will get it back to the $1 billion area. At least we will take it back to where it was in 2002.

This is a very sad day.

I want to say something to my friend from Pennsylvania, the chairman of the subcommittee and someone whom I admire greatly, Senator SPECTER. What we have here is a real sadness for our children. We have a situation where we are actually cutting the funding of afterschool programs year after year after year while our children cry out for attention after school. The FBI tells us this is the best.

The Bush administration's Drug Enforcement Agency takes taxpayer money and places ads all over America's televisions that say, It is 4 o'clock in the afternoon. Do you know where your children are? It is 3 o'clock, 5 o'clock. Make sure you know where your children are. They spend taxpayer dollars with one hand warning our families to take care of their kids after school and with the other hand we and they are complicit in cutting the afterschool programs.

We are covering 1.3 million children. There is another couple million to 3 million who need afterschool care. The least we can do is add roughly $51 million to protect this program from inflationary costs and at least get it back to where it was in 2002.

For the sake of our children, for the sake of our families—I am talking here about our poor families, our working poor families, our middle-class families, and our upper middle-class families, and, yes, frankly, even our wealthier families who also support these programs, I urge you to please vote aye on this amendment.

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. SPECTER. Mr. President, I commend the Senator from California for offering this amendment on afterschool funding. I agree with her about the importance of the program. It is a line of community support which I have recognized for several decades since I was district attorney for Philadelphia, since I saw firsthand the high incidence of crime committed during the hours between the time students leave school and the time they see their parents. Senator HARKIN and I have been very solicitous about this program and have made very substantial increases going back to 1998 when we added $39 million; in 1999, we added $160 million; in 2000, we added $253 million; in 2001, we added $392 million; in 2002, we added $154 million. We took a program which was funded at $40 million in 1998 and we brought it right up to the billion dollar mark. It is a tremendous program.

One of the grave difficulties of managing this bill is to oppose so many amendments which are good. We had to oppose Senator BYRD's $5 billion for title II, Senator KENNEDY's addition to Pell grants, Senator DODD on daycare, Senator CLINTON on special education, and so it goes. If you want to amass a terrible voting record, be chairman of the Appropriations Subcommittee on Labor, Health and Human Services and Education. It is a great place to do it.

I wish we had more of an allocation. I know how sincere the Senator from California is about this program. I very much regret being constrained to oppose it.

Mrs. BOXER. Mr. President, will the Senator yield briefly?

Mr. SPECTER. I do.

Mrs. BOXER. I know the Senator is a big supporter of the afterschool program because I remember when the President was looking to cut it in half. He and I were looking at this together, and we spoke. I think it was teaming up with Members on both sides of the aisle to help. I want to point out to my dear friend that when Senator ENSIGN and I got together and wrote the authorization part which you have been so wonderful to fund, we were very clear in our authorization—and everyone supported it—that, my God, to actually reduce the funding of this program is a big mistake.

I say to my friend, getting this program to $1 billion occurred because we all worked together on the authorization, and we were fortunate to have appropriators who agreed with us.

But in 2002, even with the best efforts of my friend, we haven't even protected this program from inflation from 2002 to today and to 2006. We actually have a cut in real dollars to the program below inflation. It is tragic that we will lose children from this program which the FBI says is so important.

I want to make one more plea to my friend. I am not asking for $1 billion, which in fact we should have if we follow the authorization. All I am asking for is enough funding—such a small sum that it is an asterisk in this budget—to please add $51.9 million. That is all. We will at least bring it back up to $1 billion, because we haven't been protected from across-the-board cuts.

I make a plea to my friend. I know everything around here is precedent setting, to do this or that or the other. These are real kids. There is real stuff going on out there, and they need these afterschool programs.

I yield the floor and thank my friend very much for yielding to me.

Mr. SPECTER. We will keep a sharp eye on this program in conference. If there is any way to increase the funding to any extent, Senator HARKIN and I will be very sympathetic.

Mr. HARKIN. Mr. President, I thank the Senator from California for offering this amendment and for being, if she doesn't mind my term, the watchdog. We all get wrapped up in a lot of things here. But I can't think of anything more important than what Senator BOXER is talking about right now. We know what is happening in this country. We know more and more people are being squeezed by the fact that we can't raise the minimum wage. They are being squeezed by the lack of adequate housing. They are being squeezed by entry-level jobs that they cannot get. There are all kinds of pressures on families.

We passed a law 10 years ago, Welfare to Work, to get people off of welfare to

go to work. We always knew that the one big component we never answered was, what do you do with the kids? It is both daycare and afterschool funding because these parents get home right away—usually single parents. We need the funding for the afterschool programs. If we want to cut down on teen crime and teen drugs, teen pregnancies, this is the way to do it. Senator BOXER is absolutely right. It is a shame we do not have the money for it. We should have.

I thank the Senator for offering this amendment. I hope, with the concurrence of our chairman, we can somehow find the money for this. I don't know where. It is tight. I know we have a tight situation. I cannot think of anything more worthy than this program.

I thank the Senator from California.

Mr. SPECTER. Mr. President, with reluctance, I have to raise a point of order. This will push us over the brink. Under section 302(f) of the Budget Act, this amendment would create a situation where the authority and outlays would be in excess of the subcommittee 302(b) allocation for the fiscal year 2006. I expect the Senator from California to move to waive.

Mrs. BOXER. Mr. President, I appreciate that my friend is reluctant to raise this. I look forward to the conference, where perhaps we can find enough money to protect some of these kids.

Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for purposes of the pending amendment.

I ask again 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. SPECTER. Mr. President, we will now proceed to the amendment of the Senator from Nevada. It is the anticipation of the managers following that amendment that we will have two rollcall votes.

I ask unanimous consent that after the yeas and nays have been ordered, the first rollcall vote be 15 minutes plus 5 and the second a 10-minute rollcall vote, 10 minutes plus 5.

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

The Senator from Nevada.

AMENDMENT NO. 2300

Mr. ENSIGN. Mr. President, I call up amendment No. 2300.

The PRESIDING OFFICER. The amendment is pending.

Mr. ENSIGN. Mr. President, before I speak on my amendment, briefly I will comment about Senator BOXER's amendment.

Senator BOXER and I have worked long and hard on afterschool programs, something in which I passionately believe. We worked to try to have this program increased without adding to the deficit, so we had an offset. It was unfortunate the offset was not accepted. I will continue to work with Senator BOXER because it is a program in which I believe. However, I also believe in staying within the budget. So reluctantly, I will have to vote against Senator BOXER's amendment. I say reluctantly. It pains me to do so. To be consistent with my voting record this year, I have voted consistently to stay within the budget. I will reluctantly oppose that amendment.

Getting to my amendment, this is a very simple amendment, and I will not speak long because I know everyone needs to get home. I will keep it as simple as possible.

My amendment will stop the Department of Education from competing against private companies in the United States that are developing software to teach Chinese students to speak the English language.

Normally, one would think that would be a good thing, for the Department of Education to be able to help the Chinese students learn English—English is an international language—that would be a good thing, and we all applaud those efforts. The problem is, there are at least five companies in the United States and probably many more that already have invested their research dollars and created jobs in the United States to produce this very same software. This software exists today and these companies in the United States would like to sell to the Chinese market.

I don't think our Government should be in the business of competing with the private sector. We are all worried about jobs in the United States, and here we have the Department of Education contracting to develop software that they can give to the Chinese so they can teach their kids English.

There are very effective programs out there that have been developed. We have letter after letter after letter from these companies opposing what the Department of Education is doing. They have asked for help.

What this amendment is about is protecting jobs in the United States, protecting those software engineers, those high-value, high-quality jobs in the United States, and to help them be able to sell to other countries—in this case, especially to the Chinese.

The Council for Citizens Against Government Waste is supporting my amendment and is going to consider this vote in their ratings. If you believe in fiscally conservative principles, we hope you vote for the Ensign amendment.

I don't want to take up more time other than to reemphasize this point: Protect jobs in America. We have all voted on trade issues here. With trade issues, the premise behind those is we open markets in both places. We all know that the Chinese and low-cost labor have brought a lot of products into the United States. Here we have products that have been developed in the United States that could be sold in China. That is how trade is supposed to work. While we are doing free-trade agreements, we should not cut off the very jobs created in America to sell to the people in China.

I urge passage of our amendment and encourage all of my colleagues to protect jobs in America and vote for this valuable amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I appreciate what the Senator from Nevada is seeking to do, but let me see if I can put his amendment in a broader perspective.

I agree, as a general rule, we ought to prevent the Government from directly competing with the private sector for a variety of reasons, but the E-Language Learning System is a unique case, and we ought to treat it as such. There are three reasons.

This is not just some program somebody cooked up and put in the budget; this is a program that was initiated directly by President Bush as a result of a summit meeting with President Jiang Zemin in China in October of 2001. This was a President Bush and Jiang Zemin summit proposal from 2001.

The President announced the intent of our Government to implement this program at the APEC summit in Shanghai after meeting with President Jiang. Secretary Powell reiterated the importance of the program at the APEC summit 1 year later.

We do a lot of talking around here about the importance of public diplomacy, how do we do a better job getting the American image, the American voice, the American culture and values seen around the world. This is an important part of our public diplomacy since it will help Chinese children learn English and learn more about the United States of America.

Of all of the foreign ''aid'' we have ever promoted since World War II, the most effective has been in education where their students study here or our students study there. This can be utilized to help American children learn Chinese and other critical foreign languages in the future, something that is important to our national security, according to the Hart-Rudman Report and the 9/11 Commission Report.

This is the first and most important point, this agreement between the President of the United States, George W. Bush, and the President of China. It is in our national interests.

The other two points, quickly. There has been some argument that the contract awarded to implement this program that was agreed upon by the Presidents of our two nations is somehow unfair. It is important for my colleagues to know that this contract was openly competed and conforms to the research and development requirement of the STAR schools legislation following the same rules followed on similar programs for the last 17 years. It

was awarded in open competition to Northrop Grumman and subcontracted to a company called Little Planet, a company in Nashville, TN. That is how I happened to know about it.

Some of the unhappy companies, I am told, met with the Department of Education to talk about how to cooperate with the program and are now complaining. Mr. President, $2.5 million of the taxpayers' dollars have already been spent in this program, more than one-third of the total contract. So we will be pulling the plug and wasting $2.5 million of taxpayers' dollars a third of the way through a program that was agreed to by the President of the United States and President Jiang Zemin of China and flushing the money right down the drain.

Finally, this fairly awarded contract was the result of the agreement between the leaders of our country and China and is being managed so it will help, not hurt, the private sector. In an effort to prevent unfair competition with the private sector, the Department of Education tells me it has agreed to share the results of its research to promote further development of the language software. In fact, the Department hopes the private sector will ''adopt [the program's] unique and advanced feature that [the Department is] researching and carefully testing, including authentic voice recognition, gaming, and research-based learning environments delivered through low-cost web-based technology.'' So the goal is, in the long run, to help the private sector.

In conclusion, while the amendment is well-intentioned, and I understand the Senator's point, it is the wrong approach. It is wrong because it stops a program agreed to by the leaders of two countries, a commitment that is in our national security interest, a commitment that is part of our public diplomacy. It was arrived at fairly. It was competed. A third of the money has already been spent. And the Department of Education has agreed to share the results of its research with the private sector.

I hope my colleagues will oppose this amendment and support it because it is in the national security interest of our country.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Very briefly, I will clarify a couple of points.

One, that this was a bid process.

To use an example, say, for instance, that the Government, the Department of Education, wanted to give away printers to China, so they sent out several bids. They had an open bidding process and selected one company. Even though it was fairly bid, would we want the Federal Government using taxpayer dollars to buy from one company so they could give that product to the Chinese? I think not because that would be a disadvantage for other companies in the United States who should be able to compete to sell their products in China.

On the second point the Senator from Tennessee raised, he said the Department of Education is willing to share research on some of the innovations that are trying to develop. Looking through the details of what the Department of Education has asked for the software companies to develop, there are at least five software companies that already meet those specifications. They already have developed the features the Department of Education is attempting to develop.

Once again, I urge agreement of the amendment.

Mr. ALEXANDER. China is a pretty big country. There are several hundred million children there who might have an opportunity to learn English.

