

SENATE RESOLUTION 540—ENCOURAGING ALL 50 STATES TO RECOGNIZE AND ACCOMMODATE THE RELEASE OF PUBLIC SCHOOL PUPILS FROM SCHOOL ATTENDANCE TO ATTEND OFF-CAMPUS RELIGIOUS CLASSES AT THEIR CHURCHES, SYNAGOGUES, HOUSES OF WORSHIP, AND FAITH-BASED ORGANIZATIONS

Mr. DEMINT submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 540

Whereas the free exercise of religion is an inherent, fundamental, and inalienable right secured by the 1st amendment to the Constitution of the United States;

Whereas the free exercise of religion is important to the intellectual, moral, civic, and ethical development of students in the United States;

Whereas the free exercise of religion must be conducted in a constitutionally appropriate manner;

Whereas, in *Zorach v. Clauson*, 343 U.S. 306 (1952), the United States Supreme Court held that a statute that provides for the release of public school pupils from school attendance to attend religious classes is constitutional if—

(1) the programs take place away from school grounds;

(2) school officials do not promote attendance at religious classes; and

(3) the solicitation of students to attend is not done at the expense of public schools; and

Whereas the Constitution of the United States and the laws of the States allow the school districts of the States to release public school pupils from school attendance to attend religious classes: Now, therefore, be it

*Resolved*, That the Senate—

(1) calls on all 50 States to recognize and accommodate those churches, faith-based organizations, and individuals that wish to release public school pupils from school attendance to attend religious classes; and

(2) respectfully requests the President of the United States to proclaim the third week of November 2006 as “Bible Education in School Time Week”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4689. Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; which was ordered to lie on the table.

SA 4690. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4689. Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, and

Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. . . . TEEN PREGNANCY PREVENTION.

(a) EDUCATION PROGRAM FOR PREVENTING TEEN PREGNANCIES, AND OTHER ACTIVITIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) may make grants to States, local educational agencies, State and local public health agencies, and nonprofit private entities for the purpose of carrying out programs of family life education, including education on both abstinence and contraception for the prevention of teen pregnancy and sexually transmitted disease, and education to support healthy adolescent development.

(2) PREFERENCE IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to applicants that will carry out the programs under such paragraph in communities for which the rate of teen pregnancy is significantly above the average rate in the United States of such pregnancies.

(3) CERTAIN REQUIREMENTS.—A grant may be made under paragraph (1) only if the applicant for the grant meets the following conditions with respect to the program involved:

(A) The applicant agrees that information provided by the program on pregnancy prevention will be age-appropriate, factually and medically accurate and complete, and scientifically-based.

(B) The applicant agrees the program will—

(i) not teach or promote religion;

(ii) teach that abstinence is the only sure way to avoid pregnancy or sexually transmitted diseases;

(iii) stress the value of abstinence while not ignoring those teens who have had or are having sexual intercourse, or teens at risk of becoming sexually active;

(iv) provide information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy;

(v) provide information about the health benefits and side effects of all contraceptives and barrier methods as a means to reduce the risk of contracting sexually transmitted diseases, including HIV/AIDS;

(vi) encourage family communication about sexuality between parent and child;

(vii) teach teens the skills to make responsible decisions about sexuality, including how to avoid unwanted verbal, physical, and sexual advances and how not to make unwanted verbal, physical, and sexual advances;

(viii) teach teens how alcohol and drug use can affect responsible decisionmaking; and

(ix) educate both young men and women about the responsibilities and pressures that come along with parenting.