If our President, George W. Bush, in a meeting with the leader of China, thinks it is a good idea to bid out a $9 million contract to improve the ways we help Chinese children learn English, if he believes that is in our national security, I don't think we ought to pull the plug on it a third of the way through it. There is plenty of opportunity for the private sector in the United States to help hundreds of millions of Chinese children learn English, and I hope they will do that.

I hope my colleagues will vote against this amendment.

Mr. SPECTER. Mr. President, at the request of Senator ENSIGN, I ask unanimous consent that his name be taken off as a cosponsor of the Boxer amendment because there was a change in the modification.

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

Mr. SPECTER. Mr. President, my comments will be very limited as to the pending amendment.

Last year, in the conference report, there was a direction that the Department not fund any grant that will compete directly with the private sector, and further that the Department report to the Committees on Appropriation of the House and the Senate on the activities undertaken on this project. It is my understanding that no funds were used on this project last year.

It is a little hard to evaluate the factual basis as I listen to the arguments of the Senator from Tennessee and the Senator from Nevada. However, my own judgment in looking at the record is that it is unlikely any funds are going to be spent which would—we will include the same kind of conference language next year, this year, that we had, which should maintain and should respond to the concerns about any grant which will compete with the private sector, and it leaves the Department of Education at their discretion to use this system if they conclude it will help Chinese students of any age to learn English.

On the basis of a very limited record, my vote will be cast with the Senator from Tennessee.

In the absence of further debate, can we proceed to two amendments?

Mr. ENSIGN. 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 Pennsylvania.

Mr. SPECTER. Mr. President, the plan at this point, under the unanimous consent agreement already reached, is to have a 15-minute plus 5 rollcall vote on the Boxer amendment, a 10-minute rollcall vote plus 5 on the Ensign amendment, and then we will be very close to final passage.

The concern has been to submit the colloquies and have a few voice votes now, but I want to be sure when our colleagues come to vote on these two amendments we know the lay of the land, in case anybody has not been notified and wants to have a further consideration. But it would be the anticipation of the managers, following these two votes, there would be a very brief period of time, and then we would go to final passage and conclude the bill.

I yield the floor.

VOTE ON AMENDMENT NO. 2287, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to the Boxer amendment. 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), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The yeas and nays resulted—yeas 41, nays 56, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—41

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

NAYS—56

Alexander	Crapo	Lott
Allard	DeMint	Lugar
Allen	DeWine	Martinez
Bennett	Dole	McCain
Bond	Domenici	McConnell
Brownback	Ensign	Murkowski
Bunning	Enzi	Nelson (NE)
Burns	Frist	Roberts
Burr	Graham	Santorum
Chafee	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hagel	Smith
Cochran	Hatch	Snowe
Coleman	Hutchison	Specter
Collins	Inhofe	Stevens
Cornyn	Isakson	Sununu
Craig	Kyl	

Talent	Thune	Voinovich
Thomas	Vitter	Warner

NOT VOTING—3

Corzine	Inouye	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 56. 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. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 2299

Mr. TALENT. Mr. President, I rise in strong support of an amendment that the Senate has agreed to, the amendment offered by Senator COCHRAN adding $12 million for health care for historically underserved communities, including $2 million to help fund the Sickle Cell Treatment Act that was passed last year.

I thank Senator COCHRAN for his concern and sensitivity on the issue of funding the Sickle Cell Treatment Act. I thank Senators Specter and Harkin for similarly showing sensitivity to the importance of funding this bill and funding health care in historically underserved areas. With this additional $2 million, we will be able to get the program off the ground, begin designating sickle cell disease outreach centers, and provide additional grants for medical treatment, education, and other health care services for sickle cell patients.

I can't emphasize enough how much the leadership of these Senators means to the community of people who are affected by this disease, not just the 70,000 Americans who have it, not just the 2.5 million Americans who have the trait, but their families and friends who struggle every day with this disease. I thank the bill managers for accepting the amendment and thank Senator COCHRAN for offering it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2300

Mr. SPECTER. Mr. President, I ask unanimous consent to move to the vote on the Ensign amendment.

The PRESIDING OFFICER. The pending business is the Ensign amendment No. 2300.

The question is on agreeing to amendment No. 2300.

The 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), the Senator from Hawaii (MR. INOUYE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 41, nays 56, as follows:

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—41

Allard	Ensign	Roberts
Allen	Enzi	Santorum
Bayh	Graham	Schumer
Bennett	Grassley	Sessions
Brownback	Gregg	Shelby
Burr	Hatch	Smith
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Sununu
Cornyn	Isakson	Talent
Craig	Kohl	Thune
Crapo	Kyl	Vitter
DeMint	Lott	Warner
Dole	Martinez	Wyden
Dorgan	Nelson (NE)	

NAYS—56

Akaka	DeWine	Lugar
Alexander	Dodd	McCain
Baucus	Domenici	McConnell
Biden	Durbin	Mikulski
Bingaman	Feingold	Murkowski
Bond	Feinstein	Murray
Boxer	Frist	Nelson (FL)
Bunning	Hagel	Obama
Burns	Harkin	Pryor
Byrd	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kennedy	Salazar
Chafee	Kerry	Sarbanes
Clinton	Landrieu	Specter
Cochran	Lautenberg	Stabenow
Coleman	Leahy	Stevens
Collins	Levin	Thomas
Conrad	Lieberman	Voinovich
Dayton	Lincoln	

NOT VOTING—3

Corzine	Inouye	Rockefeller

The amendment (No. 2300) was rejected.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleagues. That last 15-minute vote was 14 minutes. We now have a very brief period for colloquies and some agreed-to amendments. Senator HARKIN and I wanted to be sure that we hadn't missed anybody, so we did not do this in advance of the last two votes, but we will take only a few minutes and I anticipate that we will start this vote before 6 o'clock, which is not too bad for Labor-HHS on a Thursday afternoon.

AMENDMENT NOS. 2322, 2285, 2277, AND 2233, WITHDRAWN

Mr. SPECTER. Mr. President, I ask unanimous consent that amendment Nos. 2322, 2285, 2277, and 2233 be withdrawn.

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

AMENDMENT NO. 2230, AS MODIFIED

Mr. SPECTER. Mr. President, I urge adoption of the Coburn amendment No. 2230, as modified.

The PRESIDING OFFICER. Will the Senator send the modification to the desk?

Without objection, the amendment is modified.

The amendment, as modified, is as follows:

At the appropriate place insert the following:

SEC.____ LIMITATION ON TRAVEL AND CONFERENCES.

The appropriations for travel, conference programs and related expenses for the Department of Health and Human Services are reduced by $15,000,000.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

AMENDMENT NO. 2282

Mr. SPECTER. Mr. President, Senator LEVIN's amendment No. 2282 provides for the Secretary to undertake a family unification effort. No funding is involved. It is language only. It has been cleared by Senator HARKIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. LEVIN, proposes an amendment numbered 2282.

The amendment is as follows:

(Purpose: To create a national family reunification initiative)

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.

Mr. LEVIN. Mr. President, the Promoting Safe and Stable Families program has successfully carried out activities and services that support family reunification, family preservation, community-based family support, and other services for children in need.

My amendment builds upon the success of this program, through an enhanced, coordinated effort to reunite children with their families, by directing the Secretary to undertake a family reunification initiative in concert with national non-profit organizations engaged in similar efforts. The goal is to ensure that the most effective methods are utilized to achieve family reunification expeditiously. This can be achieved by collecting, tracking and coordinating information maintained by national non-profit organizations that are also engaged in family reunification efforts.

It is quite evident why such a coordinated effort is needed. Over the past several months, we learned a lot about displacement. After nearly 2 months have passed since Hurricane Katrina, thousands are still seeking family members. Of the 2,000 foster children who fled New Orleans due to Hurricane Katrina, 37 are still unaccounted for.

Overall, there have been 4,878 reports of missing children and over 1,600 not yet resolved. There have been 12,754 adults reported as missing. Of these cases, 6,562 remain unresolved. We have all witnessed rescues from the rooftops in New Orleans. It was the norm rather than the exception in many instances for intact families to be separately rescued and subsequently sent to many different places, all across the country.

Some have miraculously reconnected with one another. Far too few. We cannot depend on miracles; we need a coordinated system that will help unite family members who seek one another. It is for the social good to bring families together, when possible. Family

matters. The strength of the family is greater than its parts. The stress of losing your home, your job, your community, does not compare to losing your family.

I am pleased that the managers of the bill have agreed to support this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. HARKIN. Parliamentary inquiry. The amendment is No. 2282 or No. 2280?

The PRESIDING OFFICER. Amendment No. 2282.

Is there further debate? If not, the question is on agreeing to amendment No. 2282.

The amendment (No. 2282) was agreed to.

AMENDMENT NO. 2289, AS MODIFIED

Mr. SPECTER. Mr. President, I call up amendment No. 2289, as modified, proposed by Senator DAYTON.

The PRESIDING OFFICER. The amendment is pending.

Without objection, the amendment is so modified.

The amendment, as modified, is 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 $13,500,000 shall be for payments to States to promote access for voters with disabilities, and of which $8,621,000 shall be for payments to States for protection and advocacy systems for voters with disabilities.

On page 137, line 9, both amounts should be further reduced by $7,000,000.

Mr. DODD. Mr. President, I Support Senator DAYTON's amendment to increase the funding for disability access grants mandated under the Help America Vote Act of 2002 (HAVA).

Senator DAYTON's amendment to H.R. 3010, the fiscal year 06 Labor-HHS Appropriation bill, provides a $7 million dollar increase to the HHS provisions. Specifically, Senator DAYTON's amendment would increase the HHS appropriations by $7 million for disability access grants and protection and advocacy services for voting purposes and ensuring full participation in the elections process by individuals with disabilities.

I support the outstanding work of Senator DAYTON. Congress has failed to fully fund HAVA disability grants. To date, with respect to the disability access grants, Congress authorized a total of $100 million but has appropriated only $33 million, roughly a third of the funding required to ensure our Americans with disabilities have equal access to the franchise for voting purposes in the upcoming Federal elections in 2006, a few months away. With respect to the protection and Advocacy grants, Congress authorized a total of $40 million but has appropriated only $12 million, roughly a fourth of the funding required to ensure our Americans with disability have equal access to voter registration and polling places in the 2006 Federal elections. As a result, the disability grant programs have a combined total HAVA funding shortfall of $95 million in Federal funds for election administration requirements.

Senator DAYTON's amendment for $7 million is offset by administrative expenses under ''other services'' which received a $599 million increase over the fiscal year 05 level.

January 1, 2006 is the effective date for two of the most important Federal requirements mandated by HAVA: The voluntary voting system standards and the state-wide computerized voter registration list. Both requirements are designed to ensure that individuals with disabilities can exercise their right to an accessible ballot.

In light of the above, it is essential that Congress does not fail to honor our commitment to the disability communities. If we fail to provide adequate funding, we may jeopardize the opportunity of States to implement the most historic election reforms in America and the opportunity to voters, including the disability communities, to fully exercise their franchise in the upcoming 2006 Federal elections. It is time to fulfill our promise to the disabilities communities.

I thank Senator DAYTON for his leadership on this HAVA issue and I commend the Chairman, Senator SPECTER, and the ranking member, Senator HARKIN, for accommodating this increase.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2289, as modified.

The amendment (No. 2289), as modified, was agreed to.

AMENDMENT NO. 2295, AS MODIFIED

Mr. SPECTER. Mr. President, I call up Senator ENZI's amendment No. 2295, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. ENZI, proposes an amendment numbered 2295, as modified.

The amendment is as follows:

On page 115, strike lines 15 and 16, and insert the following:

under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards 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 such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005 or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2295, as modified.

The amendment (No. 2295), as modified, was agreed to.

AMENDMENT NO. 2234, AS MODIFIED

Mr. SPECTER. Mr. President, I call up Senator COBURN's amendment No. 2234, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. COBURN, proposes an amendment numbered 2234, as modified.

The amendment is as follows:

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

SEC. ____. DEPARTMENT OF HEALTH AND HUMAN SERVICES AND DEPARTMENT OF EDUCATION RISK ASSESSMENT.