(4) ADDITIONAL ACTIVITIES.—In carrying out a program of family life education under paragraph (1), a State, agency, or entity may carry out educational and motivational activities that help teens—

(A) gain knowledge about the physical, emotional, biological, and hormonal changes

of adolescence and subsequent stages of human maturation;

(B) develop the knowledge and skills necessary to ensure and protect their sexual and reproductive health from unintended pregnancy and sexually transmitted disease, including HIV/AIDS, throughout their lifespan;

(C) gain knowledge about the specific involvement of and male responsibility in sexual decisionmaking;

(D) develop healthy attitudes and values about adolescent growth and development, body image, gender roles, racial and ethnic diversity, and other subjects;

(E) develop and practice healthy life skills including goal-setting, decisionmaking, negotiation, communication, and stress management;

(F) promote self-esteem and positive interpersonal skills focusing on relationship dynamics, including friendships, dating, romantic involvement, marriage, and family interactions; and

(G) prepare for the adult world by focusing on educational and career success, including developing skills for employment preparation, job seeking, independent living, financial self-sufficiency, and workplace productivity.

(5) EVALUATION OF PROGRAMS.—The Secretary shall establish criteria for the evaluation of programs under paragraph (1). A grant may be made under such paragraph only if the applicant involved—

(A) agrees to conduct evaluations of the program in accordance with such criteria;

(B) agrees to submit to the Secretary such reports describing the results of the evaluations as the Secretary determines to be appropriate; and

(C) submits to the Secretary, in the application under paragraph (6), a plan for conducting the evaluations.

(6) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information, including the agreements under paragraphs (3) and (5) and the plan under paragraph (5)(C), as the Secretary determines to be necessary to carry out this subsection.

(7) REPORT TO CONGRESS.—Not later than October 1, 2011, the Secretary shall submit to Congress a report describing the extent to which programs under paragraph (1) have been successful in reducing the rate of teen pregnancies in the communities in which the programs have been carried out.

(8) DEFINITIONS.—In this subsection:

(A) AGE-APPROPRIATE.—The term “age-appropriate”, with respect to information on pregnancy prevention, means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

(B) FACTUALLY AND MEDICALLY ACCURATE AND COMPLETE.—The term “factually and medically accurate and complete” means verified or supported by the weight of research conducted in compliance with accepted scientific methods and—

(i) published in peer-reviewed journals, where applicable; or

(ii) comprising information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective, and complete.

(C) HIV/AIDS.—The term “HIV/AIDS” means the human immunodeficiency virus, and includes acquired immune deficiency syndrome.

(D) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated for each of the fiscal years 2007 through 2011, an amount equal to the total amount appropriated for that fiscal year to carry out programs of abstinence education under—

(A) section 510 of the Social Security Act (42 U.S.C. 710);

(B) title XX of the Public Health Service Act (42 U.S.C. 300z et seq.); and

(C) section 501(a)(2) of the Social Security Act (42 U.S.C. 701(a)(2)).

(b) REAUTHORIZATION OF CERTAIN AFTER-SCHOOL PROGRAMS.—

(1) 21ST CENTURY COMMUNITY LEARNING CENTERS.—Section 4206 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7176) is amended—

(A) in paragraph (5), by striking “\$2,250,000,000” and inserting “\$2,500,000,000”; and

(B) in paragraph (6), by striking “\$2,500,000,000” and inserting “\$2,750,000,000”.

(2) CAROL M. WHITE PHYSICAL EDUCATION PROGRAM.—Section 5401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241) is amended—

(A) by striking “There are” and inserting “(A) IN GENERAL.—There are”; and

(B) by adding at the end the following:

“(c) PHYSICAL EDUCATION.—In addition to the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated \$73,000,000 for each of fiscal years 2007 and 2008 to carry out subpart 10.”.

(3) FEDERAL TRIO PROGRAMS.—Section 402A(f) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(f)) is amended by striking “\$700,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “\$883,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

(4) GEARUP.—Section 404H of the Higher Education Act of 1965 (20 U.S.C. 1070a–28) is amended by striking “\$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “\$325,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

(c) DEMONSTRATION GRANTS TO ENCOURAGE CREATIVE APPROACHES TO TEEN PREGNANCY PREVENTION AND AFTER-SCHOOL PROGRAMS.—

(1) IN GENERAL.—The Secretary may make grants to public or nonprofit private entities for the purpose of assisting the entities in demonstrating innovative approaches to prevent teen pregnancies.

(2) CERTAIN APPROACHES.—Approaches under paragraph (1) may include the following:

(A) Encouraging teen-driven approaches to pregnancy prevention.

(B) Exposing teens to realistic simulations of the physical, emotional, and financial toll of pregnancy and parenting.

(C) Facilitating communication between parents and children, especially programs that have been evaluated and proven effective.

(3) MATCHING FUNDS.—

(A) IN GENERAL.—With respect to the costs of the project to be carried out under paragraph (1) by an applicant, a grant may be made under such paragraph only if the appli-

cant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs (\$1 for each \$3 of Federal funds provided in the grant).

(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(4) EVALUATION OF PROJECTS.—The Secretary shall establish criteria for the evaluation of projects under paragraph (1). A grant may be made under such paragraph only if the applicant involved—

(A) agrees to conduct evaluations of the project in accordance with such criteria;

(B) agrees to submit to the Secretary such reports describing the results of the evaluations as the Secretary determines to be appropriate; and

(C) submits to the Secretary, in the application under paragraph (5), a plan for conducting the evaluations.

(5) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information, including the agreements under paragraphs (3) and (4) and the plan under paragraph (4)(C), as the Secretary determines to be necessary to carry out this subsection.

(6) REPORT TO CONGRESS.—Not later than October 1, 2011, the Secretary shall submit to Congress a report describing the extent to which projects under paragraph (1) have been successful in reducing the rate of teen pregnancies in the communities in which the projects have been carried out. Such reports shall describe the various approaches used under paragraph (1) and the effectiveness of each of the approaches.

(7) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated \$5,000,000 for each of the fiscal years 2007 through 2011.

**SA 4690.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 6. SENSE OF THE SENATE REGARDING APPOINTMENT OF CONFEREES BY THE SENATE AND AMENDMENT BY THE HOUSE OF REPRESENTATIVES.**

It is the sense of the Senate that—

(1) the Senate should not appoint conferees to conference with the House of Representatives with respect to this Act; and

(2) the House of Representatives should enact this Act without amendment.

#### NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS  
Mr. COLEMAN. Mr. President, I would like to announce for the infor-

mation of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled “Offshore Abuses: The Enablers, The Tools & Offshore Secrecy.”

The Subcommittee has held a number of hearings addressing the issue of tax havens and offshore abuses which are undermining the integrity of the Federal tax system, diverting tens of billions of dollars each year from the U.S. Treasury, and undermining U.S. law enforcement. Hearings held in 2001 examined the historic and ongoing lack of cooperation by some offshore tax havens with international tax enforcement efforts and their resistance to divulging information needed to detect, stop, and prosecute U.S. tax evasion. A hearing held in December 2002 and report issued in January 2003 provided an in-depth examination of an abusive tax shelter used by Enron. Two days of hearings in November 2003, and a bipartisan report issued in 2005, provide an inside look at how some respected accounting firms, banks, investment advisors, and lawyers have become engines pushing the design, sale, and implementation of abusive tax shelters to corporations and individuals across the country.

The subcommittee’s upcoming August 1 hearings will present case histories on the use of offshore trusts and corporations to circumvent U.S. tax, securities and anti-money laundering laws. Witnesses for the upcoming hearing will be securities firms, banks, law firms, U.S. taxpayers, a trust protector, and tax and securities experts.

The subcommittee hearing is scheduled for Tuesday, August 1, 2006, at 9 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd III, staff director and chief counsel to the Permanent Subcommittee on Investigations, at 224-3721.

#### ENHANCING ENERGY INDEPENDENCE AND SECURITY OF THE UNITED STATES—MOTION TO PROCEED

##### CLOTURE MOTION

Mr. FRIST. Mr. President, I was prepared to ask unanimous consent that it be in order to proceed to Calendar No. 529, S. 3711, the energy security legislation, but I understand there will be an objection. Therefore, I now move to proceed to S. 3711, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 529, S. 3711,