(a) ESTIMATE.—The Secretary of Health and Human Services and the Secretary of Education shall estimate improper payments pursuant to section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note, Public Law 107-300) under—

(1) in the case of the Secretary of Health and Human Services, the Temporary Assistance for Needy Families Program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the Foster Care and Adoption Assistance Program under part E of title IV of such Act (42 U.S.C. 670 et seq.), the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.), the State Children's Health Insurance Program under title XXI of such Act (42 U.S.C. 1397aa et seq.), and the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.); and

(2) in the case of the Secretary of Education, title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services, in the case of the programs specified in subsection (a)(1), and the Secretary of Education, in the case of the program specified in subsection (a)(2), shall report to Congress on the specific actions taken under each such program to comply with section 2 of the Improper Payments Information Act of 2002, including a schedule for full compliance with such Act within fiscal year 2006.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2234, as modified.

The amendment (No. 2234), as modified, was agreed to.

AMENDMENT NO. 2280, AS MODIFIED

Mr. SPECTER. Mr. President, I call up Senator HARKIN's amendment No. 2280.

Mr. HARKIN. Mr. President, I have a modification to 2280, which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2280, as modified.

The amendment is as follows:

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

SEC. 222. (a) Section 1310.12(a) of the Code of Federal Regulations shall not apply before

June 30, 2006, to any agency or its designee that provides transportation services for children enrolled in a Head Start program or an Early Head Start program if such agency or designee places such children in child restraint systems (as defined in section 571.213 of the Code of Federal Regulations).

(b) 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 of up to one year, the requirements of regulations promulgated under paragraph (1) of this subsection and section 1310.12(a) of the Code of Federal Regulations for one 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 if—

''(i) such requirements pertain to child restraint systems and bus monitors;

''(ii) the agency demonstrates that compliance with such requirements will result in a significant disruption to the Head Start program or the Early Head Start program; and

''(iii) the waiver is in the best interest of the child.

''(B) RENEWAL.—The Secretary may renew a waiver under subparagraph (A).''.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2280, as modified.

The amendment (No. 2280), as modified, was agreed to.

AMENDMENT NO. 2272

Mr. SPECTER. Mr. President, I call up amendment No. 2272, proposed by Senator NELSON of Nebraska.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. NELSON of Nebraska, proposes an amendment numbered 2272.

The amendment is as follows:

(Purpose: To express 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)

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.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 2272.

The amendment (No. 2272) was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to amendment No. 2283: Senator REED, Senator CORZINE, and Senator CONRAD.

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

Mr. SPECTER. Mr. President, if no other Senator has any amendment to offer, we are now ready for final passage.

I yield to Senator FRIST.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I congratulate both the chairman and ranking member for a tremendous job. This next vote is on passage of the Labor-HHS appropriations bill, the very last of our series of appropriations bills that have come before the Senate. Again, congratulations to Chairman COCHRAN and Senator BYRD and again the chairman and ranking member on this bill.

We will be in session tomorrow. However, we will have no rollcall votes. On Monday, we will begin consideration of the deficit reduction bill, and we are working on a schedule of debate for that measure. I do not expect to have votes on Monday. We will not have votes on Monday, but Senators should be aware that next week will be a busy week on the deficit reduction bill.

Senator SPECTER has set a high mark with rollcall votes, and people have come to the floor on time. We are going to continue to encourage—in fact, require—that. I encourage Senators to be ready for quick rollcall votes throughout next week.

This is the last vote tonight. There are no votes tomorrow and no votes on Monday.

Mr. SPECTER. Mr. President, as a final word, Senator HARKIN and I thank our very devoted staff: Bettilou Taylor, Ellen Murray, Jim Sourwine, Mark Laisch, Sudip Parikh, Lisa Bernhardt, Candice Rogers, Rachel Jones, Erik Fatemi, and Adrienne Hallett.

I notice Senator GRASSLEY is waving his arm. He is here 6 minutes early. Let the record show it is 5:53.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, very quickly, this is a very big bill. It is very important for millions of people in this country. The management of this bill has been spectacular. Senator SPECTER and Senator HARKIN should be congratulated. They did a very good job in a short timeframe. We should all recognize the outstanding job the two of them did.

MATHEMATICS AND SCIENCE EDUCATION

Mr. VOINOVICH. I rise today to discuss and bring to my colleague's attention an issue that I believe must become one of our Nation's top education priorities. As the world's economy becomes more interconnected, our Nation's economic edge will continue to depend on our ability to innovate. We cannot remain competitive without a workforce full of educated and motivated young Americans.

We must invest in our children and enable them to fully develop their God-given talents in order to compete in a knowledge-based, global economy. This means we have to place more emphasis on careers in science, engineering and math. Right now, we are not getting the job done.

Globally, the United States ranks 17th in the proportion of the college-age population earning science and engineering degrees, down from 3rd place several decades ago.

While China graduated 600,000 engineers and India graduated 350,000 last year, only 70,000 students earned degrees in engineering here in the United States.

In fact, the percentage of 24-year-olds with science or engineering degrees is now higher in many industrialized nations. Countries including England, South Korea, Germany, Australia, Singapore, Japan and Canada all produce a higher percentage of science and engineering graduates than the United States.

Is the chairman aware of these startling statistics?

Mr. SPECTER. I say to my colleague that I am aware of these examples and I share his concern.

Mr. VOINOVICH. I thank the chairman for his attention to the issue and the opportunity to briefly discuss the importance of science and math education today. I know there are other Senators, especially Senators ALEXANDER and BINGAMAN, who care a great deal about this issue. In fact, as many of my colleagues know, Senator ALEXANDER and BINGAMAN asked the National Academy of Science to compile a report on the top 10 actions the Federal Government can take to enhance our ability to compete in our global economy. And while the academy provided

a variety of recommendations, from the crucial need for energy independence and investment in research infrastructure—which are in their own right extremely important—a great deal of their recommendations focus on the need to improve our Nation's math and science coursework and establish a workforce of qualified teachers who will prepare our students for futures in highly innovative careers.

Has the chairman seen this report?

Mr. SPECTER. I have. And I say to the Senator that the bill before us provides funding for a number of programs that are consistent with the academy's report. One such program I know my colleague is familiar with is the Mathematics and Science Partnership, MSP, program that provides grants to improve basic student performance in math and science through a variety of programs and activities. Many of the program's allowable activities, like summer institutes for teacher training, are specific activities the National Academy recommends we pursue in order to enhance our children's development in science and math. The committee has provided a total of $178.5 million for mathematics and science programs in fiscal year 2006. The House-passed bill includes $190 million for this program.

We are, of course, working under a tight budget with this bill, but I want my colleague to know that as we move to conference, I will work to ensure this program, and other similar math and science programs receive the highest possible amount of funding.

Mr. VOINOVICH. I thank the chairman. I have heard from my State's superintendent that MSP grants have gone a long way in Ohio to support programs the Ohio Science Institute, which is a statewide professional development opportunity for science teachers of grades 3–10, and the Ohio Mathematics Academy Program, which is a statewide professional development opportunity for mathematics teachers in similar grades.

As the chairman and many of my colleagues are aware, I am a fiscal conservative and understand the deficit and funding constraints we face.

Yet, in light of the National Academy's report and other studies that point to our Nation's declining rank in science and math students, I don't know of too many other programs that deserve our focus and investment more than those that will prepare our children to compete in the global marketplace.

I thank the chairman for his commitment to science and math education programs as we move to conference on this appropriations bill. I hope his commitment to quality science and math education will extend even further down the road, as we prepare our budgets for the next fiscal year.

CDC'S ARTHRITIS PROGRAM

Mr. ISAKSON. Mr. President, I want to thank the chairman and Senator HARKIN for all of their work on this bill. Mr. President, as you know, arthritis is the Nation's leading cause of disability, and it impacts the lives of 44 million Americans including 300,000 children. Very few people know, however, that people with rheumatoid arthritis die 5 to 10 years earlier than those without arthritis. In 2003, arthritis claimed the lives of 9,500 Americans.

In response to this national epidemic, the CDC, and over 90 national organizations developed the Nation's first ever public health blueprint to fight arthritis—the National Arthritis Action Plan. Following release of the plan in 1998, the committee, under your leadership, established an arthritis program at the CDC and supported a cooperative relationship between the agency and its partners. This partnership has supported several significant elements of the NAAP and continues to play an instrumental part in reducing the pain and disability of arthritis for millions of Americans. It is my understanding that the committee has included sufficient funds in the fiscal year 2006 appropriation for the CDC to sustain this collaboration with its partners at the same level.

Mr. SPECTER. I thank my good friend from Georgia for his remarks. I am very proud of the role the committee has played in establishing and expanding the arthritis program at CDC. I believe deeply in the vital role of the CDC and its partners in this important battle and, yes, the committee has provided funds to sustain this cooperative relationship.

Mr. HARKIN. I want to thank my friends, the distinguished Senator from Georgia and the chairman, for their words and just take a moment to add my endorsement for this important program I am very proud of the role this subcommittee has played in the reduction of the arthritic pain and suffering experienced by so many Americans.

Mr. ISAKSON. I thank the chairman.

COMMUNITY-BASED JOB TRAINING GRANTS

Mrs. DOLE. Mr. President, I first want to thank Chairman SPECTER and Ranking Member HARKIN for their diligent work on the Labor-HHS Appropriations bill. Budgets are very tight these days and I appreciate how well the chairman and the ranking member were able to address so many of the important issues in this bill. With all of this in mind, I want to enter into a colloquy to clarify a key issue concerning this measure.

Our Nation's community colleges are critical to our economy. So many men and women across our country have lost their jobs, and our traditional manufacturing industries have been hit especially hard. In the midst of this economic transition, community colleges have been a real beacon of hope. In North Carolina, for example, workforce development programs at Piedmont Tech and Forsyth Community College, are training former tobacco and textile workers for new, well-paying jobs in health care and biotechnology. Community colleges are leading the way training workers for the high growth, high demand jobs of the 21st century.

I am so grateful, as I know the community colleges across the Nation are as well, for Chairman SPECTER's efforts to fully fund the President's request for Community-Based Job Training Grants in last year's appropriations process. Unfortunately, having reviewed the provisions contained in the House-passed Labor-HHS Appropriations bill, the Department of Labor and I are very concerned about the future of this program.

The House bill designates $125 million in funding for fiscal year 2006 while at the same time rescinding $125 million of fiscal year 2005 funding for the program. This cuts the program in half for both fiscal years and dramatically reduces the number of dislocated workers our community colleges can train. Achieving the greatest possible funding amount for this program must be a top priority. I know that Senator CORNYN is strongly supporting increased funding for this program and I thank him for his efforts to help community colleges.

The Community-Based Job Training Grant Program is providing much-needed funding for community colleges across our country and in my home State of North Carolina. Just last week, the Labor Department announced grants for 70 community colleges in 40 States, exhausting the $125 million pot of available money allocated for this program. Nationwide, 388 colleges applied for this funding, and in North Carolina, just one of the 16 applicants, Haywood Community College, was selected to receive this funding. We all know that grant programs are very competitive; still, this funding is clearly not coming close to meeting the needs of our community colleges. They are on the front lines, training workers and helping grow our economy, and we can and should do better to assist them in this endeavor.

Can the chairman assure me of his commitment to the funding of this program for fiscal year 2006?

Mr. SPECTER. I thank the senior Senator from North Carolina for her continued interest in this critical program. I want to assure her that the Senate Appropriations Committee strongly opposes the House rescission to the Community-Based Job Training Grants, and we are committed to funding the program at the highest level possible within the existing budgetary constraints. I thank the senior Senator from North Carolina.

Mrs. DOLE. I thank the chairman for his work on this critical issue.

OFFICE OF MEN'S HEALTH

Mr. CRAPO. I want to express my appreciation for the chairman's efforts, and those of the subcommittee ranking member, Senator HARKIN, in working to ensure the health and well-being of Americans everywhere. As you know, a

silent health crisis is currently affecting America's men. On average, American men live shorter and less healthy lives than American women. Men lead in each of the 15 major of death in America except Alzheimer's and have a life span of almost 6 years shorter than their female counterparts. While this health crisis is of particular concern to men, it is also a concern for women whose fathers, husbands, sons and brothers feel the physical, financial and emotional effects of poor health. Men's health is also a concern for employers who pay the costs of medical care, and lose productive employees. In addition Federal, State and local governments must often absorb the enormous costs of premature death and disability, including the costs of caring for dependents left behind.

There are a number of ailments of particular concern to men. Prostate cancer is the most frequently diagnosed cancer in the United States among men, accounting for 33 percent of all cancer cases. An estimated 230,000 men will be newly diagnosed with prostate cancer this year alone, and approximately 30,000 will die. Prostate cancer, unfortunately, is not the only health threat facing men. Over 8,000 men, ages 15 to 40, will be diagnosed this year with testicular cancer, and 390 of these men will die of this disease in 2005.

Fortunately, many of these conditions are treatable if detected early enough. I was diagnosed with prostate cancer in 2001 and thanks to early detection and treatment was able to beat the disease. I had prostate specific antigen, PSA, tests and other recommended tests every 3 to 6 months after my surgery. Last year, my doctors detected a slight rise in PSA, and I underwent successful radiation treatment. Because I caught and treated the onset of this disease early on, I was able to beat it, again. Appropriate use of tests such as PSA exams and blood pressure, blood sugar, and cholesterol screens, in conjunction with clinical exams and self-testing, can result in the early detection of many problems and in increased survival rates.

Unfortunately, many men are not taking the steps necessary to protect themselves and their families from these devastating conditions. Statistically, women visit the doctor far more often than men. Too often, men fail to get routine checkups or health counseling, and they often ignore symptoms or delay seeking medical attention when sick or in pain. In addition, when men do seek care, embarrassment can often prevent them from openly discussing health concerns with their physicians.

To increase men's health awareness I have introduced legislation to establish an Office of Men's Health under the Department of Health and Human Services. This office would be based on the Office of Women's Health, currently operating within HHS, which has done a fantastic job of assisting women in identifying and battling many conditions common to women. Educating men, their families, and health care providers about the importance of early detection of male health problems can result in reducing rates of mortality for male-specific diseases, as well as improve the health of America's men and its overall economic well-being. While an Office of Men's Health is not a cure-all, it will assist men to focus on many health problems that can be treated successfully if diagnosed early. Prevention and early detection can only happen with increased public awareness, something the proposed office hopes to provide. I yield to the distinguished chairman to elaborate on this point.

Mr. SPECTER. I, too, recognize the importance of correct information, prevention, and early detection in health care. Clearly, efforts must be made to encourage men to address their health problems in a confident, timely, and meaningful manner. I encourage the administration to work with my distinguished colleague to establish an Office of Men's Health within the Department of Health and Human Services.

Mr. CRAPO. I thank the Senator.

Mr. INHOFE. I have filed an amendment at the desk which I had hoped the Senate would vote on prior to passage of this bill. Unfortunately given the current parliamentary situation, the only way for a vote to occur on the important issue of fiscal responsibility is by suspending the rules. My amendment would not be in order at this time and therefore my option is to move to suspend rules XVI and XXII. Although clearly that motion is within my rights as an individual Senator, I do not believe that is the best way for this body to proceed. Our rules and precedents govern how we operate on these appropriations, bills and I think that we should work within that framework. Therefore, I am not going to make that motion because it is not an appropriate way for the Senate to address this amendment. I will say, however, that the Senate will vote on this issue. I will be back on this floor at the first opportunity available to this Senator and the Senate will work its will on this language.

Mr. FRIST. I greatly appreciate the Senator's commitment to this issue. It is imperative that this Congress exercise fiscal discipline and I concur that an important step must be to control spending, while securing our Nation's defense. Next week, the Senate will do just that as we act on the first deficit reduction package in a decade. I am certain that the Senator from Oklahoma will continue to pursue his efforts. There will be ample opportunities, including the deficit reduction bill, for him to exercise his rights to do so, in a manner that does not violate the spirit of the Senate rules. I look forward to him bringing this important issue before the Senate in the future.

RADIATION EXPOSURE COMPENSATION ACT

Mr. CRAPO. Mr. President, I rise today to discuss with the distinguished subcommittee chairman the need to amend the Radiation Exposure Compensation Act, RECA.

Mr. SPECTER. I yield to the Senator.

Mr. CRAPO. As my colleagues are aware, the National Academy of Sciences, NAS, released a report on April 28 of this year calling on Congress to establish new scientific criteria for decisions about awarding Federal compensation to people who have developed specific diseases, including certain cancers, as a result of exposure to radioactive fallout from U.S. nuclear weapons tests. I wholeheartedly agree with them.

When Congress passed RECA 15 years ago, an important first step was taken to provide compassionate assistance to those directly affected by nuclear testing conducted by the United States. However, it soon became clear that a legislative remedy which was bound by geographic restrictions, and not scientific evidence, was not sufficient to fully rectify the problem at hand. This was confirmed in 1999, when Senator HATCH introduced his amendments to expand RECA and include affected counties in Arizona.

Today, the NAS has determined that residents in counties and States far from the original Nevada Test Site were not only exposed to radiation, but may even have been exposed to much higher levels than those in currently eligible areas. In fact, there are areas in my native Idaho that have demonstrably higher incidence of thyroid dosage of radiation than any other county currently covered by RECA. It seems unconscionable to me that people living in these areas are not currently eligible for compensation.

Those affected are not asking for special treatment, they are simply asking for fairness. As R. Julian Preston, director of the Environmental Protection Agency's Environmental Carcinogenesis Division, stated, ''To be equitable, any compensation program needs to be based on scientific criteria and similar cases must be treated alike. The current geographic limitations are not based on the latest science.''

To rectify this inequity, I think it is of utmost importance that Congress take up my legislation, S. 998 to include the State of Idaho as an affected area under the Radiation Exposure Compensation Act.

Additionally, it is incumbent upon Congress to address the long-term challenges faced by the RECA program. The NAS report makes several specific recommendations, chief among them that Congress should establish a new process for reviewing individual claims, based on probability of causation, or ''assigned share,'' a method which is used in the courts and other radiation compensation programs. It also recommends that the RECA program be expanded to include workers involved in uranium milling and ore transportation. I urge you to join me in implementing these suggestions of the NAS into legislation.

Mr. SPECTER. I appreciate the Senator's interest in this issue and recognize that he has legislation pending in Congress to address the needs of affected Idahoans. I say to my friend and colleague that I will work with him to identify necessary improvements and to respond to findings contained in the NAS report. I also urge the administration to work diligently to help those still in need.

Mr. CRAPO. I thank the distinguished chairman.

THIMEROSAL

Mr. LIEBERMAN. Addressing my distinguished colleagues from Pennsylvania and Iowa, the subcommittee Chairman and ranking member, I wanted to talk with you about the need to study further the issue of thimerosal in vaccines and whether there is any association with autism and other autism spectrum disorders. As you know, autism is a neuro-developmental disorder characterized by severe impairments in language development and socialization. The American Academy of Pediatrics, AAP, says that currently 1 in 166 children has autism or an autism spectrum disorder. Some in the autism community attribute this rise to changes in the vaccine schedule which began in 1990. Three of the four vaccines between 1990 and 2000 given to American children at the 2,4, and 6 month doctor visit contained thimerosal which is a vaccine preservative that is 50 percent mercury by weight. Mercury of course is a known neurotoxin.

Mr. HARKIN. I am aware of this issue.

Mr. SPECTER. I am aware of this issue too. I note that thimerosal has been out of childhood vaccines since 2001. I understand that the AAP doesn't think there is a link between thimerosal and autism and that an Institute of Medicine, IOM, report indicated that the committee didn't believe thimerosal caused autism. Of course, this does not mean there isn't an association. We should recognize that few diseases have direct causes attributed to them.

Mr. LIEBERMAN. I believe that we must at least consider an association between thimerosal exposure and autism. I understand the rate of autism has risen perhaps 800 percent since 1990 and although there could be a number of reasons including better diagnostics, this coincided with an increased exposure to thimerosal in vaccines, which again is 50 percent mercury by weight.

I have talked to Director Gerberding at the Centers for Disease Control and Prevention, CDC, which is our Nation's premier public health organization. She said that there is room for further study. I note that thimerosal is still in our influenza vaccine. And we want people to get that vaccine.

Mr. HARKIN. What does the Senator propose?

Mr. LIEBERMAN. Under the Senator's distinguished leadership, the committee has increased the NIH budget to 29.4 billion dollars, an increase of over $1 billion from last year. I applaud those efforts. Accordingly, under his leadership the budget of the National Institute of Environmental Health Sciences, NIEHS, has increased from $644 to $667 million.

I would ask that the NIEHS lend its expertise in heavy metal toxicity and to work in cooperation with the CDC to study, using respected expert independent researchers, whether there is any association between thimerosal and autism.

I note that we now have a Vaccine Safety Datalink, VSD, a computerized CDC database that has followed 7 million vaccinated children in 7 managed care organizations throughout the United States from 1990 on to see if they develop diseases of any type, including neuro-developmental disorders. Some experts suggest this database could provide answers regarding the thimerosal-autism link. The Institute of Medicine, IOM, regards the VSD as a unique data base with which the public should become familiar. I would expect that the VSD would be used in further studies.

My staff and I have talked with two former NIEHS directors. They support additional effort to study the association between thimerosal and autism. They assure me that NIEHS would be able to administer a grant for carefully selected expert independent researchers to join in the study of the VSD with the CDC. And because transparency of research has been an issue in this debate, NIEHS cooperating with CDC would be able to put together a panel of toxicologists, doctors, expert representatives from the autism community, and public health advocates to advise the study. They did this with the NIEHS' Breast Cancer Research Centers Program. That is, they involved the affected community.

Mr. SPECTER. I agree we should make an additional effort to resolve this issue.

Mr. HARKIN. Yes, I also agree we need to make progress through a study on this issue. It certainly is not going away.

Mr. LIEBERMAN. If this issue is resolved it will be because all sides are comfortable with the science and epidemiology of thimerosal and autism. The science and epidemiology of thimerosal and autism is not clear up to this point.

Can I have assurance that the chairman and ranking member will work to insert report language in conference that urges NIEHS to fund collaborative studies on the VSD between outside researchers and the CDC?

Mr. SPECTER. I will work hard to make this happen.

Mr. HARKIN. I too will work hard to make this happen since this is an issue important to the Senator and the Nation.

Mr. LIEBERMAN. I thank the Senators.

Mr. FEINGOLD. Mr. President, I will vote in favor of final passage of the Senate version of the fiscal year 2006 Labor, Health and Human Services, and Education appropriations bill. This legislation is an improvement over the House-passed bill and over the President's request in many areas. However, it still vastly underfunds a number of crucial programs. I commend the chairman and the ranking member of the subcommittee for their work to produce this bill under tight fiscal constraints. However, we can and should do better for the many Americans who depend on the programs that are funded by this important appropriations bill.

I am pleased that the Senate adopted two amendments I worked on. One was an amendment I cosponsored that the Senator from Maine, Ms. COLLINS, offered, to provide much-needed funding to improve access to dental health in rural and underserved areas, and the other was an amendment I offered to increase public access to automatic external defibrillators in schools. I have worked with my colleague from Maine, Ms. COLLINS, for a number of years to secure funding for these important programs, and I hope to see these provisions carry through to the conference report.

I regret that the Senate missed a number of opportunities to improve this bill, including by rejecting amendments that would have increased funding for a number of elementary and secondary education programs, including title I, after-school programs, and special education. Year after year, Congress and the President fail to provide the promised funding for these and other education programs as local school districts continue to struggle to make ends meet under shrinking State and local education budgets. The President's budget requests for each of the fiscal years since the No Child Left Behind Act was enacted have fallen far short of what was authorized by this law. And while Congress has improved upon these budget requests and provided funding for a number of the programs that the President proposed to cut, NCLB programs are still funded at far less than their authorized levels.

Yet despite our broken promises to these school districts, we still require them to comply with a variety of Federal mandates. And during this school year, the stakes have been raised even further because the 2005–2006 school year is the first under which schools are required to implement the NCLB mandate to test students in grades three through eight in reading and math. It is past time that we hold up our end of the equation and give States and school districts the resources they need to ensure that every child has the opportunity to succeed.

With regard to higher education, I was proud to support the amendment offered by Senator KENNEDY from Massachusetts that would have increased the Pell Grant maximum by $200 to $4,250 per year. This would have been a good down payment on the ultimate

goal of increasing the maximum to $9,000 by the 2010–2011 school year, as I proposed with Senator COLLINS earlier this year. While Senator KENNEDY's amendment was not successful, I will continue to work toward this goal of increasing grant aid and reducing the burden of debt to keep the doors of higher education open to as many Americans as possible.

While funding for other higher education programs were not as generous as I would have hoped, I was encouraged that the Appropriations Committee rejected the harmful cuts proposed in the President's budget. The President had proposed eliminating or cutting important programs that prepare disadvantaged students for college, support their successful completion of college, and provide financial assistance to help them afford higher education, such as the Leveraging Educational Assistance Partnership, LEAP, program; TRIO programs; the Gaining Early Awareness and Readiness for Undergraduate Programs, GEAR UP; the Carl D. Perkins Career and Technical Education program; and Perkins loans. I consistently opposed these reductions during both the budget and appropriations processes, and I am pleased that this bill preserves funding for all of these programs.

Another reservation I have about this bill is its failure to adequately provide a much needed increase in funding for the Low Income Home Energy Assistance Program, LIHEAP—an increase that would simply bring the funding level up to the fully authorized amount. Despite predictions that home energy costs this winter will increase between 30 and almost 70 percent, for the third time in a month, the Senate failed to help working families and seniors afford skyrocketing home energy costs when it defeated Senator REED's efforts to increase LIHEAP funding. The lack of higher LIHEAP funding is greatly troubling and I will continue pursuing opportunities to help people in Wisconsin and across the country receive the assistance they need to stay safe and warm this winter.

While this bill is far from perfect, I will support it, and I very much hope that the final version of this bill will provide adequate funding for the many important programs contained in it.

Mr. COBURN. Mr. President, today the Senate accepted two modified amendments that I authored.

Amendment 2230, as modified, will reduce the amount appropriated for travel, conference programs and related expenses at the Department of Health and Human Services, HHS, by $15 million. Currently $68 million is available for these activities.

The $15 million saved by this revised amendment would ensure sufficient funding for travel and conference expenses that may be necessary while recognizing that the current amount spent on these activities by HHS is excessive and can be reduced.

In 2005 alone, HHS spent $68.5 million on conferences. This is a 50 percent increase in conference spending during a 5-year period. At a time when our Nation is fighting a global war against terrorism, recovering from the most expensive natural disaster in our history, and facing an ever growing debt that now surpasses $8 trillion, we must be more frugal with the taxpayers' dollars we have been entrusted and prioritize how they are spent.

This amendment ensures that a greater amount of Federal health dollars will actually be spent on health care, which should be the goal of HHS.

In the context of the $2.5 trillion Federal budget, $15 million may not seem like much until you put it into a real world perspective.

According to the American Institute of Preventative Medicine, the average doctor visit costs $55. The $15 million saved by this amendment could be made available to pay for nearly 273,000 doctors visits in the next year.

The 2004 Census Bureau report on Income, Poverty, and Health Insurance in the United States shows that 45 million Americans are without health insurance.

The annual premium that a health insurer charges an employer for a health plan covering a family of four averaged $9,950 in 2004. For single coverage is $3,695 annual average premium.

The $15 million saved by this amendment could provide 1,500 American families of four or 4,060 single Americans with health insurance for a year.

HHS spends significantly more on conferences than any other Federal department. In fact, the total spent on conferences by HHS in 2005 is comparable to the amount spent by the Energy Department, Education Department, Environmental Protection Agency, Department of Housing and Urban Development, Labor Department and Transportation Department combined.

In 2002, HHS spent $3.6 million on a single conference, the International AIDS Conference, held in Barcelona, Spain, to which 236 HHS employees traveled to attend. Then-Secretary Tommy Thompson was among the HHS employees who traveled across the globe for this conference and was scheduled to speak. Yet he was prevented from doing so by activists that turned what was intended to be a scientific gathering into a political statement.

Members of Congress rightfully were outraged that the Secretary was treated so rudely at a conference that cost the U.S. taxpayer millions of dollars.

In a May, 2003, letter to members of Congress, Secretary Thompson reassured that HHS ''will work to further reduce our costs associated with that event, while continuing to assure essential scientific personnel can attend this meeting.'' He went on to note that ''the Department is currently revising the HHS travel manual, which will formalize international and domestic travel policies to ensure frugal use of taxpayer money. My staff is taking unprecedented steps to ensure American taxpayers will no longer be asked to foot the bill for wasteful HHS spending, including in the area of travel. . . . Every trip proposal is . . . evaluated on an individual basis by a member of my staff to guarantee that taxpayer money is not wasted.''

Despite this pledge, HHS has continued to spend more and more on conferences and to send hundreds of employees to participate in the same conferences.

In 2004, HHS sent 100 or more employees to at least 59 conferences, including 1,036 to a conference in Orlando, Florida.

Just this past August, HHS was listed as a primary sponsor of the 2005 conference of the Harm Reduction Project, an organization that supports tacit legalization of drugs. Among the sessions at this federally supported conference was ''We Don't Need a 'War' on Methamphetamine'' and the discussion groups include ''Tweaking Tips for Party Boys.'' ''Tweaking'' is the most dangerous stage of meth abuse. A tweaker is a meth addict who probably has not slept in days, or weeks, and is irritable and paranoid.

HHS officials later denied ''sponsoring'' the conference, although the Department provided taxpayer dollars for it and sent six employees to participate.

As a practicing physician, I believe that Federal funds expended to support this conference would have been far better spent providing treatment to those suffering from addiction.

This is just one example of taxpayer dollars that have been misspent on conferences.

The bottom line remains that at a time when important health care programs are faced with financial difficulties, we do not have the luxury for excessive spending on conferences. While Congress is trying to control the growth of spending on important health programs like Medicaid and Medicare, we should first impose restraints on nonessential spending at HHS including conferences.

Conferences may provide interesting opportunities for bureaucrats and others to network and exchange information in person, but they do not make people well or provide life saving health care.

Furthermore, in the modern telecommunications era, it is unnecessary to spend time and resources to finance so many conferences. Teleconferences and video conferencing, for example, can save money while allowing the same type of interaction and information sharing at a mere fraction of the cost.

The second amendment, No. 2336 as modified, directs the Secretary of HHS and the Secretary of Education to estimate improper payments as required by the Improper Payments Information Act of 2002 and report to Congress on specific actions taken to estimate improper payments within 60 days of this bill being signed into law.

The Improper Payment Information Act was enacted in November 2002 for the purpose of finding and eliminating payments that should not have been made, or were made for incorrect amounts, by government agencies.

This law requires that all agencies, at the very least, perform a risk assessment of all programs and activities to determine whether or not a program is at risk of making ''significant'' improper payments.

''Significant'' as defined by the Office of Management and Budget means at least 2.5 percent of all payments made are improper, and the absolute dollar figure associated with that 2.5 percent or more, totals at least $10 million.

Federal programs and activities deemed to be at ''significant'' risk of making improper payments their respective agencies are required under the Improper Payments Information Act to first, develop a statistically valid estimate of improper payments; and second, develop a corrective action plan for all programs where the improper payment estimate exceeds $10 million annually. This corrective action plan must also contain annual targets for reducing improper payment levels.

At the end of each fiscal year, agencies are to report the results of the Improper Payments Information Act activities in their Performance and Accountability Report PAR; and submit them to Congress. The Improper Payments Information Act exempts no agency from compliance.

Improper payments—which include inadvertent, fraudulent, and irresponsible payments—are costing the taxpayers at the very least, over $45 billion each year. Even worse, this $45 billion represents only 17 of 70 agencies that are currently reporting improper payment information as required under law.

The Medicare program, which is already reporting, makes up nearly half—$21.7 billion—of the government's $45.4 billion reported improper payments for fiscal year 2004.

The magnitude of the Government's improper payment problem is not yet known because some of the largest programs are not reporting, as required by law.

Medicaid, with outlays that exceed $175 billion annually, is one of the programs that is not reporting. The Medicaid program has been required to report improper payments under the Office of Management and Budgets, OMB, A-11 Circular requirements since 2001; and under the Improper Payments Information Act since 2002, yet it still has made no estimate of its improper payments.

In its November 2002 Performance and Accountability Report, Centers for Medicare and Medicaid Services reported that it would be able to report improper payments for the Medicaid program by 2006; however, they have pushed that date back to 2008—six years after the date by which they were to have begun reporting improper payments.

Similarly, the Temporary Assistance for Needy Families, TANF, program has not even been able to estimate when it will be able to report improper payments for a law that has existed since 2002.

TANF spent over $17 billion in fiscal year 2005 ($18.6 in outlays).

Foster Care spent $6.4 billion in fiscal year 2005.

State Children's Insurance Program spent $5.129 billion in fiscal year 2005.

Child Care Development Fund spent $4.9 billion in fiscal year 2005.

Title I, within the Department of Education, spent $22.916 billion in fiscal year 2005, fiscal year 2005 outlays: $21.18 billion.

This amendment does not debate the merits of any of these programs, it simply demands compliance with transparency and accountability measurements for expenditures already in existing law.

After all, eliminating improper payments ensures more funds actually reach those who are intended to benefit from these programs while protecting the taxpayer. However, we must first understand the magnitude and source of the problem to correct it. We can only do this if all agencies are monitoring and reporting their improper payment information.

Together these amendments make small, yet important steps, towards making federal agencies more fiscally responsible and accountable.

I thank Chairman SPECTER for accepting these amendments and his commitment to fight for inclusion of these provisions in conference with the House of Representatives.

Mr. GRASSLEY. Mr. President, I rise today to express my extreme disappointment at the acceptance of amendment 2315 to the Labor and HHS Appropriation yesterday. My disappointment stems from the fact that I objected to considering amendment 2315 both verbally and by letter. And my objection was ignored.

Senator SPECTER, the manager of the bill, acknowledged the mistake and promised to respect the Finance Committee's jurisdiction. However, a Member on the other side refused to allow the mistake to be rectified, an unfortunate and unfair action.

For the past several Congresses, I attempted to work with the appropriators and other Senators to ensure that they do not encroach upon the jurisdiction of the Finance committee.

Unfortunately, the practice continues as it did yesterday.

These provisions are not without consequence. They are often written without clear knowledge of all the relevant facts. As a result, problems often occur as they are implemented.

I really appreciate the fact that Senator SPECTER is willing to work with me on this issue and I fully expect that the provision will be taken out during conference.

Ms. SNOWE. Mr. President, yesterday, a majority of Senators, 54 in fact, voted for an increase in funding for the Low Income Home Energy Assistance Program, or LIHEAP, to bring the funding to the authorized level of $5.1 billion we approved in the 2005 Energy bill. But because it was a procedural vote requiring 60 votes, this very important amendment failed.

I want to thank my colleagues who voted with me as the days are relentlessly marching toward winter . . . the clock is ticking as the thermometer edges ever downward . . . snow and cold have already come to my State or Maine, raising the stakes for those who may have to choose between heating their homes and the other necessities of life. It would be unconscionable for Congress to adjourn for the year without providing critical, additional assistance for LIHEAP at a time of skyrocketing fuel because of the disruption of a vast amount of our energy infrastructure caused by disastrous hurricanes in the Gulf. I will continue to work with the White House to secure funding in the next supplemental appropriations bill.

There should be no mistake—this is an emergency and a crisis we know is coming, and it would be an abrogation of our responsibility to stand by and allow it to occur. It does not take a crystal ball to predict the dire consequences when home heating oil in Maine is $2.52 per gallon, up 59 cents from a year ago . . . and kerosene prices average $2.95 a gallon, 75 cents higher than this time last year. Some projections have a gallon of heating oil reaching $3.00! And we are now informed that even rolling blackouts on very cold days this winter may be a possibility because of a high demand for electricity.

So, understandably, we are already hearing the mounting concern—''how will I pay for home heating oil when it's 30 percent more than last year, and I struggled to make ends meet then?'' ''How will I afford to pay half again as much for natural gas?'' People need to know now that they can count on us for assistance.

This is a necessity of life—so much so that 73 percent of households in a recent survey reported they would cut back on, and even go without, other necessities such as food, prescription drugs, and mortgage and rent payments. Churches, food pantries, local service organizations—they are all hearing the cry, and the leaves have barely fallen from the trees. The fact is, countless Americans, many on fixed incomes, don't have room in their budget for this sudden surge in home heating oil and natural gas prices but, surely, in looking at our national priorities, we can find room in our budget to help Americans stay warm this winter.

Because of the supply disruptions caused by the hurricanes at a time when prices were already spiraling up, prices have been driven even higher

and are directly affecting low income Mainers and how they will be able to pay for their home heating oil, natural gas, propane and kerosene this winter. A recent Wall Street Journal quoted Jo-Ann Choate, who heads up Maine's LIHEAP program. Ms. Choate said, ''This year we've got a very good chance of running out.''

Mr. President, 84 percent of the applicants for the LIHEAP program in my State use oil heat. Over 46,000 applied for and received State LIHEAP funds last winter. Each household received $480, which covered the cost of 275 gallons of heating oil. The problem this winter is that the same $480 will buy only 172 gallons, which a household will use up in the first 3 to 4 weeks. What will these people do to stay warm for the 4 or 5 months left of winter? The water pipes will freeze and then break, damaging homes. People will start using their stoves to get heat. The Mortgage Bankers Association elects that the steep energy costs could increase the number of missed payments and lost homes beginning later this winter. My State is expecting at least 48,000 applicants this winter season, so there will be less money distributed to each household unless we can obtain higher funding for the LIHEAP program.

Ms. Choate says that Maine plans to focus on the elderly, disabled, and families with small children, and is studying how to move others to heated shelters. This is why our efforts are so very important. And it isn't just Maine, it is going to happen in all of the Nation's cold weather States. Quite simply, without increased funding, we are forcing the managers of State LIHEAP programs to make a Solomon's choice.

The Federal Department of Energy has predicted that homeowners who use oil for heat and propane will spend 30 percent more this year than last, and natural gas users will spend 48 percent more. According to the National Energy Assistance Directors Association, heating costs for the average family using heating oil are projected to hit $1,666 for the upcoming winter. This represents an increase of $403 over last winter's prices and $714 over the winter heating season of 2003–2004.

For families using natural gas, prices are projected to hit $1,568, which is an increase of $611 over last year's price and $643 over 2003–2004. This is the largest increase in home heating prices in over 30 years. This is why passing our amendment was so very important.

Congress recently passed an Energy bill which is now law. In that bill, we authorized $5.1 billion for the LIHEAP program. My goal is to see that this is totally funded. We simply have to show that we meant what we asked for—and totally fund the LIHEAP program.

The facts are that LIHEAP is projected to help 5 million households nationwide this winter. But that's only about one-sixth of households across the country that qualify for the assistance. So this is a perennial fight we wage even when prices aren't as high as today. And now, that battle becomes all the more pivotal. The cold weather won't wait—and neither should we when it comes to helping citizens survive through the winter.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the Labor, Health and Human Services, and Education Appropriations bill is the last of the regular fiscal year 2006 appropriations bills to come before the Senate for consideration.

Last year, seven of the regular appropriations bills, including the Labor, Health and Human Services bill, were not debated individually by this body but rather they were inserted into one large, unamendable omnibus package. As I have said on many occasions, the processing of regular appropriations bills in such a manner is not the way the Senate is supposed to operate. I am always very disappointed when the Senate resorts to appropriating by omnibus bills. We are the Senate. This is the Senate. A deliberative body it is supposed to be.

Last year, the Labor, HHS, and Education Appropriations bill was included in the omnibus package. This is a different year now. This year, the Labor, Health and Human Services, and Education Appropriations bill was fully debated here on the floor and amended as a stand-alone bill. What a difference.

This bill has been on the floor all week, and Senators have enjoyed their right to debate and amend such important language.

I thank the distinguished manager of the bill, and the distinguished Senator who acts on this side of the aisle to help manage this bill, Senator SPECTER and the distinguished Senator from Iowa, Senator HARKIN.

This is such a comprehensive bill. It covers a lot of programs and activities of the Government—three Departments, and the Social Security Administration. When you include mandatory spending, this bill funds nearly 25 percent of the Federal budget. This bill impacts every citizen in this country in one way or another. Just think about it: labor issues, health issues, human services issues that provides basic humanitarian services for the neediest of our citizens, as well as education issues.

As we complete our debate on the Labor, HHS, and Education Appropriations bill, I want to extend my appreciation to the subcommittee chairman, Senator SPECTER, and the ranking member, Senator HARKIN. They are a good team on this bill. They have been working together on this subcommittee for so long that they seem to sometimes complete each other's sentences. They hold numerous hearings throughout the year. They gather knowledge from a wide array of experts throughout the country. That is what they do. This subcommittee pours over the testimony, over the reports, the studies, and other related data throughout the year, and its recommendations are reflective of that careful and thorough review.

I have never seen a chairman of a committee more fair than Senator SPECTER has been. Every Senator who wanted to call up an amendment had an opportunity to do so. Senator SPECTER did not seek to cut off any amendments. No. He was very fair, very considerate, very courteous. And look what a wonderful job he and Senator HARKIN have done on this committee. My thanks, my congratulations to both of them.

I also extend my thanks to their fine staff. Those staffers worked hard. I appreciate their dedicated service to the Appropriations Committee and to the Senate.

I will take 1 minute, or maybe a little longer, to comment briefly about the upcoming supplemental request which I understand the White House will be transmitting to the Congress tomorrow. This will be the third disaster relief supplemental related to Hurricanes Katrina and Rita. This request is expected to include $17 billion for various programs and agencies on top of the $62 billion Congress has already approved.

In the immediate aftermath of Hurricane Katrina, the Congress approved both of the President's supplemental requests. In each case, Congress approved the bill within 1 day of receiving the request, with no debate and no amendment. Of course, disastrous emergency situations such as that which occurred in the gulf coast region require immediate action by the Congress. However, the White House has waited 7 weeks to send up its third request. The White House should not assume that the Congress will simply rubberstamp their request.

I hope the Senate leadership will commit to the Senate that we will have an opportunity to debate and amend the third disaster relief supplemental bill. A $17 billion supplemental should not simply be shoved into an unamendable conference report. There should be an opportunity to debate such issues as whether low-income energy assistance should be provided to all States impacted by increased fuel prices, prices that continue to grow as a result of Hurricane Katrina. The Senate should also have an opportunity to debate how the Katrina supplemental will be paid for. I hope Senators will be afforded this opportunity.

I thank the chairman of the Appropriations Committee, my very good friend from the State of Mississippi, THAD COCHRAN. What a decent man, what a decent chairman he is. What a good job he has done this year processing these appropriations bills. All 11 of the fiscal year 2006 appropriations bills have been debated individually and separately by the Senate. Why is this? This is due in large part to the steadfast determination of the chairman, Senator COCHRAN. He is a very determined man. He did not give up. He

did not give in. He kept on pushing ahead.

That reminds me of two frogs that fell over the rim of the crock in which there was milk. The milk was in the crock. Two frogs fell off into that. One immediately kicked a couple of times, turned over on his back with his belly up, gave up, that was all. That frog was gone. But the other, what did it do? It began kicking, kicking, and he kicked and kicked and kicked until there was a little ball of butter. And he kicked a little more, and the ball grew bigger, larger. So the frog then climbed upon the ball of butter and jumped out. It jumped out.

That goes to show that if you keep on kicking, you will churn the butter. How about that?

Chairman COCHRAN didn't give up. He just kept on kicking, and he churned the butter. He just kept on pushing forward.

That determination of his paid off. I congratulate Senator COCHRAN for his success in getting all of the regular appropriations bills processed through to the floor, individually and separately.

So let me say it again.

What a job Chairman COCHRAN has done this year.

I also thank the joint leadership of the Senate, Senator FRIST and Senator REID, for working with Chairman COCHRAN and with me in scheduling the necessary floor time which enabled us to get on with these bills and debate them.

Chairman COCHRAN has worked with the House Appropriations Committee chairman in determining a schedule for completion of all the conferences on our regular appropriations bills by November 18. I think that is a realistic schedule. I am encouraged that we will be able to reach that goal.

While I am not pleased that the appropriations bills significantly underfund critical domestic programs for education, for homeland security, for health care, and for our crumbling infrastructure, I am pleased that the Senate at least had the opportunity to fully debate these issues.

I thank the distinguished Senator who sits in the Chair this evening, presiding over the Senate with a degree of dignity and aplomb that is so reminiscent of a day in June when the distinguished Senator's father sat in this Chamber also. I liked him. I like him, too.

So I say to the Senator from Rhode Island who presides over the Senate this evening, keep on doing good work, Excelsior, ever up. I thank the Senator. He is a good Presiding Officer. He is a good Senator. He used to be my neighbor. He is a good neighbor, too.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—94

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

NAYS—3

Conrad	Ensign	Inhofe

NOT VOTING—3

Corzine	Inouye	Rockefeller

The bill (H.R. 3010), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I know the distinguished Senator BYRD wants to speak for a while. I want to take a couple of minutes again to thank the staff, both Senator SPECTER's staff and my staff. They have worked together. I know Senator SPECTER mentioned them earlier, but I will mention them by name again because they should be mentioned: Bettilou Taylor, Jim Sourwine, Sudip Parikh, Mark Laiseh, Lisa Bernhardt, Candice Rogers, and Rachel Jones on the minority side. On the majority side: Ellen Murray, Erik Fatemi, and Adrienne Hallett.

They do a wonderful job, and they have done so this year, putting this bill together, I know staying up long nights and weekends, working this out.

Someone once remarked that Senators were a constitutional impediment to the smooth functioning of staff. Our staffs function very smoothly. They do a great job, and I hope we have not impeded them too much.

Last, I want, again, to pay my respects to our chairman, Senator SPECTER, who has done a magnificent job of putting a lot of competing interests together. This is a big bill. This covers the Department of Labor, the Department of Health and Human Services, Department of Education, and a lot of independent agencies—the Centers for Disease Control and Prevention, the National Institutes of Health.

By the way, I especially want to thank Senator SPECTER for bringing us up on the National Institutes of Health by $1 billion more than what was in the President's budget. I think we met our obligations there.

I say to my friend and my chairman, it has been an honor and privilege to work with him all these years. We go back, I think, about 15 years now, working together. I could not ask for a better chairman of this committee. I could not ask for a better working relationship. Senator SPECTER has always been open and aboveboard to make sure we all know what is going on. It has been a real pleasure, a real joy to work with Senator SPECTER. I thank him for that and look forward to many more fruitful years of working together on issues that really matter.

Someone once said the Defense Appropriations Committee is the committee that defends America. The committee that funds Health and Human Services and Education and Labor is the committee that defines America. I happen to believe that this committee does define America, defines who we are, and what we are about as a people.

Mr. BYRD. Yes. The Senator is right about that.

Mr. HARKIN. Under the able chairmanship of the Senator from Pennsylvania, we have defined, once again, that we are going to meet our obligations in those areas that make us a caring and compassionate and decent people. That is what is in this bill. Again, I thank Senator SPECTER for his great leadership.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I very much appreciate those very generous remarks by Senator HARKIN, and I appreciate even more his cooperation and leadership on this important subcommittee, working with health and education, the two major capital assets of Americans, and labor and related agencies. It is an important bill, and I think we have crafted it about as well as you can, given the limitations of the resources.

There is a lot more I could say, but Senator BYRD is waiting to speak, so I will just reference the appointment of conferees.

I ask unanimous consent that the Senate insist on its amendments to H.R. 3010, request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer appointed Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. DEWINE, Mr. SHELBY, Mr. DOMENICI, Mr. HARKIN, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. DURBIN, and Mr. BYRD conferees on the part of the Senate.

Mr. SPECTER. I thank my distinguished colleague, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Does the distinguished Senator from Michigan wish to speak?

Ms. STABENOW. Mr. President, if I might ask, before my very distinguished colleague and friend from West Virginia speaks, I wonder if I might simply make a statement for just a moment about a unanimous consent request that I had intended to offer. I understand there will be an objection to it, but with my colleague's consent, I appreciate having 2 minutes to be able to make a comment.

Mr. BYRD. Mr. President, I yield to the distinguished Senator, if I may, for up to 5 minutes, if she so desires, without losing my right to the floor.

ROSA PARKS FEDERAL OFFICE BUILDING

Ms. STABENOW. Mr. President, I wish to go on record this evening with my great disappointment at not being able to bring up under unanimous consent a version of the bill that would name a Federal office building in Detroit for Rosa Parks. This had originally been offered by my colleague, Congresswoman CAROLYN C. KILPATRICK of Detroit, a longtime friend and colleague of Rosa Parks.

Originally, last evening, we passed my version of the bill along with an amendment, agreed to, of Senator WARNER. This evening it is my desire to pass the House version of that with Senator WARNER's amendment, the very same amendment that we have already passed last evening, but to place it into the House bill so we could then send it back to the House. It would be like the Senate bill that we passed.

To my understanding, there is an objection on the other side of the aisle to doing that. If not, I would proceed to do that. It is the very same thing we did last evening, but it would put it into the House bill.

My House colleague, who is the originator of the proposal on the Federal office building, would like very much to have us pass the House bill and have that be the bill that is sent on to the President. That is the bill that I was hoping we would pass here in the same form with the Warner amendment that we passed last evening.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am not fully conversant with all of the details on the issues raised by the Senator from Michigan. I have been asked by staff to lodge an objection.

I was present yesterday when we took up that issue. I have not seen the level of confusion in this Chamber in the 25 years I have been here that was present when the Senator from Michigan asked unanimous consent, the Senator from Virginia asked to add on, and then the Senator from New Mexico ultimately spoke about holds. It was utter confusion in the midst of rollcall votes, trying to move this bill along.

I respect the standing of the Senator from Michigan to make this unanimous consent request, but I suggest she defer it until next week when the Senators are on the floor who understand what the issues are. You have jurisdiction on the Committee on Environment and Public Works, I believe, and Senator INHOFE and I were talking about it today. I do not want to stop whatever the Senator from Michigan wants to accomplish, but the proper Senators ought to be here to address the issue.

I am the last Mohican around here for Republicans, although they could have gotten the Chair, Senator CHAFEE, to raise an objection. The Presiding Officer could suggest the absence of a quorum and raise the objection. In fact, I might just refer to him to raise the objection.

However, having said what I said, I do object, and it is my hope the Senator from Michigan will give notice to the Senators who are involved and know what is going on, give them notice and a chance to hear what you have to say and then the matter can be resolved.

But I do object.

Ms. STABENOW. Mr. President, if I might just respond to my distinguished colleague, notice was given. That is how I know there is an objection. So I am not rising to make the unanimous consent request. I understand there is an objection on the other side of the aisle. I am simply standing this evening to indicate my disappointment that we have not been able to resolve this here and be able to, in fact, include Senator WARNER's amendment and be able to send it back to the House of Representatives.

Hopefully, we are going to be able to resolve it another way and be able to accomplish what we all wish to accomplish.

I support Senator WARNER's desire and the gentleman he is wishing to honor with the naming of a building. Also, certainly it is my goal and the goal of my colleague in the House to be able, in fact, to pass a bill to send to the President, giving the great civil rights champion of our country and the world, Rosa Parks, the respect and honor she deserves. It is our hope to have that done prior to her funeral.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am somewhat troubled. Not more than 10 minutes ago, I say to my colleague, you sat right here and I sat right there. We struck an understanding that tomorrow we would rejoin on the floor to explain the situation. I said, by that time, as it was my understanding that the House would likely have acted upon the measure which was passed by the Senate last night, sponsored by the distinguished Senator from Michigan, who accepted my amendment. I am not sure why we are here at this time discussing this matter. My understanding was very clearly we would take it up tomorrow morning. Just by chance I caught the screen when I walked back to my office.

Would you kindly advise the Senator from Virginia what took place in the 10-minute interval since we left here?

Ms. STABENOW. I will be happy to. This has been a confusing situation, I say through the Chair to the distinguished Senator from Virginia. After speaking with you, I spoke with the Congresswoman who was concerned about which bill would be going to the President's desk. So I was simply rising, not to offer a motion but just to express my concern about the dilemma that we are in at the moment.

Mr. WARNER. Mr. President, but we solved, basically, the procedure. What troubles me is that the Senate took considerable time last night to resolve this issue—in favor of the Senator from Michigan and in favor of the Senator from Virginia.

Ms. STABENOW. That is correct.

Mr. WARNER. There is a perfectly adequate bill sitting on the desk at the House of Representatives. It can be passed in 5 minutes if not less.

The PRESIDING OFFICER. The time that the Senator from West Virginia has allotted has expired.

Mr. WARNER. If my distinguished colleague will kindly grant me a few more minutes?

Mr. BYRD. I yield, without losing my right to the floor.

Mr. WARNER. I repeat, there is a bill that has been acted upon unanimously by the Senate. It is at the House desk.

This morning was the first time I ever heard that the Congresswoman, in whose district this courthouse is, desires to have her bill—not your bill. Is that my understanding?

Ms. STABENOW. That is correct.

Mr. WARNER. Why can't the CONGRESSIONAL RECORD of the debate, the traditional report language that accompanies the bill, explain, give her full credit or whatever she desires? But to continually come back and forth and raise the specter that people are trying to interfere with this important legislation in this Chamber, it seems to me, is not fair.

Ms. STABENOW. Mr. President, if I might, in no way was this meant to show disrespect for the Senator from Virginia. We have worked very properly together. I was simply rising this evening to indicate that the original way to resolve this by including the Senator's amendment in the House bill is not something that is acceptable to

other colleagues. That was the desire of the Congresswoman whose idea it was to name the building in her district. She feels very strongly about this, and I was indicating that for the RECORD. I don't wish to have more confusion.

I very much appreciate the Senator from West Virginia allowing me a moment. But in no way was this meant to show disrespect for my colleague. We have worked very well together.

Mr. WARNER. This is a matter that is being followed with great interest because of the magnificent Rosa Parks, and the outpouring of empathy and sympathy, and so forth. I don't wish to have the institution of the Senate appear that it has not acted promptly. It did so last night. There is a perfectly legitimate bill at the House desk which could be passed in a matter of 5 minutes and be sent to the President for signature to honor both Mrs. Parks and Judge Bryant. In report language the Senator from Michigan and the good Congresswoman can solve it in any way they may wish as to allocate the credit.

I think to keep coming back to the Senate implying that we can't use the bill this body passed yesterday evening is, in a way, diminishing the previous action of this institution. It is my understanding that tomorrow the House of Representatives will take up and pass the Senator from Michigan's bill, as passed by the Senate, to name a federal building in Michigan for Rosa Parks and name the new courthouse annex here in Washington for Judge William Bryant.

I must tell you, I have been very patient about this matter. But I hope that we understand the agreement between the two bodies to proceed in this manner. It has been cleared by both the House and the Senate and, as such, is the appropriate course of action.

For the past three years I have been working with my colleagues, Congresswoman ELEANOR HOLMES NORTON and Senator LEAHY to name the new annex to the Prettyman Courthouse here in Washington, DC for Judge William Bryant. As I have stated numerous times before, there are rules in the Senate Environment and Public Works Committee that prohibit moving through that Committee naming bills for individuals that are still living. Prior to the current Chairman of the Committee, the rule was waived in certain instances and I certainly feel that the case of Judge Bryant warrants such discretion. The Senate spoke yesterday that both Rosa Parks and William Bryant are deserving of this great honor.

I wish to share with the Senate again the story of this distinguished jurist, Judge William Bryant.

A product of Washington, DC public schools, William B. Bryant graduated from Howard University in 1936, a 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. I wish at this point to print into the RECORD a September 2004 article from the Washington Post about Judge Bryant and our efforts to name this new annex in his honor:

A Lifetime of Faith in the Law; At 93, Senior Judge William Bryant Still Wins Plaudits for Dedication to Justice, Carol Leonnig, Washington Post Staff Writer—September 16, 2004

A few days after the new U.S. District Courthouse opened on Constitution Avenue in the fall of 1952, Bill Bryant walked in to start work as a recently hired federal prosecutor.

More than a half-century has passed, and Bryant's life remains centered on that stately granite building in the shadow of the U.S. Capitol. It's in those halls that he became a groundbreaking criminal defense attorney, a federal judge, and then the court's chief judge—the first African American in that position.

Today, at the age of 93, U.S. District Court Senior Judge William Bryant still drives himself to work at the courthouse four days a week and pushes his walker to his courtroom.

At a recent birthday party for Bryant hosted by Vernon Jordan, fellow Senior U.S. District Court Judge Louis Oberdorfer remarked that there were ''only two people in the world who really understood the Constitution'' and how it touched the lives of real people.

''That's Hugo Black and Bill Bryant,'' said Oberdorfer. He had clerked for Justice Hugo L. Black, who retired as an associate justice in 1971 after serving on the Supreme Court for 34 years.

To honor Bryant's life's work, his fellow judges this past spring unanimously recommended that a nearly completed courthouse annex be named for him. The $110 million, 351,000-square-foot addition will add nine state-of-the-art courtrooms and judges' offices to the courthouse and is designed to meet the court's expansion needs for the next 30 years. It is slated to open next spring.

In urging that the building be named for Bryant, his supporters cite his devotion to the Constitution and his belief that the law will produce a just result.

During a rare interview in his sixth-floor office in the federal courthouse, Bryant reached out for a pocket version of the Constitution covered in torn green plastic lying on the top of his desk. Holding it aloft in his right hand, he told stories of his struggling former clients and made legal phrases—''due process'' and ''equal protection''—seem like life-saving staples.

Though he needs his law clerk's arm to get up the steps to the bench, he is a fairly busy senior jurist. He handled more criminal trials than any other senior judge last year and still surprises new lawyers with his sharp retorts.

''I feel like I'm part of the woodwork,'' Bryant said. ''I have to think hard to think of a time when I wasn't in this courthouse.''

He started down his career path inspired by a Howard University law professor who believed that lawyers could make a difference in that time of racial segregation and discrimination. Bryant said he remains convinced today that lawyers can stop injustice whenever it arises.

''Without lawyers, this is just a piece of paper,'' Judge Bryant said, gesturing with the well-worn Constitution. ''If it weren't for lawyers, I'd still be three-fifths of a man. If it weren't for lawyers, we'd still have signs directing people this way and that, based on the color of their skin. If it weren't for lawyers, you still wouldn't be able to vote.

The most important professions are lawyer and teacher, in my opinion,'' he said.

Some lawyers complain that Bryant is so rooted in his criminal defense training that he shows some distrust of the prosecution. And his practice of presiding over trials, but asking other judges to sentence the people convicted, has spurred some curiosity. He won't elaborate on the reason, but his friends say he found the new federal sentencing guidelines inflexible and harsh.

A 1993 study found Bryant was reversed 17 percent of the time by appellate judges—the average reversal rate for the trial court.

Chief Judge Thomas F. Hogan presented the proposal to name the annex after Bryant to Del. Eleanor Holmes Norton and Sen. Patrick Leahy (D-Vt.) earlier this year, and they are now trying to get Congress to approve the naming this fall. One member, Sen. James M. Inhofe (R-Okla.), has tried to block it, with his staff pointing to a D.C. policy that buildings not be named after living people.

Norton said numerous courts around the country have been named in honor of living judges, and she said she looks forward to meeting with Inhofe in person to convince him of the wisdom of naming this building, designed by renowned architect Michael Graves, after a barrier-breaking judge.

''This is no ordinary naming,'' she said. ''This is a truly great African American judge whose accomplishments are singular. First African American assistant U.S. attorney. First African American chief judge.''

E. Barrett Prettyman Jr., the son of the jurist for whom the federal courthouse in

Washington is named, also applauds the proposed annex naming. He said his father ''admired Judge Bryant tremendously'' and would have endorsed it, too.

''Whenever it's discussed, people brighten right up and think it's a great idea,'' said Prettyman, himself a former president of the D.C. Bar Association. ''I'm sorry it's hit this snag. . . . If you were going to have an exception, my personal opinion is you could not have a better exception than for Judge Bryant.''

William Benson Bryant is hailed as a true product of Washington. Though he was born in a rural town in Alabama, he moved to the city soon after turning 1. His grandfather, fleeing a white lynch mob, relocated the extended family here, including Bryant's father, a railroad porter, and his mother, a housewife. They all made their first home on Benning Road, which was then a dirt path hugging the eastern shore of the Anacostia River.

Bryant attended D.C. public schools when the city's black children were taught in separate and grossly substandard facilities. Still he flourished, studying politics at the city's premier black high school, Dunbar, then going on to Howard University. While working at night as an elevator operator, he studied law and met his future wife, Astaire. They were married for 60 years, until her death in 1997.

He and his law classmates—the future civil rights movement's intellectual warriors—worked at their dreams in the basement office of their law professor, Charles Houston. Houston promised the group, which included the future Supreme Court Justice Thurgood Marshall and appellate judge Spottswood Robinson, that lawyers armed with quick minds and the Constitution could end segregated schools and unjust convictions of innocent black men.

''I kind of got fascinated by that,'' he said. ''We all did.''

But when Bryant graduated first in his class from Howard's law school, there were no jobs for a black lawyer. He became a chief research assistant to Ralph Bunche, an African American diplomat who later was awarded the Nobel Peace Prize, on a landmark study of American race relations; he then fought in World War II and was discharged from the Army as a lieutenant colonel in 1947.

His first step was to take the bar exam, then hang out a shingle as a criminal defense lawyer in 1948. His skills soon drew the attention of prosecutors in the U.S. Attorney's Office, who liked him even though they kept losing cases to him, and they recommended that their boss hire him. During a job interview, Bryant made a request of George Fay, then the U.S. attorney: ''Mr. Fay, if I cut the mustard in municipal court, can I go over to the big court like the other guys?''

No black prosecutor had ever practiced in the federal court—or ''big court,'' as it was called—but Fay agreed. Bryant signed on in 1951 and was handling grand jury indictments in the new federal courthouse the next year.

Bryant vividly recalls a case from that time involving an apartment building caretaker who was on trial on charges of raping the babysitter of one tenant's family.

''I went for him as hard as I could,'' Bryant said, squaring his shoulders. ''I didn't like him, and I didn't like what he did to that girl.''

So the young prosecutor sought the death penalty, an option then for first-degree murder and rape. He left the courtroom after closing arguments ''feeling pretty good about my case'' and awaited the jury's verdict in his third-floor court office. But when a marshal later called out, ''Bryant, jury's back,'' the judge said, ''I broke out in a sweat.''

He peeked anxiously into the court, saw the jury foreman mouth only the word ''guilty.'' Bryant learned seconds later that the jurors had spared the man's life.

''I was so relieved,'' he said. ''When you're young, you don't know anything. . . . Now I think, murder is murder, no matter who is doing it.''

He left the prosecutor's office in 1954 and returned to criminal defense with fellow classmate William Gardner in an F Street law office later bulldozed for the MCI Center. They were partners in Houston, Bryant and Gardner, a legendarily powerful African American firm. Ten judges would eventually come from its ranks.

In those days, Bryant chuckled, he didn't feel so powerful. Judges who remembered his prosecution work kept appointing him to represent defendants who had no money. That was before the 1963 Supreme Court's Gideon decision requiring that indigent defendants be represented by a lawyer—at public expense, if necessary.

The judge would say, ''Mr. So and So, you say you don't have any money to hire an attorney?'' Bryant recalled. ''Well, then, the court appoints Mr. Bryant to represent you.''

Some paid $25 or $50. Some paid nothing.

''There were weeks we paid the help and split the little bit left over for our groceries,'' he said.

Bill Schultz, Bryant's former law clerk, said Bryant took the cases ''out of this sense of obligation to the court and legal system. He was very aware of discrimination, and he always fought for the criminal defendants.''

At the time, blacks were barred from the D.C. Bar Association and its law library. Bryant went in anyway, and the black librarian let him.

One of his pro bono clients was Andrew Roosevelt Mallory, a 19-year-old who confessed to a rape after an eight-hour interrogation in a police station. Mallory was convicted and sent to death row. Defending Mallory's rights, a case Bryant took all the way to the Supreme Court in 1957, made him both nervous and famous.

He said he fretted constantly about his client facing the electric chair during the two years the case dragged on. ''You talk about worried,'' he said. ''It's something I can't forget.''

But the Supreme Court agreed with Bryant that a man accused of a crime is entitled to be taken promptly before a magistrate to hear the charges against him. The court overturned Mallory's conviction and handed down a landmark decision on defendants' rights.

U.S. District Judge Paul Friedman, a longtime fan of Bryant's, said Bryant's legal talents are on display every day in his courtroom, but lawyers are still taken aback by his factual resolve and clear logic when hearing an audiotape recording of his Supreme Court argument in the Mallory case.

''He's clearly a terrific lawyer, but he's mostly a terrific human being,'' Friedman said. ''He sees the best in people, and he really cares about what happens to people.''

Bryant remembers that when President Lyndon B. Johnson nominated him to be a judge, he felt elated, confident he had earned his opportunity. But Bryant said a different feeling came over him the day he donned the robes.

''I was sworn in in the morning that day, and Oliver Gasch was sworn in that afternoon,'' Bryant recalled. ''I told Oliver, 'You know, I've been a lawyer for many years, but putting on this robe, I don't feel so sure. This is a serious responsibility.' ''

Gasch smiled: ''Bill, I don't think it's going to be that hard for you. You know right from wrong.''

Bryant oversaw some famous cases, and he freely shared his thoughts when he thought something was wrong.

After presiding over the 1981 trial of Richard Kelly, a Republican congressman caught on videotape taking money from federal agents in a sting operation, Bryant complained that the FBI had set an ''outrageous'' trap for the Florida representative by stuffing cash in his pocket after he'd refused the bribe several times. He set aside Kelly's conviction.

''The investigation . . . has an odor to it that is absolutely repulsive,'' Bryant said then. ''It stinks.''

In handling the longest-running case in the court's history, a 25-year-old case about inhumane and filthy conditions in the D.C. jail, the judge chastised city leaders in 1995. He said he had been listening to their broken promises to fix the problems ''since the Big Dipper was a thimble.''

In weighing the case of a group of black farmers with similar discrimination complaints against the U.S. Department of Agriculture in 2000, Bryant warned a government lawyer that his argument against a class-action discrimination suit wasn't working: ''Either you're dense or I'm dense,'' he said.

Schultz said the judge simply trusted the combination of facts and the law.

''He always said, 'Don't fight the facts,' '' Schultz said. ''He thought most of the time the law would end up in the right place.''

Bryant acknowledges it's hard sometimes to see lawyers struggle to make their arguments when they have the law and the facts on their side.

''A judge has a stationary gun, and he's looking through the sights,'' he said. ''Unless the lawyer brings the case into the bull's-eye, the judge can't pull the trigger. Good lawyers bring the case into the sights.''

Bryant said he was preceded by many great lawyers, which is why the new plan to put his name on a piece of the courthouse gives him conflicting feelings.

''I was flattered, but I thought they shouldn't have done it,'' Bryant said. ''There are so many people who were really giants. I stand on their shoulders.''

I hope that henceforth there is senatorial courtesy—when we decide to proceed in a specific manner as we discussed, we would do it in the morning, I relied on that, and was about to go handle another matter when I noticed that the Senator was on the floor. I am somewhat concerned about that.

I wish to thank the Senator from Michigan for her courtesy in combining these two tributes and look forward to the action of the House tomorrow. It is truly a wonderful opportunity for the Congress to honor two American pioneers. Rosa Parks and Judge William Bryant both deserve to be recognized for their lives and contributions our nation's heritage. I have no objection to this bill moving forward as amended and look forward with great pride to both buildings being named shortly for these two pillars of the civil rights movement that brought so much to our country.

I yield the floor.

Ms. STABENOW. Mr. President, thank you for the courtesy. I am sure we will be able to move forward in a prompt way.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, I ask unanimous consent that 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.

BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT OF 2005

Mr. HATCH. Mr. President, I rise today in support of S. 757, the Breast Cancer and Environmental Research Act of 2005.

This month marks the 21st year of National Breast Cancer Awareness Month, a campaign that provides a special opportunity to offer education about the important association between early detection and survival. National Breast Cancer Awareness month also salutes the more than 2,000,000 breast cancer survivors in the United States and the efforts of victims, volunteers, and professionals who combat breast cancer each day.

According to the American Cancer Society, breast cancer is the leading cause of death among women between the ages of 40 and 55; and one out of every eight women who live to the age of 85 will develop breast cancer in her lifetime. But the disease is not limited by gender. In 2005, approximately 1,700 new cases of invasive breast cancer will be diagnosed among men in the United States. In my home State of Utah, as indicated by the Utah Cancer Registry, breast cancer has the highest incidence rate of the ten leading cancer types. This disease has an impact on nearly every American's life.

Breast cancer death rates have been dropping steadily since 1991; however, challenges still remain. The bottom line is that we still do not know what causes this disease, or how to prevent it. Less than 30 percent of breast cancers are explained by known risk factors. There is general belief within the scientific community that the environment plays a role in the development of breast cancer, but the extent of that role has been less-examined.

Research has investigated the effect of isolated environmental factors such as diet, pesticides, and electromagnetic fields; but, in most cases, there has been no conclusive evidence. In-depth study of these potential risks could provide invaluable information in understanding the causes of breast cancer, and could lead to new prevention strategies. Clearly, more research needs to be done to determine the impact of environmental factors on breast cancer.

Along with Senators CHAFEE, REID, CLINTON, and TALENT, I have introduced S. 757, the Breast Cancer and Environmental Research Act of 2005, to address this palpable need for research. Specifically, the bill would authorize the National Institute of Environmental Health Sciences, NIEHS, to award grants for the development and operation of up to eight centers for the purpose of conducting research on environmental factors that may be related to breast cancer. This legislation is modeled after the highly successful and promising Department of Defense Breast Cancer Research Program, DOD BCRP, which operates under a competitive, peer-reviewed grant-making process that involves consumers.

Isolated studies have been conducted to look at suspected environmental links to breast cancer; but these studies are only a small step toward the broad strategic research that is required. What is needed is a collaborative, comprehensive, nationally focused strategy to address this oversight, a strategy like the one outlined in S. 757.

As this year's National Breast Cancer Awareness Month comes to a close, I urge my colleagues to support this important bill. This Federal commitment is critical for the overall, national strategy and the long-term investments required to discover the environmental causes of breast cancer so that we can prevent it, treat it more effectively, and, ultimately, cure it.

DOMESTIC VIOLENCE AWARENESS MONTH

Mr. BIDEN. Mr. President, yesterday the Senate passed S. Res. 282, which recognizes October as Domestic Violence Awareness Month and establishes a sense of the Senate that the Congress should raise awareness of domestic violence in the United States and its impact on our Nation's families. I am thankful to the 32 co-sponsors of this resolution and to my colleagues for its unanimous passage.

We have made substantial progress in combating domestic violence since 1994 when we passed the Violence Against Women Act. Since the Act's passage, domestic violence has dropped by almost 50 percent. Incidents of rape are down by 60 percent. The number of women killed by an abusive husband or boyfriend is down by 22 percent and more than half of all rape victims are stepping forward to report the crime.

Despite this record of success, we still have so much more to do. According to the Department of Justice, more than three women are murdered by their husbands or boyfriends every day. More than 2.5 million women are victims of violence each year and nearly one in three women experiences at least one physical assault by a partner during adulthood. Reports also indicate that up to ten million children experience domestic violence in their homes each year, and nearly 8,800,000 children in the United States witness domestic violence each year.

This is unacceptable. The impact this has on our Nation's families and on the fabric of our society as a whole is clear. What is lesser known is the impact that domestic violence has on our Nation's pocketbook. The Centers for Disease Control and Prevention recently found that violence against women costs our country in excess of $5.8 billion each year; $4.1 billion of this is spent on direct medical and mental health care services. Since 1994, we have invested $15.50 per woman to implement the Violence Against Women Act, but it is estimated that this investment has saved $159 per woman, with a net overall savings of $14.8 billion. I bring this up to remind my colleagues that even in this time of budget deficits, investing in programs to halt domestic violence is not only the right thing to do, but it ultimately saves money.

It is fitting that this year's National Domestic Violence Awareness Month is the month that the Senate passed the Violence Against Women Act of 2005. This bill will reauthorize critical components of the original act, and it will establish further protections for battered immigrants and victims of human trafficking in order to additionally combat domestic violence and sexual assault. The legislation takes the critical next steps to helping victims become safe, secure, and self-sufficient. I would like to point out that this bill had 57 co-sponsors and passed unanimously. This is in stark contrast to the original Act, which took many, many years to get passed. We have changed the paradigm on this issue and we have come a long way. But, we need to do more. The Violence Against Women Act of 2005 will help do this, and I look forward to the House-Senate conference on this bill and getting the bill passed into law.

In addition to the work that we are doing in the Senate, National Domestic Violence Awareness Month gives us a chance to acknowledge the hard work of so many individuals and groups that have tackled this issue head-on. These advocates talk the talk and they walk the walk. They help ensure a better life for so many battered women and children, and they remind Congress what is at stake and what remains to be done. We all owe a debt of gratitude to the advocates, lawyers, service providers, judges, police, nurses, shelter directors, and the many others who have dedicated their lives to this cause.

Again, I thank my colleagues for acting on this important resolution, and I look forward to working with them in the coming months and years to address the problem of domestic violence in our Nation.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate