



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, THURSDAY, OCTOBER 27, 2005

No. 139

Senate

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

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Alan Keiran, chief of staff of the Senate Chaplain's Office.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

O God of might and power, give our Senators today Your passion. Give them a passion for people that will bring liberty and hope. Give them a passion for justice that will empower them to become our Nation's conscience. Give them a passion for unity that will break down the barriers that divide us. Give them a passion for action that they may not shrink from the new or be satisfied with the comfortable inertia.

Give us all a passion for progress that will enable us to see what is not and dream what can be.

We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

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

The PRESIDENT pro tempore. Under the previous order, the Senate will re-

sume consideration of H.R. 3010, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

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

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

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

Murray amendment No. 2220, to provide stop gap coverage for low-income Seniors and disabled individuals who may lose benefits or suffer a gap in coverage due to the implementation of the Medicare part D prescription drug benefit.

Harkin modified amendment No. 2283, to make available funds for pandemic flu preparedness.

Clinton/Schumer amendment No. 2313, to provide for payments to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001, and payments to the Centers for Disease Control and Prevention for treatment for emergency services personnel and rescue and recovery personnel.

Coburn amendment No. 2233, to prohibit the use of funds for HIV Vaccine Awareness Day activities.

Coburn amendment No. 2230, to limit funding for conferences.

Dayton amendment No. 2245, to fully fund the Federal Government's share of the costs under part B of the Individuals with Disabilities Education Act.

Dayton amendment No. 2289, to increase funding for disabled voter access services under the Help America Vote Act of 2002.

Santorum amendment No. 2241, to establish a Congressional Commission on Expanding Social Service Delivery Options.

Santorum amendment No. 2237, to provide grants to promote healthy marriages.

Durbin (for Boxer/Ensign) amendment No. 2287, to increase appropriations for after-school programs through 21st century community learning centers.

Bingaman (for Smith/Bingaman) amendment No. 2259, to provide funding for the

AIDS Drug Assistance Program within the Health Resources and Services Administration.

Bingaman amendment No. 2218, to increase funding for advanced placement programs.

Bingaman amendment No. 2219, to increase funding for school dropout prevention.

Bingaman/Salazar amendment No. 2262, to increase funding for education programs serving Hispanic students.

Harkin amendment No. 2322, to prohibit payments for administrative expenses under the Medicaid program if more than 15 percent of applications for medical assistance, eligibility redeterminations, and change reports are processed by individuals who are not State employees meeting certain personnel standards.

Cornyn amendment No. 2277, to increase the amount of appropriated funds available for Community-Based Job Training Grants.

Landrieu amendment No. 2248, to increase appropriations for the Federal TRIO programs for students affected by Hurricanes Katrina or Rita.

Landrieu amendment No. 2250, to provide funding to carry out the Mosquito Abatement for Safety and Health Act.

Landrieu amendment No. 2249, to require that any additional community health center funding be directed, in part, to centers in areas affected by Hurricane Katrina or Hurricane Rita.

Collins/Feingold modified amendment No. 2265, to fund grants for innovative programs to address dental workforce needs.

Murray amendment No. 2285, to insert provisions related to an investigation by the Inspector General.

Ensign amendment No. 2300, to prohibit funding for the support, development, or distribution of the Department of Education's e-Language Learning System (ELLS).

The PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided between the majority and the minority.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning the time until 10 a.m. will be equally divided for debate prior to the cloture vote. That cloture vote is scheduled to begin at 10 a.m. promptly. We

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



Printed on recycled paper.

S11953

will be on the Labor-HHS appropriations bill. We started that bill now 6 days ago, last Friday. Senators have had ample opportunity to debate and offer amendments. Therefore, I expect that we will invoke cloture this morning. Once cloture is invoked, the chairman can begin the process of bringing that bill to a close. If we work together and Members are reasonable with their requests for amendments, we will be able to finish the bill tonight. If we are unable to get passage of the bill tonight, then we would return to session tomorrow and stay on the bill with votes until completion. That gives added incentive for people to finish it today, but we will be here tomorrow to vote if we do not finish it tonight.

Today we may also receive the Agriculture appropriations conference report from the House, and I will be talking to the Democratic leader about the scheduling for consideration.

Finally, we have some Executive Calendar nominations ready for Senate action, including a couple of judges. We need to dispose of those nominations as soon as possible.

WITHDRAWAL OF NOMINATION OF HARRIET MIERS

Mr. FRIST. Mr. President, over the last several minutes, Harriet Miers has formally requested to withdraw as a nominee to serve as Associate Justice of the Supreme Court. I had a conversation with Ms. Miers early this morning, and she told me that it was last evening that she spoke to the President and formally requested her nomination to be withdrawn. She stated clearly to me this morning and in a letter, which I will refer to shortly, that she felt that withdrawal was in the best interest of the United States. She came to this decision on her own, based on what she has experienced and witnessed and with the requests that are currently being made and as she projected forward to the hearings, again, in the best interests of the country. This morning she was gracious and forthcoming, confident, expressed appreciation for all of the work that has been done to date in the Senate and asked me to express that to each of the Senators, asking me to say thank you for their individual courtesies over the past several days and weeks. As one may expect, she was disappointed but confident and upbeat.

Earlier this morning, following that, I did talk to the President. It is appropriate, because things are moving so quickly for me, to quote from her letter, again, to use Harriet Miers' own words. As this is addressed by the political pundits and the commentators over the course of today, I think it would be helpful for our colleagues to hear directly what Ms. Miers sent to the President.

OCTOBER 27, 2005.

Dear Mr. President: I write to withdraw as a nominee to serve as an Associate Justice on the Supreme Court of the United States. I have been greatly honored and humbled by the confidence that you have shown in me, and have appreciated immensely your sup-

port and the support of many others. However, I am concerned that the confirmation process presents a burden for the White House and our staff that is not in the best interest of the country.

As you know, members of the Senate have indicated their intention to seek documents about my service in the White House in order to judge whether to support me. I have been informed repeatedly that in lieu of records, I would be expected to testify about my service in the White House to demonstrate my experience and judicial philosophy. While I believe that my lengthy career provides sufficient evidence for consideration of my nomination, I am convinced the efforts to obtain Executive Branch materials and information will continue.

As I stated in my acceptance remarks in the Oval Office, the strength and independence of our three branches of government are critical to the continued success of this great Nation. Repeatedly in the course of the process of confirmation for nominees for other positions, I have steadfastly maintained that the independence of the Executive Branch be reserved and its confidential documents and information not be released to further a confirmation process. I feel compelled to adhere to this position, especially related to my own nomination. Protection of the prerogatives of the Executive Branch and continued pursuit of my confirmation are in tension. I have decided that seeking my confirmation should yield.

I share your commitment to appointing judges with a conservative judicial philosophy, and I look forward to continuing to support your efforts to provide the American people judges who will interpret the law, not make it. I am most grateful for the opportunity to have served your Administration and this country.

Most respectfully,

HARRIET ELLAN MIERS.

Those are her words, and I think they are very direct. I did have a chance to talk to the President moments ago. He says that he accepted this withdrawal. Harriet Miers will continue as White House counsel, of course. And I believe that we can expect another nomination in the very near future. I will be talking to Chairman SPECTER a little bit later this morning.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

HARRIET MIERS

Mr. REID. Mr. President, I have heard, since I have been in Washington these many years, about what a tough town it is. I rarely have felt that in my work here. But today I feel what some have said. For Harriet Miers, this is a tough town.

Here is a fine woman, gentle and kind, has a lengthy career. Her record: First woman to become a member of a large law firm in Texas; first woman to be president of the Dallas Bar Association. The Dallas Bar Association is larger than most State bar associations. She followed that with being the president of the Texas Bar Association, one of the three or four largest bar associations in the United States. She has served in elective office for a short period. She has had extensive experience in the courts.

I was in Texas this past weekend with a bunch of Democratic lawyers,

members of the Democratic Party. They all said the nicest things about Harriet Miers. She was a fine litigator.

It is no secret I thought she would be an appropriate nomination for the President. I suggested that to the President in a meeting that was attended by the distinguished majority leader. I believe the 35 to 40 percent of the people who have served on the Supreme Court with no judicial experience before getting there have been equally as good as those people who have come to the Court with judicial experience. I believe those Justices with whom I had lunch a few months ago, who said, we would like to have people with no judicial experience come to the Supreme Court—that is what they said—were right. I believe they are still right.

I have talked a little bit about Harriet Miers. She called me this morning. I agree with the distinguished Republican leader that she was upbeat, but she wasn't happy. She was very disappointed. It was obvious she was very disappointed. Who wouldn't be? In her experience as a lawyer, elected city councilperson, in her whole career she has shown that she has been a strong supporter for law firm diversity policies, a leader in promoting legal services for the poor. She made statements, written and otherwise, where she spoke her beliefs on basic fairness.

I believe, without any question, that when the history books are written about all this, it will show that the radical rightwing of the Republican Party drove this woman's nomination right out of town. Apparently, Ms. Miers didn't satisfy those who want to pack the Supreme Court with rigid ideologists. The only voices heard in this process were the far right. She wasn't even given a chance to speak for herself before the Senate Judiciary Committee. Her credentials, which are excellent, weren't good enough for the rightwing. They wanted a nominee with a proven record of supporting their skewed goals.

I hope our President, in choosing a replacement for his lawyer—and that is what she is—will not reward the bad behavior of his rightwing base. President Bush should reject the demands of these extremists and choose a Justice who will protect the constitutional rights of all Americans. The President should listen to all Americans, not just extreme elements of his own party.

I repeat what the distinguished Senator from Maryland said, Ms. MIKULSKI, that she sensed a whiff—I think that is a direct quote—of sexism in all of the attacks on this nominee.

Mr. President, it is over with. She has given her withdrawal to the President. I don't think it is a good day for our country.

The PRESIDENT pro tempore. Who yields time?

Mr. REID. I yield to the distinguished Senator from New York.

How much time do we have, Mr. President?

The PRESIDENT pro tempore. Eight minutes 11 seconds.

Mr. REID. And that is equally divided; is that right?

The PRESIDENT pro tempore. The majority has 7 minutes 42 seconds.

Mr. REID. While the distinguished majority leader is here, Mr. President, through you to the distinguished Republican leader, we had a half hour set aside and I took more than my share. You didn't take much time. I ask unanimous consent that there be 30 minutes for morning business and the vote at 10 o'clock be scheduled at 10:15.

I understand the Senator from New York is not talking in morning business. I withdraw my request. I yield to her whatever time she may consume.

The PRESIDENT pro tempore. The Senator from New York is recognized.

AMENDMENT NO. 2313

Mrs. CLINTON. I thank the Chair. I ask unanimous consent that at the conclusion of my brief remarks my colleague, Senator SCHUMER, be recognized.

The PRESIDENT pro tempore. Subject to the control of the time, yes.

Mrs. CLINTON. I thank the Chair.

Mr. President, I believe amendment 2313 is pending before the Senate; is that correct?

The PRESIDENT pro tempore. Pending before the Senate is H.R. 3010.

Mrs. CLINTON. Is amendment 2313 at the desk?

The PRESIDENT pro tempore. The amendment is the pending amendment, the one we go on in regular business.

Mrs. CLINTON. Mr. President, parliamentary inquiry: Will we be going to regular business before the cloture vote?

The PRESIDENT pro tempore. We are on the bill at this time.

Mrs. CLINTON. Then if we are on the bill at this time, I wish to speak briefly about amendment 2313 and ask that it be pending before the Senate.

The PRESIDENT pro tempore. The Senator has the right to make that amendment the regular order if she desires.

Mrs. CLINTON. I do desire, Mr. President, to make amendment 2313 the regular order.

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

Mrs. CLINTON. I thank the Chair.

Mr. President, this amendment addresses a problem that is quite unprecedented with respect to the funds that were appropriated originally from this body following the attacks of September 11. The funds were part of the original emergency appropriation passed by the Congress and signed by the President. The money addressed in this amendment is intended for use for medical services and related matters on behalf of first responders, construction workers, and others who worked at Ground Zero, who were in a variety of ways injured, whose health was impacted, often leading to employment-ending disabilities. The people who gave so much in the immediate after-

math of those attacks include, of course, those who lost their lives and also those who as part of the rescue and recovery operations suffered long-lasting physical and mental damage.

A number of those people have not been able to return to work. They are suffering from ailments ranging from physical disability, loss of limbs, loss of the use of limbs. They have suffered an incredible range of lung-related and breathing diseases—asthma, respiratory dysfunction. Others have suffered greatly from the stresses they confronted, particularly working on what was called “the pile” day after day after day; some who worked out at Freshkills, the formerly very large landfill on Staten Island where the remains of so many who lost their lives, including the debris from the cleanup, were taken and deposited. Detectives worked there hour after hour after hour recovering evidence, and often that evidence included, tragically, body parts. Many of these people who were directly impacted continued to work as long as they could. They tried to return to some semblance of normalcy. Unfortunately, they often could not continue.

The money that was directed to be used for their medical and employment-related needs was caught up in some of the efforts to deal with the budget currently, and an unprecedented rescission of these funds previously appropriated was called for.

On both sides of the aisle, in the Senate as well as the House, we have a number of our colleagues who understand completely the need for these funds to be reinstated and available for the purposes they were intended. Certainly, the Governor of our State, the mayor of our city, along with representatives of many of the workers, the police officers, detectives, the firefighters, the construction workers, and others who were adversely impacted because they responded to the need for their services and their heroic efforts, are all united in our effort on both sides of the aisle at all levels of Government to make sure that what was promised is fulfilled.

I greatly appreciate the chairman of the committee and the ranking member working with us over the last weeks to make sure we correct this unprecedented rescission. I believe the amendment has been agreed to by the chairman and ranking member. I hope we are able to move forward with that expeditiously today.

This is a righting of an inadvertent wrong. I don't think the full intent and understanding of what these funds were for was perhaps appreciated, but there seems to be a great willingness, which I greatly appreciate, on behalf of the majority—

The PRESIDENT pro tempore. The Senator's time has expired.

Mrs. CLINTON. And so, Mr. President, let me, if I could—

The PRESIDENT pro tempore. There is no further time for the minority to yield.

Mrs. CLINTON. Mr. President, may we have unanimous consent to use the leader time?

The PRESIDENT pro tempore. The leadership time is reserved. The leadership is to use that time.

Mr. SCHUMER. Mr. President, I ask unanimous consent that I be given 2 minutes. It can be deducted from the Republican time.

The PRESIDENT pro tempore. Without objection, that request can be agreed to.

Mr. SCHUMER. I thank the Chair. I want to add my voice in support of this amendment on behalf of Senator CLINTON and myself.

We all know the help this country has generously offered those who put their lives on the line—some survived, some did not—after 9/11. Many emerged wounded. I want to add one other element here. When we negotiated with the President for the \$20 billion, there was a great moment of unity. When this Congress stood up, it was a great moment of unity. I have to say the President has never wavered in his commitment of the \$20 billion. In fact, the White House has been generous in granting us flexibility—seeking to take \$2 billion of the tax dollars and move them to transportation.

This one rescission is the only mark where there has been a wavering in the commitment made to New York in those bleak weeks right after 9/11. We don't know how it came about. I doubt it came from the President—maybe somebody in OMB. But removing this rescission rights that wrong and keeps the ledger unblemished about this Nation's commitment to \$20 billion to New York.

I thank Senator SPECTER and Senator COCHRAN for understanding that need, and Senator CLINTON and I look forward to the fact that this amendment, which will now be in the Senate bill, will prevail in the House and that the White House will help us make that happen.

The PRESIDENT pro tempore. The Senator's 2 minutes have expired.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the remainder of the time be allocated to Senator SCHUMER and myself.

The PRESIDENT pro tempore. Without objection, it is so ordered. There is 5 minutes 44 seconds remaining.

Mrs. CLINTON. Mr. President, as you can tell from both Senator SCHUMER and myself, we are very grateful for this understanding and pending action that will give us a chance to right this wrong. Again I think it is difficult to trace how it happened. I believe it is in the rush of trying to figure out how to maybe make things balance a little bit more that this was seized upon.

I ask unanimous consent that letters from Governor Pataki and Mayor Bloomberg be printed in the RECORD.

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

EXECUTIVE CHAMBER,
STATE CAPITOL,
Albany, NY, October 21, 2005.

Hon. THAD COCHRAN,
Chair, Appropriations Committee, Senate Dirksen Office Building, Washington, DC.

Hon. ROBERT C. BYRD,
Ranking Member, Appropriations Committee, Senate Hart Office Building, Washington, DC.

DEAR SENATORS COCHRAN AND BYRD: I would like to voice my strong concerns over a provision in the House Labor-HHS Appropriations bill which would rescind \$125 million from the New York State Workers' Compensation Board sent to New York as part of the response to the September 11, 2001 terrorist attacks. As the Senate considers its own Labor-HHS appropriations bill, I would ask that this rescission not be included. If it is not feasible to reverse the rescission, then I would respectfully ask that you support passage of a new emergency appropriation.

Under P.L. 107-117, Congress provided New York a total of \$175 million for the Workers' Compensation Board. The funding was for paying benefits to the volunteers who responded to Ground Zero or the Staten Island Landfill and to pay claims to the employees of uninsured employers. These funds were made available "until expended."

Consistent with Congressional intent, I am requesting that all funds from the initial appropriation remain available to ensure that the continuing needs of affected individuals are met.

I appreciate that you have incredibly difficult decisions to make given the funding constraints under which you must pass the Labor-HHS bill. However, the aftermath of 9/11 continues to manifest itself with responders' illnesses emerging late and lasting longer than expected. To rescind the funding provided to deal with these needs would be turning our back on the very people who stepped up to the plate in the wake of a national emergency.

Thank you for your attention to this critical issue.

Very truly yours,

GEORGE E. PATAKI.

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, NY, October 24, 2005.

Hon. THAD COCHRAN,
Chairman, Senate Appropriations Committee, Capitol Building, Washington, DC.

Hon. ARLEN SPECTER,
Chairman, Senate Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Dirksen Senate Office Building, Washington, DC.

Hon. ROBERT C. BYRD,
Ranking Member, Senate Appropriations Committee, Capitol Building, Washington, DC.

Hon. TOM HARKIN,
Ranking Member, Senate Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMEN COCHRAN AND SPECTER AND RANKING MEMBERS BYRD AND HARKIN: In the aftermath of the attacks on the World Trade Center (WTC), the Federal Government promised to appropriate \$20 billion to help New York City in its recovery efforts. As you are aware, \$125 million of that Federal funding has been rescinded. I am asking your support for an amendment to be offered by Senators Clinton and Schumer to restore these funds to meet the ongoing needs of those harmed by the September 11th attacks and (their) aftermath. The funds in question were originally to be used to process workers' compensation claims, but have not proven necessary for that purpose.

It is impossible to predict exactly the needs of the governments, businesses and individuals hurt by such a crisis. Jurisdictions affected by major disasters, be they man-made or from natural causes, should get the benefit of hindsight to make full and proper use of allocated funds. Thus it is important that the Congress allow these jurisdictions to come back to Congress to make revisions in the federal assistance provided.

In New York, there is still a need for New York State to retain \$50 million of the aforementioned \$125 million, but we are writing you about the remaining \$75 million. New York has significant, ongoing needs for continued monitoring and possible medical treatment as a result of the September 11th attacks.

It is our understanding that Senators Clinton and Schumer will be offering an amendment to restore this \$75 million so it can be used to administer baseline and follow-up screening and clinical examinations and long-term medical health monitoring, analysis, and treatment for emergency services personnel and rescue and recovery personnel through the FDNY Bureau of Health Services and Counseling Services Unit, the NYPD, Project Cope, the Police Organization Providing Peer Assistance (POPPA), the World Trade Center Health Registry and the Mount Sinai Center for Occupational and Environmental Medicine working with the State and City of New York.

The New York City Fire Department (FDNY) estimates that this funding would enable the World Trade Center (WTC) Medical Monitoring Program, that the Department's Bureau of Health Services runs in partnership with Mt. Sinai Medical Center, and the FDNY Medical Treatment Program to continue for several more years, although additional funds would be needed beyond that time period. The WTC Medical Monitoring Program monitors and treats the WTC rescue and recovery workers and volunteers affected by environmental contaminants and other exposures at the WTC site. It is the only long-term, national program that provides periodic medical monitoring exams, as well as short- and long-term medical treatment, for the approximately 12,000 FDNY rescue workers and 12,000 other responders who could be at risk for WTC-related illnesses as a result of their efforts in rescue and recovery, service restoration or debris removal and clean up at the WTC site. Federal and private funding is due to expire in 2009 for the monitoring program and 2007 for the treatment program. This is a much-needed amendment that would continue this federal partnership for several more years.

The FDNY's workforce was the most severely affected by September 11, 2001. On that day alone, the Department suffered 343 fatalities, and 200 of our responders needed medical treatment—some for life-threatening injuries. In all, more than 12,000 FDNY rescue workers performed rescue and recovery efforts from September 11, 2001 through July 2002. Since then, nearly 4,000 have developed respiratory and/or mental health-related illnesses. Potentially disabling conditions that our rescue workers face include asthma, chronic bronchitis, chronic sinusitis, gastroesophageal reflux disorders and psychological distress as a result of their repeated exposures to the injured, the dying, the dead, human remains, potentially life-threatening situations for themselves and other traumatic events. Our FDNY rescue workers are also concerned about other potential exposures to environmental toxins. More than 500 firefighters have qualified for early retirement disability.

This funding would also provide critical support for the New York City WTC Health Registry. The WTC Health Registry, oper-

ated by the NYC Department of Health and Mental Hygiene, tracks many highly affected subgroups present on 9/11, including Lower Manhattan residents, children, building survivors and visitors, as well as rescue workers and rescue/clean-up volunteers. The Registry has enrolled 71,000 persons, including those who were contacted from known employer and building listings, as well as eligible individuals who voluntarily enrolled. The Registry is designed to maintain contact with and systematically document potential health effects related to 9/11 through periodic monitoring of mental and physical health conditions over the course of the next 20 years. To benefit participants and others affected by the disaster, the Registry provides immediate information on health and mental health outcomes, as well as available resources and treatment options. It is a unique resource open to health experts around the country conducting more in-depth health investigations. Special studies by a number of academic institutions have already begun, with the Registry providing a means to contact interested participants. The findings of these studies will benefit individuals affected by 9/11 and physicians concerned with their care.

The Registry provides one of the few opportunities to conduct future population-based assessments of WTC health effects on different affected populations. It was established with funding provided through the federal Agency for Toxic Substances and Disease Registry (ATSDR). The cost of this program is modest and provides a platform to monitor the public health consequences of the WTC attacks and develops essential health and emergency preparedness information. This amendment will ensure that the Registry receives funding for several more years. It is also essential that the federal government keep faith with the 71,000 WTC survivors who enrolled by ensuring the stability and long-term survival of this crucial project.

Thank you for all you have done to help us on behalf of those affected by September 11.

Sincerely,

MICHAEL R. BLOOMBERG,
Mayor.

NICHOLAS SCOPPETTA,
Commissioner, Fire Department of the City of New York.

THOMAS R. FRIEDEN,
M.D., M.P.H., Commissioner, Department of Health and Mental Hygiene.

FIRE DEPARTMENT OF NEW YORK—MT. SINAI
PARTNERSHIP

To continue the existing medical monitoring and treatment program, the FDNY needs federal assistance for a 30-year medical monitoring program that to date has been funded by the Centers of Disease Control and Prevention (CDC) and the National Institute of Occupational Safety and Health (NIOSH). This would allow the FDNY Bureau of Health Services to continue to provide comprehensive periodic follow-up monitoring exams to FDNY WTC rescue workers (active and retired) at periodic (e.g., 18-month) intervals, thereby maintaining needed services and medical continuity for this group.

Based on current patient enrollment and the anticipated health/economic needs of this population, the FDNY needs federal assistance to support the medical treatment for the FDNY WTC rescue workers (active and retired). This funding would support necessary medical and mental health treatment programs already in place for what we estimate to be, conservatively, 30 percent of the FDNY WTC responder population. Funding for these monitoring and treatment programs would allow the FDNY to provide to

our WTC rescue workers the same level and number of medical and mental health services as Mount Sinai plans for the non-FDNY WTC responders.

The FDNY treatment program, treating an estimated 3,000 patients, has a current budget of \$15 million annually. The Mt. Sinai portion of this program has a similar budget. Funding for these programs is uncertain after 2007. The FDNY monitoring and evaluations program, treating an estimated 12,000 patients, has a current budget of \$5 million per year. Funding for this program is uncertain after 2009.

WORLD TRADE CENTER REGISTRY (WTCHR)

The World Trade Center Health Registry is designed to monitor the physical and mental health of the 71,000 enrollees for 20 years. The Registry is the only systematic way to document and verify the possible long-term consequences of the WTC disaster in groups most directly affected by the attacks, such as residents, children, building survivors, visitors, and rescue/recovery workers and volunteers. This is the largest effort ever in the U.S. to systemically monitor the health of persons exposed to a large-scale disaster.

The Registry has developed a comprehensive resource guide, which is updated regularly, to help WTC-affected persons find physical or mental health services and other 9/11-related assistance. It is the only comprehensive and updated resource directory for people affected by the attack. To accompany this, the Department is collaborating with Mt. Sinai Medical Center to develop a set of clinical guidelines for physicians treating patients affected by 9/11.

An average cost of \$46 per enrollee per year is required to support the registry for its 20 year life span—a modest cost to monitor the health consequences of this major disaster and to develop essential health and emergency preparedness information. Average annual and recurring support of \$3.31 million is needed to support the registry. A cooperative agreement between ATSDR and the New York City Department of Health and Mental Hygiene (DOHMH) provides partial and declining support only through 2007, leaving a shortfall averaging \$2.2 million through that date. After 2007, no funding has been committed to support the \$3.31 million need. New York City is working with our federal partners and representatives to secure long-term funding for WTCHR.

Mrs. CLINTON. This money has been counted on to meet the needs of so many of these workers, through the workers comp system, through the health care system. We fought very hard to make sure there was a sufficient amount of money for the diagnosis of the various physical and mental ills that people suffered after 9/11. I was very grateful we were able to do that. People are being diagnosed. They are being given some help. Unfortunately, without this money, that help cannot continue. After 9/11, we learned that many of the people who were involved in the horrible bombing in Oklahoma City years before were finally coming to ask for help, that they had been suffering in silence. Often there had been terrible memories that interfered with their ability to continue working. This is something that we know from experts is, unfortunately, a very long-term, slow-moving problem, that not everybody suffers the same way immediately. There are those for whom it takes longer to come to grips with what has happened. We are seeing

that. We are seeing still people who for the first time go to a physician, for the first time ask for help. I have worked closely with the fire department over the last 4 years and they have been absolutely superb in trying to make sure that help was available, people knew about it, but they are the first to tell you not every one of the firefighters was ready to ask for it. They had to be convinced it was OK to do.

So having this money reinstated will fulfill the promise we have made to all of these men and women that we are not going to forget them, we are going to take care of them; that when they are ready to ask for help, they will get help, and that the resources will be available for them to get that help.

It is very heartening, and I obviously understand we are going to have a challenge in the conference committee, but all of our colleagues on both sides of the aisle in the House, particularly those who serve on the Appropriations Committee, are part of this team and are working hard to make sure their leadership understands what our leadership does, which is that this is keeping faith with the people who kept faith with America, a lot of brave and heroic and very extraordinary human beings who ran toward danger instead of away from it. I am very grateful that this will be in the Senate bill and we will be able to go with a united front on behalf of the Senate joining with those in the majority and minority in the House to make sure we provide this funding as soon as possible.

I appreciate all the hard work we have seen from the chairman and the chairman's staff, from the ranking member and the ranking member's staff. This was a challenge they undertook because they supported what we were trying to do and understood how significant it was to correct this situation.

I also appreciate the chairman of the full committee and the ranking member of the full committee who have similarly been very supportive in helping us work out a solution to this issue.

I can only hope that when we get to conference the House will understand and accept how we have worked this out and give us a chance to make our case. I believe it is a worthy case. It has bipartisan support. I think the House will see that and understand it.

I am grateful to everyone who has helped us get to this point.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, on behalf of the chairman of the subcommittee, Senator SPECTER, I want to

state that this amendment restores \$125 million previously appropriated to New York as part of the emergency supplemental bill under chapter 11, relief and recovery, passed by the Congress and signed into law by President Bush on January 10, 2002.

The funds would be used for such purposes as mental health treatment and long-term health monitoring of rescue and recovery personnel.

The amendment is fully offset.

I ask for a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2313.

The amendment (No. 2313) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mrs. CLINTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I call for the regular order.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The 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 H.R. 3010: The Labor-HHS appropriate bill.

Bill Frist, Arlen Specter, Thad Cochran, Michael Enzi, Wayne Allard, Jon Kyl, Rick Santorum, Richard Lugar, Mike DeWine, Craig Thomas, Mel Martinez, Sam Brownback, Kay Bailey Hutchison, John Thune, Orrin Hatch, Robert Bennett, Mike Crapo.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 3010, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2006, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

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

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—97

Akaka	Bayh	Boxer
Alexander	Bennett	Brownback
Allard	Biden	Bunning
Allen	Bingaman	Burns
Baucus	Bond	Burr

Byrd	Grassley	Nelson (FL)
Cantwell	Gregg	Nelson (NE)
Carper	Hagel	Obama
Chafee	Harkin	Pryor
Chambliss	Hatch	Reed
Clinton	Hutchison	Reid
Coburn	Inhofe	Roberts
Cochran	Inouye	Salazar
Coleman	Isakson	Santorum
Collins	Jeffords	Sarbanes
Conrad	Johnson	Schumer
Cornyn	Kennedy	Sessions
Craig	Kerry	Shelby
Crapo	Kohl	Smith
Dayton	Kyl	Snowe
DeMint	Landrieu	Specter
DeWine	Lautenberg	Stabenow
Dodd	Leahy	Stevens
Dole	Levin	Sununu
Domenici	Lieberman	Talent
Dorgan	Lincoln	Lugar
Durbin	Martinez	Thune
Ensign	McCain	Vitter
Enzi	McConnell	Voinovich
Feingold	Mikulski	Warner
Feinstein	Murkowski	Wyden
Frist	Murray	
Graham		

NOT VOTING—3

Corzine	Lott	Rockefeller
---------	------	-------------

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0. Three-fifths of the Senators duly sworn and chosen, having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The remarks of Mr. OBAMA and Mr. DURBIN are printed in today's RECORD under "Morning Business.")

AMENDMENT NO. 2193

Mr. SPECTER. Mr. President, before moving ahead to the amendments on the flu pandemic, there are some amendments which have been cleared and which have been accepted on both sides.

I call up Thune amendment No. 2193.

This amendment provides \$10 million for the telehealth programs within the Department of Education. The amendment is fully offset. I believe it has been agreed to by my distinguished ranking member, Senator HARKIN.

Mr. HARKIN. We have no objections on this side.

Mr. SPECTER. I urge its agreement.

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

The amendment (No. 2193), as modified, was agreed to.

AMENDMENT NO. 2265

Mr. SPECTER. Amendment No. 2265, the Collins dental health workforce needs amendment, provides funding which will grant innovative programs an opportunity to move forward to address the dental workforce needs. The amendment has been cleared.

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

The amendment (No. 2265) was agreed to.

AMENDMENT NO. 2269

Mr. SPECTER. Amendment No. 2269, the Lautenberg amendment, provides

for a prohibition for the use of funds for abstinence education information that has proved medically inaccurate. Again, it has been cleared on both sides of the aisle.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. LAUTENBERG, proposes an amendment numbered 2269.

The amendment is as follows:

(Purpose: To prohibit the use of funds to provide abstinence education that includes information that is medically inaccurate)

At the appropriate place, insert the following:

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

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

The amendment (No. 2269) was agreed to.

AMENDMENT NO. 2214, AS MODIFIED

Mr. SPECTER. Mr. President, I call up the Sununu amendment numbered 2214, as modified.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2214), as modified, is as follows:

After section 221, insert the following:

SEC. 222. For carrying out the Low-Vision Rehabilitation Services Demonstration Project by the Secretary of Health and Human Services, an additional \$5,000,000: *Provided*, That both accounts made available on page 137, line 9 are reduced by \$5,000,000.

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

The amendment (No. 2214), as modified, was agreed to.

AMENDMENT NO. 2308, AS MODIFIED

Mr. SPECTER. Now the Alexander amendment 2308, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. ALEXANDER, proposes an amendment numbered 2308, as modified.

The amendment (No. 2308), as modified, is as follows:

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

SEC. _____. (a) There are appropriated, out of any money in the Treasury not otherwise appropriated, \$7,000,000 to the National Assessment Governing Board for the purposes of implementing a National Assessment of Educational Progress test in United States history.

(b) On page 192, line 20, strike \$418,992,000 and insert \$411,992,000 in lieu thereof.

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

The amendment (No. 2308), as modified, was agreed to.

AMENDMENT NO. 2219, AS MODIFIED

Mr. SPECTER. Mr. President, I call up the Bingaman amendment numbered 2219, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. BINGAMAN, proposes an amendment numbered 2219, as modified.

The amendment (No. 2219), as modified, is as follows:

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

SEC. _____. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional \$4,900,000 to carry out part H of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6551 et seq.).

(b) Notwithstanding any other provision of this Act, the amount made available under the heading Health Resources and Services Administration for construction and renovation is further reduced by \$4,900,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 2219), as modified, was agreed to.

AMENDMENTS NOS. 2220, 2241, 2237, AND 2249, EN BLOC

Mr. SPECTER. Mr. President, I ask unanimous consent it be in order to make a germaneness point of order against the following amendments en bloc: Senator MURRAY, 2220; Senator SANTORUM, 2241; Senator SANTORUM, 2237; Senator LANDRIEU, 2249. I now raise a point of order that the amendments are nongermane.

The PRESIDING OFFICER. Without objection, the Senate may make a point of order, en bloc.

Mr. SPECTER. Technically, I raise a point of order that the amendments are nongermane.

The PRESIDING OFFICER. The point of order is sustained. The amendments fall.

Mr. HARKIN. Mr. President, what is the pending amendment or business before the Senate?

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

AMENDMENT NO. 2283

Mr. HARKIN. I ask unanimous consent to set the pending amendment aside and return to amendment No. 2283.

The PRESIDING OFFICER. Without objection, the matter before the Senate is amendment 2283.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, before I talk about this amendment that has to do with avian flu, I add my congratulations to the Chicago White Sox for a sterling performance—four straight games in the World Series—to congratulate the team, and to congratulate their owner, Jerry Reinsdorf. The last time the Chicago White Sox won

the World Series was 1917. Of course, they were the Black Sox at that time. And the outstanding performer during that 1917 classic was a guy by the name of Joseph Jefferson Jackson from Greenville, SC. Baseball fans and aficionados perhaps may not recognize his real name, but they will recognize the name Shoeless Joe Jackson.

In 1999, along with Senator Thurmond and Senator Hollings, we introduced a sense-of-the-Senate resolution. It was accepted by the Senate. Commissioner Selig agreed to review the Shoeless Joe Jackson case to reinstate him to baseball. However, 6 years have passed and Mr. Selig has done nothing.

With the winning of the World Series by the Chicago White Sox, it is time to revisit this issue. In that regard, Senator DEMINT from South Carolina and I have submitted a resolution. We will be talking about it later today at an appropriate time when Senator DEMINT and I can both be on the Senate floor. I want Senators to know we have a sense-of-the-Senate resolution that Senator DEMINT and I will be submitting similar to the one we offered in 1999 once again trying to honor one of baseball's all-time great players who suffered a great injustice at the hands of the then Commissioner Landis, Kenesaw Mountain Landis, who was a commissioner of baseball for almost 40 years. It was Commissioner Landis who banned Shoeless Joe Jackson from baseball, and robbed him of his rightful place in the Baseball Hall of Fame. We will have more to say about that later today.

I congratulate the Chicago White Sox on a great victory and thank my colleague and my friend from South Carolina for working to get this new resolution. Hopefully, we will take it up in the Senate this afternoon and pass it sometime this afternoon.

Mr. President, we have an amendment before the Senate that is crucial to maybe even our most basic survival as a nation, perhaps crucial to the survival of our economy and the future. I know that sounds like overblown rhetoric, but everyone has probably been reading lately about the threat of an avian flu pandemic. It has been on all the news magazines and all the news shows. Newsweek magazine last week had a very comprehensive exposé or at least a delineation of the flu, how it is spread, how virulent it is, and what it can do to us. So I don't think it is overblown to say this perhaps could be the biggest threat our country has faced in the last 100 years.

As has been pointed out in numerous articles and I think elsewhere in the Newsweek article I referred to earlier, what this pandemic could do to us as a people is even more threatening than what a few terrorists could do and, as they point out, even a few terrorists with a nuclear-type device. This pandemic could literally—estimated by the experts, not by me—cause the death of anywhere from 200,000 to 2 million Americans, with tens of mil-

lions of Americans hospitalized without any capacity to take care of them. This would cause a disruption in our economy the likes of which we have probably never seen.

I have been involved in looking at avian flu for the last several years, tracking it and keeping in close contact with the National Institutes of Health and the Centers for Disease Control and Prevention in Atlanta. I always try to be careful we do not unduly alarm people. I don't want to put myself nor do I think we should put ourselves in the position of unduly alarming or generating a phobia that paralyzes our country, but alarm bells must be rung. The warning signs are there. We have to start preparing. The time for planning and thinking about it has passed. We have to do something immediately.

The amendment we are debating allows the United States to dramatically step up emergency preparations for an avian flu pandemic. Last month, I offered on the Defense appropriations bill a similar amendment that provided \$3.9 billion to prepare for such a pandemic. At that time, we did not know when or if the Labor-HHS bill would ever come to the Senate. Obviously, this is the appropriate place for it since this appropriations subcommittee under the leadership of Senator SPECTER has jurisdiction over both the Department of Health and Human Services and also the Centers for Disease Control and Prevention and also the National Institutes of Health.

Between last month when this amendment was adopted on the Defense appropriations bill and now, I have gone back to NIH, the Centers for Disease Control and Prevention, and a number of drug companies involved in either vaccine production or the production of antivirals to get a better handle on what it is we need to do. Just what is it?

I will admit that in the first amendment, which I offered on the Defense appropriations bill, we were missing some information. But now we have that information. So the amendment we have before us today is a more robust version of that earlier amendment we had on the Defense appropriations bill which was adopted by the Senate. This version is based on more and better information.

There is a broad consensus in the scientific community as to the steps we need to take to get ready for a potential pandemic. Reflecting that scientific consensus, this amendment will do four broad things.

One, as our first line of defense, it will dramatically step up international surveillance of avian flu outbreaks overseas.

Two, it will ramp up our vaccine production infrastructure here in the United States.

Three, it will give us resources to build up both stockpiles of vaccines currently believed to be effective against avian flu as well as stockpiling

antiviral medications that you take if, in fact, you get infected.

Fourth, this amendment will strengthen our public health infrastructure at the Federal, State, and local levels, which today is simply not equipped to cope with a major pandemic.

Some have suggested that we be patient and we wait for the administration to put forward a plan to fight avian flu. We have already waited too long. I am not saying we don't need a plan. We do need an action plan. But we have been warned for years. The first warning came in 1997 that an avian flu pandemic was not just possible but likely, just as we were warned for years that the levees in New Orleans would fail in the case of a major hurricane. Yet the Federal Government did not come forward with any plan of action. I am not saying this Government under President Bush. It was previous Federal Governments. We did not heed the warnings. As I might even say, we were warned in 1997 about a coming avian flu pandemic. Well, nothing was done then either. There is a lot of blame to go around. I am not blaming anyone. I am saying, look, we have turned a blind eye and a deaf ear to our warnings. Now we have to take action.

Within the last year, the threat of a pandemic has become even more urgent and immediate. The alarm bells are ringing at full volume, and we in Congress cannot in good conscience wait any longer. We need to act. If the administration offers a plan at a later date, that is fine. It will almost certainly have to include the elements we have in our amendment. We are all talking to the same people, after all.

But here is the thing. I do not know when they are going to come up with their plan. I do know at least there is talk around here that we are going to adjourn by Thanksgiving, finish our business, be out of here by Thanksgiving. Well, if the administration comes up with a plan next week, or the week after, and we are out of here, what happens in terms of needing the resources, the money? That is what we have.

Our responsibility as appropriators is to come up with the money. That is what this amendment does, so that if the administration does come up with a good action plan, we will not have lost any time. The money will be there, and we can move ahead as rapidly as possible.

There is no question the United States is woefully unprepared for a major outbreak of human-to-human transmitted avian flu. We have had clear warnings, as we did prior to 9/11, prior to Katrina, but, again, the Federal Government did not do anything. Now we have been warned in no uncertain terms about avian flu, but, again, under two administrations, nothing has happened.

As many of my colleagues know, avian flu—or H5N1, as it is called in the scientific community—has passed from

bird to bird and from birds to humans. We know of one specific case—we know of one specific case—where it went from human to human. Now, there may be others, but we do know of them. And we do know that 50 percent of the humans who have been infected with avian flu have died—50 percent. It has a 50-percent mortality rate. We also know another thing: Every chicken, every member of the poultry family that has been infected with avian flu dies—100 percent. This is a very virulent strain.

Experts in virology at the Department of Health and Human Services say it is only a matter of time before the virus mutates and human-to-human transmission becomes both widespread and sustained. That has not happened yet. We have had some cases of the avian flu jumping from a bird to a human. As I said, we have had one known case of it going from one human to another; and, I might add, both died. We have had no cases where the transmission is both sustained and pervasive, widespread, but the virologists say it is only a matter of time before that happens.

An outbreak in China, Vietnam, Cambodia, or anywhere such as that, could trigger within weeks a worldwide outbreak, facilitated by air travel, the mass movement of people across borders. As I said, 50 percent of the individuals who have been infected have died. You can envision a nightmare scenario, a kind of 21st century “Black Death” that is not difficult to picture. Indeed, most experts say it is not a matter of if but when.

Let me quote from an article that was in the recent Newsweek magazine of October 31, an article by Fareed Zakaria, entitled “A Threat Worse Than Terror”:

“A flu pandemic is the most dangerous threat the United States faces today,” says Richard Falkenrath, who until recently served in the Bush administration as deputy Homeland Security adviser. “It’s a bigger threat than terrorism. In fact it’s bigger than anything I dealt with when I was in government.”

One makes a threat assessment on the basis of two factors: the probability of the event, and the loss of life if it happened. On both counts, a pandemic ranks higher than a major terror attack, even one involving weapons of mass destruction. A crude nuclear device would probably kill hundreds of thousands. A flu pandemic could easily kill millions.

Mr. President, I ask unanimous consent that the Newsweek article be printed in the RECORD.

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

[From Newsweek]

A THREAT WORSE THAN TERROR

(By Fareed Zakaria)

“A flu pandemic is the most dangerous threat the United States faces today,” says Richard Falkenrath, who until recently served in the Bush administration as deputy Homeland Security adviser. “It’s a bigger threat than terrorism. In fact it’s bigger than anything I dealt with when I was in

government.” One makes a threat assessment on the basis of two factors: the probability of the event, and the loss of life if it happened. On both counts, a pandemic ranks higher than a major terror attack, even one involving weapons of mass destruction. A crude nuclear device would probably kill hundreds of thousands. A flu pandemic could easily kill millions.

Whether this particular virus makes the final, fatal mutation that allows it to move from human to human, one day some virus will. The basic factor that is fueling this surge of viruses is China’s growth. (China is the natural habitat of the influenza virus.) As China develops, it urbanizes, and its forests and wetlands shrink. That forces migratory birds to gather closer together—and closer to human habitation—which increases the chances of a virus spreading from one species to the next. Also, growth means a huge rise in chicken consumption. Across thousands of homes in China every day, chickens are slaughtered in highly unhygienic ways. “Every day the chances that this virus or another such virus will move from one species to another grow,” says Laurie Garrett, author of “The Coming Plague,” who has been writing brilliantly on this topic for years.

Nobody really disputes that we are badly unprepared for this threat. “If something like this pandemic were to happen today,” says Falkenrath, “the government would be mostly an observer, not a manager.” The government can’t even give intelligent advice to its citizens because it doesn’t actually know what to say. We don’t know whether people should stay put, leave cities, stay home or go to the nearest hospital. During the cold war, hundreds of people in government participated in dozens of crisis simulations of nuclear wars, accidents and incidents. These “tabletop exercises” were conducted so that if and when a real crisis hit, policymakers would not be confronting critical decisions for the first time. No such expertise exists for today’s deadliest threat.

Beyond short-term measures for this virus—mainly stocking up on Tamiflu—the only credible response to the development of countermeasures. The best response would be a general vaccine that would work against all strains of the flu. That’s a tall order, but it could be achieved. The model of the Manhattan Project is often bandied about loosely, but this is a case in which it makes sense. We need a massive biomedical project aimed at tackling these kinds of diseases, whether they’re natural or engineered by terrorists.

The total funding request for influenza-related research this year is about \$119 million. To put this in perspective, we are spending well over \$10 billion to research and develop ballistic-missile defenses, which protect us against an unlikely threat (even if they worked). We are spending \$4.5 billion a year on R&D—drawings!—for the Pentagon’s new joint strike fighter. Do we have our priorities right?

The final sense in which we are unprepared is that we have weak global organizations to deal with pandemics. The bird flu is a problem that began in Guangdong, China, and spread to Indonesia, Russia, Turkey, Romania and now possibly Iran. It may move next into Africa. Some of these governments are competent; others are not. Some hide information from everyone; others simply refuse to share it with the United States. We need a system that everyone will follow. The World Health Organization should become the global body that analyzes samples, monitors viruses, evaluates cures and keeps track of the best practices. Yet the WHO leads a hand-to-mouth existence, relying on the whims and grants of governments. A year ago its flu branch had five people. Now

it has 12. It needs a much, much larger staff and its own set of laboratories around the world that would allow it to fulfill this clearinghouse function. Countries have finally agreed to a new set of conventions that give the U.N. and the WHO some of the authority they need. And Kofi Annan has appointed one person to coordinate the global efforts to fight pandemics.

Many people believed that globalization meant that government would become less important. But as we see, today’s world has actually made government more crucial. Only government can tackle a problem like this one, not by being big but by being smart and effective. And we need good governance not just at home but beyond. Without effective international coordination, we are doomed to failure. John Bolton once said that you could chop off 10 floors of the United Nations and we’d all be better off. Let’s hope that the scientists fighting global diseases aren’t on any of those floors.

Mr. HARKIN. We have to ask some very tough questions now. Where do our preparedness efforts stand? What can we do better? We are facing a threat, a huge threat. We are doing nothing. We can do better. We must do better for the American people to prepare for an avian flu pandemic.

First, let’s look at the issue of global surveillance, which is No. 1 in terms of the first part of our amendment that we have addressed.

The Centers for Disease Control and Prevention is doing a great job working in cooperation with the World Health Organization and governments in affected regions to detect the disease and to help stop its spread. Dr. Gerberding, the head of the Centers for Disease Control and Prevention in Atlanta—I don’t know if she is getting any sleep now because this is topmost on their agenda. They are on the case.

Surveillance can alert us to an outbreak, and governments can then take measures to isolate the disease. This is our first line of defense. The sooner we identify and contain an outbreak of human-to-human transmitted avian flu virus, the better off we will be. To coin a well-worn phrase: It is better to fight them over there than to fight them here. It is better to stop H5N1, isolate it, contain it where it might break out, rather than having it transmitted and brought to other countries and brought to America.

Again, the Centers for Disease Control and Prevention know how to do this. We had success with surveillance during the SARS outbreak a couple years ago. The Centers for Disease Control and Prevention managed to control its spread. It never got to America. I think the closest it got, if I am not mistaken, was Toronto. But we also learned some invaluable lessons from the SARS episode. We learned we have to be prepared, that our surveillance efforts have to be more than they have been in the past.

Secretary Leavitt, who I know has also been on top of this, recently took a tour of Southeast Asia. He took Dr. Fauci, the Director of the National Institute of Allergy and Infectious Diseases, Dr. Gerberding, and others. I

know they met with people in various parts of the governments of several countries in Southeast Asia.

What I heard back from that is, while the governments are willing to work with us, and to report and survey, a lot of times they do not have the capacity, they do not have the knowledge, they do not have the wherewithal of the Centers for Disease Control and Prevention. They could use our help. Many of these outbreaks of avian flu in those countries are in remote locations, and the central government may not have a lot of control over that.

If you take a small village where they have a lot of poultry, and maybe that is one of their major sources of livelihood, and where they do not understand the dimensions of avian flu and what it means, well, maybe they do not report it, or it may be reported in a minor way. We need people there on the ground who can move rapidly to the sites to see whether a case of avian flu has broken out.

As I understand it, the governments of these countries are willing to work with us to allow us to do that, but we do not have the resources to do that right now because the Centers for Disease Control and Prevention simply does not have the money. That is what is in our amendment: to give the Secretary of Health and Human Services the money to be able to respond and get CDCP action prone, right now, in those countries.

Secondly, what is the status of our capacity to produce vaccines here in the United States? Unfortunately, the news is almost all bad. It is astonishing that the United States has one plant—one plant—capable of manufacturing flu vaccines. That plant happens to be in the State of our distinguished chairman, Pennsylvania. It is a great company. They do great work. I have met with them. They use one technology. It is egg-based technology. That is basically the technology we have been using for a long time in which to grow vaccines from a virus strain.

So since we only have that one plant right now, in the event of a worldwide pandemic, the U.S. would have to rely on imported vaccines, vaccines other countries may not be willing to ship to us. In other words, the first responsibility of any government is to protect its own people. If this pandemic ever breaks out, I doubt any other government is going to be willing to ship us vaccines. They are going to want it for their own people.

We are very vulnerable. We need to play some catch-up ball. The Federal Government needs to help private industry develop more vaccine manufacturing capacity. These should be next-generation cell-based facilities, which would then be capable of producing vaccines at twice the rate of egg-based facilities.

This is the only way we are going to be able to produce enough vaccine rapidly enough to deal with a major outbreak. Right now it is all egg-based. As

I understand it, the manufacturing plant I mentioned is in the process of enlarging its capacity for egg-based vaccines. That is all well and good, but that still will not be enough to protect us in the future. It will not be sufficient to take a strain of the virus and develop a vaccine specifically for that virus in a short period of time. Some say it would take 2 to 3 years to produce a nonegg-based production capacity. I don't accept that. This is a matter of incredible urgency. We have already given one grant to a company—it is public, I can mention it—Sanofi Pasteur, which is the company based in Pennsylvania that already has a cell-based vaccine manufacturing plant which they are increasing. The Government has already given them a grant—it was under a competitive bid situation—to build a cell-based plant. That is all well and good. But we have to do a lot more than that. We need two or three on line being built now, not just one.

Our goal should be to have the research and production capacity to isolate a virus, convert it to a vaccine, produce enough vaccine for the American populace, all within a timeframe of 3 to 6, maybe 9 months at the most. We can do that. That can be done. We don't have the capacity to do it right now, and we are a long way from reaching that goal.

Again, keep in mind that H5N1, the strain of the virus that is there now, we have a vaccine for that. The National Institutes of Health, under the great leadership of Dr. Zerhouni and Dr. Fauci at the National Institute of Allergy and Infectious Diseases—Dr. Fauci got a strain of the virus earlier this year. They then began a crash program to develop a vaccine. They have. That vaccine is now in clinical trials. It looks as though it is going to be pretty good against H5N1. But we have been warned by experts that H5N1 may not be the strain that comes here. It could be H5N2, N3, N4, N5, something else just as virulent. Experts believe the vaccine being developed will have some effect, perhaps, on different strains, but they can't be sure.

What we need is a vaccine manufacturing capacity, cell-based, so you can manufacture a vaccine in a hurry, so if a different strain were to hit here, we could again isolate the virus, develop the vaccine, and have a vaccine within 6 to 9 months, not just developed but also manufactured in sufficient capacity to vaccinate our people. That is also in our amendment.

I hasten to add that in our amendment, we don't specify exactly how this is to be done. We will leave that up to the Secretary—hopefully, working with us in a collaborative effort—to figure out the best way of doing it. The point is to get the money out there now, to know it is there, that we can move ahead with contractual relationships, cost-share agreements, guaranteed purchases, whatever it takes to get these facilities constructed in the shortest possible timeframe.

The third part of our amendment, we need an aggressive program of purchasing and stockpiling vaccines and antivirals. I just talked about vaccines. Vaccines are what you take to prevent getting the illness. Antivirals are what you don't get very sick. The World Health Organization a few years ago recommended that nations stockpile enough antiviral medication to cover at least 25 percent of the population. Guess where we are right now. One percent. We have enough antiviral medication to cover 1 percent of our people. Again, we have to play catch-up ball. Antivirals are the medications one would take if they get sick. It will prevent a lot of people from dying, help them get through the illness.

I had Senator KENNEDY prepare this chart, which illustrates how unprepared we are. These are the stockpiles of antiviral medicine. Australia has enough for 20 percent of the population; Great Britain has enough for 25 percent, the World Health Organization recommendation; France has 25 percent; Japan is rapidly building up, they are at 17 percent. The U.S.A. is at 1 percent stockpile of medications. Again, if the pandemic hits here, are we going to go to Britain and say: Send us some of yours, or Japan or France or some other place? No. They are going to keep their antivirals for their own people. That is why we need to put the money out right now to begin the purchase of antivirals and to stockpile them. It has a long shelf life so we don't have to worry about it. That is the antivirals.

As for vaccines, we are facing a catch-22 situation. We won't be able to produce a vaccine until we actually see what the variant is, H5N1, H5N3, whatever it might be that causes the outbreak. Scientists at NIH have developed a vaccine for H5N1. They believe it will be effective against some of the future variants, but we don't know exactly how effective. It is the best we have. It will at least provide some protection. We should be stockpiling it now.

The fourth part of our amendment is the public health infrastructure. Right now our public health infrastructure is simply not capable of dealing either with an avian flu pandemic or even a major act of bioterrorism. Let's assume we build up adequate stocks of the vaccine. Let's say we are able to get a crash course and we can get up to 25 percent, like Great Britain, in our antivirals. Let's say we can do that in a short period of time. I believe we can, if we put the funds out there. Let's say we have all that. It is going to go for naught if we don't have a public health infrastructure to deliver it, to identify the people who need it, to make sure these drugs and antivirals and vaccines get out there.

One thing I am upset about—the President's budget for fiscal year 2006 proposed to cut \$120 million from State public health agencies. That is the

wrong way to go. Our amendment doesn't just restore that; it goes a lot further. It is not enough just to restore the funding. That funding would basically take care of "normal" illnesses people get around the country. It wouldn't even come close if we had an outbreak of avian flu. We need to hire more public health professionals, epidemiologists, physicians, lab technicians, others. We need people who are trained and educated to recognize, to know how to isolate, to know how to put the rings around populations if avian flu breaks out, and how to distribute it, who gets these, who is the first line of individuals.

Someone is detected having avian flu; let's say they do get H5N1. How do we find out who that person came in contact with in the last 48 hours, track them down, get them the vaccines immediately, or the antivirals? Did the person work in a building that had central air-conditioning that could have taken the virus and spread it around? Who works there? Get them the antivirals and the vaccines immediately. This takes expertise. This takes people. This takes a knowledge base and education.

The Centers for Disease Control and Prevention know how to do it. They can do it for minor outbreaks now. But something this big, we need to do more to build up that public health infrastructure. In consonance with the public health infrastructure, we need to dramatically increase the surge capacity of hospitals all across the country. Most hospitals right now have trouble coping if we have a bad flu season with what we call ordinary flu. They would be overwhelmed by an avian flu pandemic.

Dr. Rick Blum, president of the American College of Emergency Room Physicians, recently said:

We have pumped billions of dollars into preparedness since 9/11, but virtually none of that has gone to the one place where we know 80 percent of patients go first, [the emergency room].

For example, most victims of avian flu would need ventilators to help them breathe. Right now there are only 105,000 ventilators in the entire United States, three-quarters of them in use on any given typical day. So we have to prepare for surge capacity. Where do the tens of millions of Americans go? Don't take my word. Ask the experts. That is what they are saying: a million to as high as maybe 10 million hospitalizations.

We have our work cut out for us. We face enormous technical and logistical challenges. We have no time to waste. This amendment would provide for nearly \$3 billion for a comprehensive national effort to prepare in the ways I have outlined. More specifically, the total is divided up as follows: \$3.080 billion would be allocated for stockpiling antivirals and the necessary medical supplies to deal with a pandemic once it has broken out; \$3.3 billion would go to stockpiling flu vaccines, expanding

the U.S. flu vaccine manufacturing capacity and for vaccine-related research; \$600 million in additional grants to State and public health agencies for their own emergency preparedness; \$750 million to improve hospital preparedness and surge capacity—where is the overflow going to go—and for health technology information networks; \$60 million for stepped-up global surveillance—this would quadruple the current level of surveillance we have right now, our first line of defense—\$75 million allocated for communication and outreach to the public in case of an avian flu pandemic.

Again, this is where you have to tread lightly. You want to get people informed. People should be understanding of this. If a case of avian flu were to break out in this country, we don't want panic to ensue. People need to be adequately informed and advised. This has to do with communications and outreach.

Lastly, \$100 million will be channeled into research and CDC lab capacity related to an avian flu pandemic.

Now, this is about double what we had in the Defense appropriations bill almost a month ago. And the reason for that is simply because in the meetings we have had with Government officials, with drug companies, and others, it has become clear that the big gap in the amendment we offered earlier was the \$3.3 billion in stockpiling flu vaccine and getting money out there to rapidly build cell-based technology through vaccine-manufacturing plants. We have to do that right away.

I know the analogy may not be correct, but when people say you can't do that in a big hurry, I say just think about the Pentagon over here, how big it is. Have you ever seen the Pentagon? We built the Pentagon in 9 months during World War II, by the way. Now, I know that vaccine manufacturing is not the same but, come on, we can do it. We can build the facilities. A lot of it is in equipment. But if the money is there, we know we can get the equipment built. Maybe we can't do it in 9 months, but don't tell me we can't do it within a year and a half, or at least have a couple on line within a year. That is really the big difference between this amendment and the one that was offered a month ago on the Defense appropriations bill.

Let me again sum up by saying this is the proper bill for it to be on. If we had had Labor-HHS earlier, we would have offered the amendment to that. This is the proper place for it. We do have the jurisdiction. It ought to be here. And, again, we are not tying the hands of the Secretary or anyone else. We are not being absolutely specific on how you do things in the amendment. We want the money to be there. When the administration comes up with their plan and they want to move ahead, it is there. We have 3 more weeks—I don't know how many weeks. Everybody tells us 3 more weeks. Let's face it, there are a lot of things happening in

the administration—Supreme Court Justices, other things that are bouncing around here that divert attention. We cannot divert our attention. We cannot. We have to get this money out there and get it appropriated.

I will have more to say perhaps later on. I know there are other Senators who wish to speak on this amendment and about the threat of an avian flu pandemic. So I will yield the floor at this time and just say I hope we can have a strong vote or have this amendment accepted as we did under the Defense appropriations bill that was taken up earlier. And, again, this is emergency funding—emergency funding. It ought to be emergency funding. It is something we have to do. We just cannot wait any longer.

So I will yield the floor and ask any Senators who want to speak on this amendment to come over and speak.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I commend my distinguished colleague from Iowa for his leadership on this very important issue. I spoke briefly yesterday about the matter and expressed my agreement with the basic thrust of what the Senator from Iowa is seeking to accomplish. There is no doubt that we face a tremendous potential problem with the impact, which could be devastating, as Senator HARKIN has outlined.

We have been awaiting a plan from the administration because in the normal course of events, with the expertise at the Department of Health and Human Services and the Centers for Disease Control, we would look to the administration to give us an appraisal as to what their plans are, what their evaluation has been, and how much money they think they need.

Senator HARKIN has gone over a number of facts and factors, but the executive branch has more at its disposal than does the Congress, at least at this stage. Our subcommittee has scheduled a hearing on this issue. It is fair to say that we have been under a heavy workload in preparing this bill, and we have had other very heavy commitments, most notably in the confirmation proceedings which were recently concluded for Chief Justice Roberts, and the confirmation hearings which have been intense for Ms. Harriet Miers until her withdrawal this morning.

We have been in touch with the executive branch and have sought to get information from them as to what they would like to have done. And I have a call in to Secretary Leavitt at the moment, the Secretary of Health and Human Services, to get as much information as we can from the executive branch.

We have been exploring an alternative and are in the process of modifying the amendment from the Senator from Iowa to call for the disbursement of these funds at the discretion of the President after consultation with certain designated Members of the Congress. We are now talking about the

breadth of what we have in mind: The chairmen and ranking members of the Appropriations committees of both Houses, perhaps adding the chairmen and ranking members of the Appropriations subcommittees on labor, health and human services and education. Also, the suggestion has been made about having the chairmen and ranking members of the committees on health, education, labor, and pensions. We are trying to sort through that now to have a workable consultation but leaving the judgment to the President.

We are well aware of the very substantial sum of money which is in this amendment, in the range of \$8 billion. We are also well aware of the scope and magnitude of the problem. It would have to receive 60 votes to have an emergency designation but, again, with the expenditures in the hands of the President, there is about as good an assurance as you can have it would be wisely disbursed.

At any rate, we are in the midst of trying to work this through. If the Congress does not act—we are not too far away from adjournment—the funding will not be present. The President can't spend money without the appropriation coming from the Congress. If there is to be an emergency supplemental, all of that takes time. And once you go through a supplemental, then there is the risk of it becoming a Christmas tree with many other items being included.

So when we have the appropriations for the Department of Health and Human Services and this subcommittee working with that Department and with the Centers for Disease Control, we are the logical subcommittee to take up the issue and to grapple with it. We, obviously, are very concerned about the responsibility for appropriating this kind of funding.

So that is where we stand. I note the senior Senator from Illinois has come to the floor, and Senator HARKIN and I would urge anyone else who wants to speak to come to the floor now because we are going to be moving for a vote on this subject in the immediate short timespan.

Mr. HARKIN. Will the Senator just yield for a minute?

Mr. SPECTER. I do.

Mr. HARKIN. I want to respond by thanking the chairman and my good friend from Pennsylvania for his great leadership on this issue. You said it about me, but you have been the chairman. You have led this subcommittee. You know what is needed. You have been first and foremost in insisting that we get the funds necessary for both CDC and for NIH for this research.

I might just say again for public knowledge, obviously our chairman, the Senator from Pennsylvania, has to wear other hats. As chairman of the Judiciary Committee he has been tied up a lot on Supreme Court nominees, and I recognize he has had to deal with that on his side, in chairing that committee. It is an awesome responsibility,

and I commend him for the work he has done, by the way. I thought the hearings on Judge Roberts were superb, and I commend my friend for his leadership in chairing that committee.

So we find ourselves in the situation now where we have asked for information in the past, but things happen around here and we move on and our focus gets diverted a little bit on this and that. That is human nature. I understand that. I hope we can hear back from the administration.

I say to my friend from Pennsylvania that I have no problem in modifying the amendment or whatever it might be that would say that the money is there. In fact, the amendment does not say how they would spend it. It would be there for them. If there is any way we can modify that, if they have some other ways on what to do, that is fine with me. I do not mind that at all. I am just concerned that we have it there so that we don't have to come back at some point and they can't say, well, we would do it, but Congress didn't appropriate the money.

I sure do not want to have that sitting on our plate, I say to chairman.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of the amendment being offered by the Senator from Iowa. It might not be this winter, it might not be next winter, but it is going to happen. The virtual certainty of a pandemic flu is what public health leaders are telling us we as a country need to be prepared for. So are we prepared? The obvious answer is no.

Last week, HCD Research polled 846 doctors from across the country about their sense of how well prepared America is to face a pandemic flu. Four out of five of the doctors surveyed said America is not prepared for a public health crisis that we have been told is virtually certain to occur.

When it comes to public health challenges, America can do better. What is our national leadership on this issue? We still do not have a national pandemic preparedness plan. The administration has been working on a plan, literally, for years.

As we head into this flu season, still there is no plan coming from this administration. Communities need Federal guidance. This is not an issue where every village, every town, every State can make its own policy.

California's State health officer said:

While state and local officials have been taking what steps they can to prepare for avian flu, they've been eagerly anticipating a national preparedness plan to tell them how to seal up those gaps. And where is that plan? The administration tells us to expect one sometime soon but it is long, long overdue.

Japan has had its national pandemic preparedness plan in place since 1997. Canada, Austria, Great Britain, all have a national preparedness plan in place. We look forward to seeing this plan from this administration.

In the meantime, I am joining Senators HARKIN, OBAMA, and KENNEDY to offer this pandemic flu amendment. Senator HARKIN has been our voice and our leader on this issue. Senator KENNEDY has made a lifetime of public service devoted to public health issues. Senator OBAMA, my new colleague from the State of Illinois, was one of the first to speak out in our State and bring this to my attention and the attention of so many Members. I salute all three of them for their extraordinary leadership.

This proposal would make \$8 billion available to immediately ramp up preparation for the flu pandemic, whether it is the H5N1 strain now rampant in birds or another virulent strain that might threaten us. We know this pandemic is virtually inevitable, in the words of Dr. Gerberding of the Centers for Disease Control.

What does this amendment do? It gives the Federal health agencies what they need to move immediately and aggressively to get this country ready for a global pandemic flu.

Let's start with hospitals. That is an important line of defense for people sick with flu. Communities and hospitals need to develop surge capacity to figure out how to take care of people when the beds are filled and the emergency room is overwhelmed and the neighboring counties face similar situations. The Trust for America's Health anticipates U.S. hospitals will swell by more than 2 million people if we face this flu pandemic. But Health and Human Services Secretary Leavitt has worried aloud that communities haven't even prepared for this surge in hospital admissions.

The American College of Emergency Physicians President Rick Blum says:

We've pumped billions of dollars into preparedness since 9/11 but virtually none of that has gone to the one place where we know that 80 percent of the patients go first.

Whether it is a terrorist attack, a natural disaster, or a public health disaster, hospitals are stretched now to have staff to handle the daily flow of patients. They are already operating with a real shortage of nurses and other health professionals.

Realistically, aren't a significant percentage of those health care workers going to get sick themselves if we have a new pandemic or stay away from the clinical setting once the pandemic hits?

These are serious and important questions we need to ask, answer, and be prepared to face.

The Harkin amendment provides \$750 million for communities to prepare for additional hospital beds and working with shortages of doctors, nurses, and other health professionals.

The amendment also provides \$3 billion so the Federal Government can get in line to buy antiviral medicines to have on hand for an outbreak of flu. Until there is cash in hand to purchase the drugs, the Government cannot contractually commit to buy them; they cannot even get in line to buy them.

The United States has about 2.3 million courses of antiviral medications stockpiled—2.3 million for a nation of our size. We expect another 2 million by the end of next month. That is enough to treat about 2 percent of the U.S. population, far short of the international standard of 20 to 25 percent.

Senator FRIST has asked the Secretary to try to increase that stockpile to ensure treatment so that we could treat 50 percent of America. Our amendment would provide Secretary Leavitt with the resources he needs to make it happen. We go beyond political rhetoric to political reality.

Our amendment also provides \$3.3 billion so we can intensify our search for a vaccine that could protect Americans from contracting flu in the first case. If we can develop and manufacture a vaccine that is effective against the pandemic flu, we might be able to stop this flu epidemic in its tracks. Testing drugs is expensive. It is time consuming. We have to invest in it and invest in it now.

The amendment also adds \$60 million for global surveillance. I heard one public health official describe this as "situational awareness." Margaret Chan, who leads the pandemic flu planning efforts for the World Health Organization, estimates there is a window of only "20 to 21 days" in which a local outbreak could be controlled before it is turned loose on the world.

Fareed Zakaria, in the recent issue of *Newsweek* on this particular issue of the flu pandemic, wrote as follows:

Many people believed that globalization meant that government would become less important. But as we see, today's world has actually made government more crucial. Only government can tackle a problem like this one, not by being big but by being smart and effective. And we need good governance not just at home but beyond. Without effective international coordination, we are doomed to failure.

If we hope to contain this flu, we have to know where and when the first outbreak occurs, and we can only do that if we step up the work we are doing with other countries to monitor contagious diseases.

Karen Hughes, a confidante of President Bush, now with the State Department, recently spoke about the \$5.5 million the United States has spent on technical assistance to other countries—\$5.5 million. That is not enough, and we know it.

Secretary Leavitt concluded his trip to seven Asian countries with this observation:

Right now, the world's surveillance is not adequate to protect us.

Many people in the Bush administration are acknowledging the problem. What we want them to do is acknowledge the solution, the Harkin-Kennedy-Obama amendment. We need this money. Americans deserve Federal leadership. We need leadership that prepares us for a disaster, not just telling us it is coming but doing something. America can do better to make

our individuals and families safe from these public health threats.

A few weeks ago, President Bush praised John Barry's book, "The Great Influenza," a historical account of the 1918 pandemic flu. If you read the book, you will find John Barry was critical of the role of Government in that influenza outbreak. He blamed lack of preparation in this country on Congress. Here is what he said:

They cut every budget request in half.

Are we facing the same thing today? Are we doomed to repeat that same mistake when it comes to this avian influenza? We will not be if we take the leadership initiative of Senator HARKIN. We are not seeing the leadership from the White House at this moment that the country needs. It is time for Congress to move decisively, to enact this amendment, to provide direction in funding and progress to prepare the United States for the virtual certainty of a pandemic flu outbreak.

Senator FRIST has made it clear he wants the Senate to finish its business and go home by Thanksgiving, but unless and until we address the avian flu pandemic, we should not go home. We should go home to an America that gives thanks that its leaders in Congress—in the House and the Senate—had the vision and determination to deal with this public health challenge. Our work will not be completed until we do.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

WITHDRAWAL OF THE NOMINATIONS OF HARRIET MIERS

Mr. KENNEDY. Mr. President, the Harriet Miers confirmation process has been one of the most unusual and troubling Supreme Court nominations in our modern history.

The loudest voices heard in this process were the voices of the extreme factions of the President's own political party.

They had a litmus test, and they decided Harriet Miers didn't meet that test even before giving her a fair chance to have her own voice heard. That is not what the confirmation process is about, and their litmus test is not what the Supreme Court is about.

The more Ms. Miers's record indicated that she might in fact be personally committed to the basic constitutional rights and liberties that make our country what it is for all Americans, the more committed those extreme groups and their partisan voices in the media became to prevent her nomination from being confirmed by the Senate.

Most of us in the Senate were ready to give Harriet Miers a fair chance and a fair hearing. We wanted to have a dignified process in which the evidence would come first, and then the decision, and Harriet Miers deserved that chance.

It is disingenuous for the President to suggest that Senators' insistence on

White House records was somehow responsible for the withdrawal of the Miers' nomination. If the President were willing to stand up to the extremists in his party, a realistic compromise could easily have been found on this issue.

The fact that the White House and Senate Republicans were not willing to stand up for principle and fairness against the extremists in their midst should be disturbing to all Americans. But now we have all seen that fringe of our society at its worst, and we know that their agenda is not the Nation's agenda.

President Bush has an opportunity now to unite the country. In choosing the next nominee, he should listen to all Americans, not just the far right.

If he does, we can have a smooth and dignified confirmation process and avoid the kind of harsh battle that the extremists on the right seem bent on provoking.

President Bush should take whatever time is necessary to find a consensus nominee to fill Justice O'Connor's seat on the Court.

Justice O'Connor is willing to serve the Court and the Nation for as long as it takes, so there is no need to rush to send a new nominee to the Senate. Hopefully, the next selection will share Justice O'Connor's values and her commitment to the Nation's progress in achieving equal rights for all.

We are reminded that the nomination of Justice O'Connor was sent to the Senate by President Reagan and had a unanimous vote in the Senate. She has served with great distinction and eloquence and is a beloved figure in the United States.

That kind of nomination brought the country together. It certainly is an opportunity now for the President to follow what President Ronald Reagan did in bringing the country together on a Supreme Court nominee. It seems to me that would best serve the country, best serve the Constitution, and best serve the Supreme Court.

AMENDMENT NO. 2283, AS MODIFIED

Mr. President, I thank my friend from Iowa, Senator HARKIN, for his extraordinary leadership on the issue of avian flu. I thank my other colleagues in the Senate—Senator REID, Senator BARACK OBAMA, Senator DURBIN, and others—who have been important voices in helping us focus the attention of this body on the issue of avian flu.

I also acknowledge the support that has been given to the Harkin proposal by the chairman of the appropriations subcommittee dealing with health, Senator SPECTER. I also acknowledge and commend the work of my colleagues and friends, the chairman of our Health, Education, Labor, and Pensions Committee, Senator ENZI, and Senator BURR, the chairman of the Subcommittee on Bioterrorism and Public Health Preparedness. He has spent a great portion of his time in the Senate, working on biodefense and related public health threats, and the

challenges in developing countermeasures, vaccines and antivirals to deal with new public health challenges.

We are at a very important step. We are on an issue which is of such central importance to health care that we have seen the Senate come together. There are a lot of issues that are divisive, but it seems that we are making remarkable progress in this area.

Our legislation is timely. I remind the Senate that this issue, pandemic flu, has been a concern of the world community for some time. This chart says, "The U.S. Missed the Warning Signs of the Flu Pandemic." The Institute of Medicine warned us about this in 1992; then we had the General Accounting Office warning us in November of 2000. This is what the General Accounting Office had stated:

Influenza pandemic. Plan Needed for Federal and State Response, November 2000.

Despite these warnings, we still do not have a plan.

The warnings continue: In the year 2001, we had the warning of the European Commission, and in 2002 the World Health Organization. And then we have had recent outbreaks take place in South Korea and Vietnam.

The current avian flu strain poses a deadly threat. If you have this virus, this chart displays the chances of survival. One can see from this chart that there is only a 50-percent chance of survival. Granted, there have only been several dozen cases in each of these countries, but nonetheless, this figure, of 50 percent, does show that we are in great danger if there is a pandemic.

We have seen other countries move ahead: Japan released its pandemic plan in October 1997; Canada, February 2004; the Czech Republic, April 2004; Hong Kong, February 2005; Britain, March 2005; and the United States, we're still waiting.

What is important here is the fact that we are taking three major approaches to preparing for a pandemic.

One, we are going to have an important commitment to stockpiling antivirals and vaccines. That is going to be enormously important, particularly given the fact that we have such an inadequate stockpile today. We've stockpiled antivirals for only 1 percent of the population. This is incredibly low in comparison to other countries. With this amendment, we will have the opportunity to stockpile what is needed.

Secondly, we will be supporting efforts to detect the potential spread of the virus globally and in the United States, and we provide resources to contain it and improve our surge capacity, which is enormously important.

I know there are some differences with our friends and colleagues on the other side about the public health aspects of this. And I know Senator BURR is strongly committed to doing a review of the entire public health system and making a series of recommendations—which I think are going to be enormously important, and I look forward

ward to joining him—but this is a small downpayment to ensure we begin making progress in the area of pandemic preparedness and public health.

A review of any other country's pandemic preparedness plan will show that it is not only the stockpiling of the vaccines and antivirals that's needed, but also the public health component. So this has that dimension, which is very important: improving the public health system, and stockpiling antivirals and vaccines.

The third aspect, which will be included in the proposal by Senator ENZI and Senator BURR and others, will deal with the incentives that will be made available to industry to develop countermeasures and vaccines, and also, hopefully, some compensation, for example, for first responders who might take a particular vaccine or antiviral that might not have gone through the complete safety process at the FDA and still, as a first responder, be committed and dedicated to protecting the public. We want to make sure that if those individuals, who are committed to protecting the public, suffer from an adverse reaction to the vaccine or antiviral, they won't be left high and dry. They deserve protection for themselves and for their families.

This is a complex issue, but I think the Senate has come together and will come together with the succeeding legislation in a very important way.

The final dimension is where the administration, HHS, will be in terms of their plan. We eagerly await its release. We understand it will be forthcoming in a very short period of time, but we don't have it yet.

We have seen examples of national pandemic plans, for example, the Canadian plan which was issued in 2004, that talks about what does this plan address? Who is responsible for pandemic planning? It goes into the roles and responsibilities of all of the different governmental agencies.

Why is this an important health issue? It goes into great detail about what is going to be communicated to the public, the legal considerations, the ethical considerations, and then it goes into what preparations are being made. It addresses specific components of the preparation: surveillance, vaccine, antivirals, health service, emergency planning, emergency service, public health interests, communications, and then what needs to happen to ensure a comprehensive response. It goes into a whole series of recommendations and details what will be involved in the recovery.

This plan is very thorough. I think the American people are entitled to that kind of plan in order to protect their health and safety.

I thank Senator HARKIN, Senator SPETER, my friend and colleague Senator ENZI, Senator BURR, and others who have been involved. I think this is going to be an enormously important and historic action by the Senate when it is completed.

The PRESIDING OFFICER (Mr. GRAMHAM). The Senator from Wyoming.

Mr. ENZI. Mr. President, I express my appreciation for the comments of Senator KENNEDY, Senator HARKIN, and others on the floor, discussing the importance of this biodefense legislation in the overall response to bird flu and other potential infectious diseases.

I express special thanks to Senator BURR and Senator KENNEDY for their help on the subcommittee that has been in charge of this, for the extensive hearings they have had, which have included a number of meetings many of us attended with experts from around the world who deal with these problems, and for coming up with a comprehensive solution that will address whatever happens to come up, whether it is avian flu, SARS, or some other pandemic we have not envisioned yet.

We have a bill that was reported out of the committee a little over a week ago that deals with that comprehensive response. I am hoping everybody will take a look at the work we did on that. Again, I want to express my thanks to Senator BURR for his work and the leadership he has provided.

One of the key principles of that legislation is that our response activities must be more broadly focused, not focused solely on the latest, newly emerging disease. So that, even if bird flu never becomes a pandemic, we will be prepared for the next infectious disease, as I mentioned, perhaps even a new SARS outbreak. The money spent will not be wasted because the process that will be set up will be able to handle a wide range of things.

Given that, I believe the additional funding for a potential flu pandemic should be focused on broader response activities. In examining the initial amendment proposed by Senator HARKIN, and as Senator KENNEDY discussed on the floor yesterday, the overall funding was intended for stockpiling antivirals, strengthening public health responses, increasing global health surveillance, dramatically increasing the vaccine infrastructure, improving hospital preparedness, including surge capacity and health information technology systems, and other key elements.

These elements are broader than bird flu. If targeted appropriately and implemented properly, it will mean that we Americans will be better prepared for whatever new infectious disease comes our way, not just bird flu. That is why I have worked with Senator HARKIN to come up with an amendment that clarifies we are going for the broader picture that all of us worked on in committee.

I was pleased with the unanimous response we had for getting it out of committee. So rather than the funding provided in the Labor, HHS bill being for a very limited thing, we want to focus on the broader context we have all worked on and agreed on, for the most part. We will be bringing a bill to the floor, I hope, to cover this in great

detail and then a second bill that will deal with public health.

I appreciate the work Senator HARKIN has done on this and the way he has brought it to the attention of the American public. I appreciate the work of Senator BURR on this to have a bill that actually does this comprehensively. I also appreciate the way people are working together to come up with a safe, secure United States.

I particularly thank the Senator from Texas for her indulgence, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I do thank the Senator from Wyoming for the great leadership he is providing for our Nation to start preparing us for the different types of flu viruses that might come our way. I know he has worked very hard on this in his chairmanship of the Health, Education, Labor, and Pensions Committee. I certainly was pleased to hear his comments on this very important issue. It is one that is important for all of us to assure that our country is ready if we have the kind of pandemic that could happen. It reminds me of Y2K when many were concerned that computers would crash all over America when we turned into the next century, and because we were prepared, there was no crisis. That is what I hope is the result of our addressing the potential flu strains that may be making their way across the world and could affect Americans in the future.

HARRIET MIERS

Mr. President, I particularly will talk today about my friend Harriet Miers. All of us were stunned this morning—I certainly was—when I heard she had submitted her resignation as a nominee to the Supreme Court because I have total confidence in her. I have total confidence she would have been a superb Justice of the Supreme Court of the United States. I have that confidence because I know her.

Many people were making judgments before they knew her. They were not giving her the benefit of the opportunity to come into an open forum and talk about her views.

She wrote today to the President: As you know, Members of the Senate have indicated their intention to seek documents about my service in the White House in order to judge whether to support me. I have been informed repeatedly that in lieu of records I would be expected to testify about my service in the White House to demonstrate my experience and judicial philosophy. While I believe that my lengthy career provides sufficient evidence for consideration of my nomination, I am convinced the efforts to obtain executive branch materials and information will continue.

This is a letter that was written by a woman who cares more about our country, more about our President and his role and the respect for his role under

the separation of powers in the Constitution, than she cares about a wonderful cap for a wonderful career, and that is her career. I admire her even more, if that is possible, for the decision she has made. I have to say I am disappointed in that decision because I know she would have been a superb Justice. She would have been a strict constructionist. She would have been a judge who knew the place of a judge, not to make law, which is a requirement and responsibility for those elected for that purpose. She would have been a Justice who looked at and interpreted the law.

I will tell my colleagues what else Harriet Miers would have done that I think is very important. She would have known what it was she could do on the Supreme Court to give guidance to legislatures, to Members of Congress, to clients who are being represented by lawyers throughout the country, about how the law should be interpreted. She would have given the guidance to legislatures about what the constitutional requirement would be.

When one is giving tests for discrimination, for instance, the Supreme Court has said there are varying tests for discrimination. There are rigid tests in some circumstances, there are more moderate tests in other circumstances. I would like to have had someone on the Court with real-world experience to more clearly define those tests so that Congress, so that legislatures, would know when they pass a law more how the Court would interpret that law in light of a more clear path to the right result.

I would have liked someone who has had the experience of living in a part of the country that is different from other members of the Court. I think we need diversity of geography. I think there are different issues in eminent domain, in business and commerce, in regard for private property rights, in States that have a lot of Federal lands versus States that do not have a lot of Federal lands. There are different approaches to these issues by people who live in different parts of the country and I think that kind of diversity is important.

This is a woman who has been a leader in the legal field. She worked her way through SMU Law School. She was also case notes editor of the Southwestern Law Journal, which is now the SMU Law Review. She became one of the first women to be hired by a major Dallas law firm as an associate. She then rose to lead that law firm, to be the managing partner, the first woman to do so in the State of Texas. She worked in the leadership of the bar association, which is the legal organization that sets the standards of ethics, propriety, and practice for our lawyers in this country. She rose to be the first woman president of the Dallas Bar Association and later the first woman president of the State Bar Association.

I graduated from law school about the same time she did. I graduated

from the University of Texas. She graduated from SMU. I know how hard it was to get a job. I know the obstacles she faced. I know she did not have the door opened for her with her outstanding record at SMU that many of our male colleagues in law school had. Yet, she attacked those barriers with a positive attitude and spirit. She knew if she proved herself, she would be rewarded as anyone else. She never gave up.

She caught the eye of a Governor of Texas, and she had been a Democrat. I think everyone knows she was a Democrat in the early years. Most people in Texas were. In 1989, she made a decision that she wanted to support a Republican, George W. Bush. That changed her views in many things. I think some of the things that were being brought up from before she changed her views and her support have been used to indicate she is not firm in her views. Well, I think she is firm in her views. I think she is firmly a strict constructionist, a person who has proven herself intellectually in business, in experience, and in leadership. She would have been a terrific Justice. I do not think she was given her due.

I am disappointed, but I do not question her decision because I know she made the decision on the right points and for the right reasons. She wanted to protect the Presidency from invasion of the rights of the President.

Can you imagine if a President had to stop and think—before asking advice from his legal counsel or his top staff as he is trying to make an important decision for our country: If I ask this question in writing, is that going to be recoverable in the public arena? Do I then have to temper what I say?

A President cannot talk to each of his staff members all day. He has many other responsibilities, so he has to communicate in writing. I think he should be able to communicate with his key staff people as he is in the decision making process, and I think he should not have to worry that it is going to, all of a sudden, be misconstrued in the public arena when it was part of his decision making process.

That is what Harriet Miers is also trying to protect. She is giving up probably something she never dreamed she would be, because it is the pinnacle of a legal career to be a Justice on the Supreme Court. She is giving that up because she believes that right of the President would either be invaded or it would be made a cause celebre, and that would not be healthy for our country or for the President. So she gave up what could have been a dream of hers, to do what is right for our country.

I want to reaffirm my view that she would have been an excellent Supreme Court Justice, that she had the right background and experience, that she would have brought a viewpoint that is a very important viewpoint to the Court. You know, if we didn't want diversity of experience in making these

important decisions, we would have one Justice of the Supreme Court; we wouldn't have to have nine. Our Founding Fathers decided to have nine. I think they were right, as they are in so many parts of the Constitution that they thought would be important for the Constitution to last over 200 years. I think diversity of experience and background is very helpful for a Court of nine Justices.

I am disappointed today, but I am very supportive of her decision because it was her decision and because she made it for the right reasons. I wish her well and I am very pleased she is going to stay as White House Counsel, one of the most important jobs in the White House. She will continue serving our country. When I talked to her this morning she was upbeat, she was positive, she was strong, and I know she will be a great contributor to the United States of America and to the President she serves. I commend her today, with all that she has gone through, for the grace with which she has gone through it.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. I understand there are other speakers who wish to be heard on the pandemic amendment. I urge them to come to the floor now. We still have quite a list of amendments to deal with. It is Thursday afternoon. I know that is a signal of Members' special interest.

To those who have amendments they want to have heard and disposed of before we go to third reading and final passage, I urge them to come to the floor at this time.

In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, I rise to address the issue which is being debated here relative to the amendment by Senator HARKIN regarding the avian flu and how we are going to address this very serious potential pandemic. We all recognize this is a threat of dramatic proportions, not only to our society but to the world generally. As a Congress, we have tried to begin to address this matter relative to other issues that could have an equal impact, involving biologics that could be used

against our society in a terrorist attack.

Three years ago I authored a bill called the BioShield bill. Along with a number of Members of this Senate, including Senator KENNEDY, who was the ranking member of the committee I chaired at that time, the HELP Committee, we put together a package which basically created a structure which we hoped would lead to development of vaccines to address the threat which was posed by the use of biological weapons against our country, specifically things such as smallpox, anthrax, botulism, and plague.

That proposal, the BioShield bill, was funded at \$5.6 billion, which is a lot of money. The reason we put that much money in the pipeline was because we wanted to create an incentive for the pharmaceutical industry and for start-up biological companies to begin to develop vaccines.

Our country, regrettably, has seen basically a devastation of the vaccine industry. We used to have 30 to 40 companies that were involved in the production of vaccines. Regrettably, that number is down to three or four. The reason we have seen this dramatic reduction in companies that are willing to invest in research and then develop vaccines is pretty simple. The return on investing in a vaccine is significantly less than the cost of investing in that vaccine as looked at through the eyes of a pharmaceutical company or those of a biological company, because of the threat of lawsuit.

The fact is, the potential liabilities created by doing a vaccine are so huge that no amount of projected return on investment, from an investment standpoint, ever justifies creating a vaccine. So the vaccine companies have essentially contracted in this country and the assets which were being used to develop vaccines historically are now being used to develop other types of pharmaceuticals.

The second reason there has been a contraction, at least in these areas, is there is no use for these vaccines unless an event occurs because there is no smallpox in this world right now, thank goodness, and vaccines against smallpox would not be necessary unless there were a smallpox outbreak. And there could not be a smallpox outbreak unless there were a terrorist event that uses smallpox as a weapon. It is a fact that you cannot have a smallpox outbreak in this world today unless there were an intentional decision to spread the smallpox by somebody who had a terrorist intent. So for a company to go in and develop a vaccine for that means they would be developing a vaccine which has no market.

The BioShield theory was: Put a lot of money in the pipeline to create an economic incentive for companies and researchers and biological groups to pursue creation of vaccines only in those areas where there is no vaccine today or there is limited vaccine availability today and where the threat is

not a common threat that would be spread in a way other than through terrorism.

We listed the top six threats, No. 1 being smallpox, No. 2 anthrax, followed by things such as botulism and plague spread by a terrorist event, and said we would use this \$5.6 billion to try to develop these vaccines.

We thought we had therefore moved the issue along and started to resolve the issue. It turns out we did not. It turns out the BioShield bill, even though it had \$5.6 billion behind it, has not energized the market or research atmosphere we hoped for. It turns out that only \$1 billion has been spent on purchasing smallpox capability, the known manufacturing process for which had already existed. So we have learned a fairly significant lesson here which needs to be applied to the avian flu issue, and that is why it is important. The lesson is this: Even though you put a lot of money in the pipeline, you are not going to resolve the problem—the problem being resolved, of course, by having scientists being willing to develop ways to address these types of disease threats—unless you also put in place the mechanisms to create the atmosphere for the production of the vaccine.

So last week or 2 weeks ago the HELP Committee passed a creative and strong bill, which was authored primarily by the Senator from North Carolina, Mr. BURR, which attempted to address the entire issue in a packaged way of how you energize the American creative spirit to produce responses and vaccines which will protect us from not only terrorist threats but things such as avian flu.

One of the key elements of that is money. But another key element of that is the liability protection. So I came to the floor today to make it clear that even though it is correct that we need to put a significant amount of money in place, and put it in place soon—the amendment offered by the Senator from Iowa relative to the Defense bill, I think is the right approach. This amendment as an emergency supplemental, if it is put in place with the defense money being considered and in the context of what the administration is going to send up here as a proposal, probably within the next week, also may well be the right course. But all this money that is going to be put on the table is not going to solve the problem unless we are also sensitive to the fact that there are other forces out there that are limiting the willingness of the research community and the vaccine development community to pursue solutions. We have to take all those hurdles out of the way, not just one of them out of the way.

It is critical that we do a comprehensive approach to this. I understand within a week or so the White House is going to send us a comprehensive approach. It is critical that we get that type of leadership on this. But we, as a

Senate, at least, have already proposed a comprehensive approach through the proposal of Senator BURR, and we should make sure any movement in this area be tied to the proposal of Senator BURR and the HELP Committee, which was reported out, and the much more comprehensive amendment of Senator ENZI.

This is a much more complex problem than putting money into it. We already know from our personal experience through the BioShield that putting money into it is not going to get the type of response we need. It has to be more than dollars; it has to be policy.

Some of the specific things we need to do, beyond reforming the liability structure so we have people willing to participate in the vaccines, is to purchase a vaccine where it is available. Some obviously are available now, but the vaccine for avian flu is limited. Tamiflu has some serious limitations in its applicability, although there are other things in development which may work a lot better.

We also have to have research capacity to handle an event like this in basic things such as surgical masks and hypodermic needles and bed capacity.

All this has to be put together in a comprehensive structure, and there has to be a clearer form of how we would execute were we to be hit with a pandemic, with the responsibility being allocated and people knowing who they would be reporting to and how we would get action taken.

There are a lot of things in play here to effectively address the avian flu issue, much of which is being addressed as a Congress, but much of which has to be addressed also by the administration and which we expect to see in the next few weeks from the administration—and dollars are only part of it.

I wanted to put that caveat on the table. If we were to simply vote for the proposal from Senator HARKIN and say we have done our job, we need to pass the Burr language. And we need to make sure the administration is aggressively pursuing a comprehensive and orderly approach to how they will deal with it, should an outbreak occur. I know they are. Every State is. My own State has already set up a very sophisticated approach of how they are going to deal with the necessity of potentially isolating people, and with the potential of having to ration the vaccine. These are going to be very difficult questions of how you deal with bed capacity and things such as that. There is a lot more to do. I wanted to discuss this in the context of the BioShield bill and what we need to do. This is more than a dollars issue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. REID. Mr. President, this is a quote:

A flu pandemic is the most dangerous threat the United States of America faces. It's a bigger threat than terrorism. In fact, it's bigger than anything I dealt with when I was in government.

This is not a quote from me or from the Presiding Officer. These are the words of Richard Falkenrath, who until very recently served as President Bush's Deputy Homeland Security Adviser. He is not alone in this assessment. Administration officials and public health experts have warned the next flu pandemic is not a question of if but a matter of when. If we don't take action now, the consequences of a global flu pandemic could be devastating. And perhaps that is even an understatement.

A respected U.S. health expert has concluded that 1.7 million Americans could die in the first year alone of an outbreak. Remember, in 1918, the last flu pandemic, as many as 60 million people died in the world. The world's population was one-third of what it is now.

In addition to the 1.7 million Americans who could die during the first year, according to health experts, the economic costs would be enormous.

Every week, the possibility of this threat grows closer. It is now in Croatia. Anyone who watches the news knows that the bird flu is sweeping much of the globe.

When we started debating a possible flu pandemic here in the Senate, the bird flu was contained in parts of Asia. Now it has moved into Turkey, and even as far west as Great Britain. Anyone who watches the news knows scientists recently determined that the last flu pandemic outbreak in 1918 started in birds, and it made its way into humans.

It has not been shown without any fault, any degree of being wrong, because it could be wrong—because the birds are dying from avian flu doesn't mean it will get to us, but it did in 1918. Will the virus jump to humans? That is the question. Shouldn't we be prepared if in fact that is the case?

I read one news account of a friend in Congress who said we don't want to spend a lot of money for something that might not happen. We have to be prepared. We have to be prepared. We should do everything we can to make sure Americans are prepared and protected—and we are not prepared.

Despite repeated promises, this administration has yet to release the President's Pandemic Influenza Response and Preparedness Plan. We have written letters; no response. I don't know why.

The World Health Organization deems such a plan essential to proper readiness. A draft of this plan was ready months ago, but no final plan has been released. At least we were told it wasn't.

As a result, preparations for a pandemic have been needlessly delayed and the Federal Government is ill prepared to handle such a pandemic. We don't have the capacity to rapidly manufacture vaccines in mass quantities. We lack an adequate stockpile in antiviral medications, and our health care infrastructure is woefully unprepared.

We are already behind nations such as Canada, Britain, and Australia, and we are falling further behind these nations each day we fail to act. Some nations finalized their avian flu plans months ago. They are implementing the protections, and we are still waiting for this administration to give us something as basic as a plan. America can do better. In fact, America must do better.

Senate Democrats have provided leadership on this issue. We have added much needed resources for pandemic preparedness in the Senate appropriations bill we passed nearly a month ago. We have offered legislation, the Pandemic Preparedness and Response Act. That would build on our commitment to preparing our Nation for the possibility of a pandemic. Unfortunately, the funding remains tied up in a conference with the House and the Senate, and we haven't acted on this comprehensive legislation.

The recent spread of bird flu to Europe proves we can't afford to drag our feet. The Senate must act immediately so we can limit the human and economic costs of a potential avian flu pandemic. That is why I am cosponsoring Senator HARKIN's amendment to provide \$7.9 billion for a comprehensive national effort to prepare for an avian flu pandemic. The amendment will allow us to take the following steps to prepare our Nation for a potential pandemic:

No. 1, quadruple our funding for global surveillance relating to avian flu so we may rapidly detect the emergence of a new strain of flu; dedicate more than \$3 billion to vaccine research and improving our domestic infrastructure.

We are woefully unprepared to do this.

We must increase our hospital surge capacity and funding for State and local health agencies so the American people can be assured there will be an adequate supply of health care providers and institutions to care for them in the event of a pandemic.

The legislation calls for conducting an outreach program to health care providers and to the American public.

With this legislation, we must stockpile effective antivirals adequate to treat at least 50 percent of the population and other medical supplies.

Finally, it calls for improving research and lab capacity related to an avian flu pandemic. This, to me, is the most important.

I congratulate the ranking member of this subcommittee, Senator HARKIN of Iowa, for this legislation. It is badly needed. I hope there will be a bipartisan vote to support this amendment.

I understand there are efforts being made to weaken this so-called second-degree amendment to give the President the authority to do all of this, and he would be obligated to do it only if he saw it was necessary. We are looking at that second-degree amendment now to see if there is any way we can work with the majority, who are offering this amendment.

The avian flu pandemic may be inevitable, but the devastating consequences are not. We need to heed warnings and take action now. I hope my colleagues will join in supporting us by making the investments necessary to make sure this Nation does everything possible to protect Americans from the threat of the global flu pandemic.

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

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

HARRIET MIERS

Mr. SPECTER. Mr. President, I respect Ms. Harriet Miers' decision to withdraw from consideration for the Supreme Court. At the same time, I do regret our constitutional process was not complete. Instead of a hearing before the Judiciary Committee and a debate on the Senate floor, Ms. Miers' qualifications were subject to a one-sided debate in news releases, press conferences, radio and TV talk shows, and the editorial pages.

I acknowledge the rights of everyone to express themselves as they see fit, but that should not have precluded Ms. Miers from getting basic due process. There was a decisive imbalance in the public forum, with the case for Ms. Miers not heard because of the heavy decibel level against her.

I have repeatedly noted her excellent work in handling complex civil cases. Had the constitutional process been followed with a hearing, she would have had an opportunity to establish that her intellect and capabilities demonstrated in her 35-year professional career could be carried over in the field of constitutional law and the work of the Court. Whether she would have been confirmed remains an open question, but at least she would have had the major voice in determining her own fate.

Ms. Miers did deliver late yesterday evening, on time, her responses to the committee request for supplemental information on her questionnaire. Eight large boxes are in the committee's possession, but now there is no reason to read or analyze those responses.

The Judiciary Committee carefully did not intrude on the President's executive privilege. The committee studiously avoided asking what advice Ms. Miers gave to the President, and that limitation would have been continued in any hearing, with an adequate range of questions available to enable the committee to decide on her qualifications for the Court.

We must guard against having the Miers proceedings become a precedent for the future.

I ask unanimous consent that the text of an op-ed piece which I had submitted to the Washington Post yesterday and the Washington Post agreed to publish be printed in the RECORD at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. SPECTER. I thank the Chair.

I note Senator BYRD is here.

EXHIBIT 1

WASHINGTON POST-ACCEPTED OP-ED REFERENCED ON THE FLOOR

Just over three weeks ago, President Bush nominated White House Counsel Harriet Miers to fill retiring Justice Sandra Day O'Connor's seat on the Supreme Court. Since then, political pundits and outside groups have loudly expressed their opinions, one way or the other, on the nomination. There has been a great eagerness in some quarters, outside the Senate, to prejudge the nomination.

Fortunately, the Constitution does not leave the disposition of Presidential nominations to pundits or outside groups. The question whether to confirm a President's nominee is left to the careful consideration of the Senate, where we have an established process for examining a nominee's fitness for the bench. That process will begin on November 7, when the Judiciary Committee begins its hearings on Ms. Miers.

Confirmation hearings offer a nominee the opportunity to introduce herself to the Senate and the American people. The hearings allow Committee members to ask questions of the nominee, to develop a record, and to present an informed recommendation to the full Senate. In order to receive a favorable vote in the Committee, Ms. Miers will have to demonstrate her qualifications to serve on the bench. A crucial qualification to serve on the Supreme Court is the aptitude to decide difficult legal issues, including important Constitutional questions, and to explain those decisions in opinions.

It is true that Ms. Miers has not had deep experience in Constitutional law, but that is far from a disqualification for the bench. Few lawyers, aside from sitting federal judges or a few Constitutional law practitioners, have such experience.

Thus, while Ms. Miers needs a crash course in constitutional law to prepare for the hearings, the same could be said for virtually any nominee to come before the Senate Judiciary as a Supreme Court nominee. In the past century, we have had many justices without constitutional law experience, who never the less brought the legal acumen and intellectual abilities to tackle the vital and challenging work of the Supreme Court. These include, for example, Sandra Day O'Connor, who had never served on a federal court or practiced Constitutional law. Similarly, Justice Hugo Black, before his election to the Senate, specialized in labor and personal injury law. Yet, he is regarded as one of the greatest justices of the 20th century.

Moreover, the Supreme Court's docket is not limited exclusively to Constitutional law issues. Roughly 40% of the Court's docket tends to involve constitutional issues. Business and commercial law issues, with which Ms. Miers is well acquainted, make up another 20% of the Court's docket.

As Chairman of the Judiciary Committee, I have known and worked with Ms. Miers closely. As White House Counsel, she plays an important role in advising the President on complicated legal and policy issues.

Consequently, I work with Ms. Miers on nearly all the matters that come through our committee, from nominations to legislation, from the USA PATRIOT Act to asbestos liability reform.

Based on my personal experience, there is much to recommend her.

She is, as all acknowledge, a good and decent woman with whom it is a pleasure to work. She has a logical, disciplined, and sharp mind. She will bring to the bench, if confirmed, the knowledge of a practicing trial attorney—a perspective sorely lacking among the current Justices. As the President has observed, Ms. Miers had a wealth of practical experience as a lawyer in private practice. I have reviewed her record and found that she has handled a wide range of complex cases.

She is also a woman who fought up through the ranks. She went to law school at a time when women were discouraged from joining the field, yet she rose to manage a 450-person firm and became head of the Texas Bar Association. Ms. Miers comes to the Committee with many strengths and an accomplished record.

This is not to say that it is all easy sailing for Ms. Miers. I have not made up my mind. Nor have most of my colleagues. Like every Supreme Court nominee in recent times, Ms. Miers still has the burden of demonstrating the depth of her substantive knowledge on constitutional issues, issues such as the intersection of the First Amendment's guarantees of free speech and freedom of religion, the scope of Congress's powers to legislate under the Commerce Clause and Section 5 of the Fourteenth Amendment, the scope of executive power, and the criminal defendant's protections found in the Bill of Rights.

Like every Supreme Court nominee in recent times, Ms. Miers bears burden of proving she has the aptitude to address the complex issues that will come before the Court. She deserves, and she will receive, a full and fair hearing at which she will have the opportunity to demonstrate her fitness for the bench.

Until then, I hope that the American people and my colleagues will keep an open mind.

The PRESIDING OFFICER. The Senator from West Virginia.

SENSE OF FOREBODING

Mr. BYRD. Mr. President, the American people enter this fall season with apprehension, trepidation, and a somber sense of foreboding. Gasoline prices, which peaked above \$3 per gallon in September, now seem stuck at levels once thought absurd. Gas prices in West Virginia hover around \$2.57 per gallon and can vary significantly in some areas, rising precipitously at times.

Heating costs are projected to soar this winter, with many households expected to pay an additional \$350 to heat their homes with natural gas and heating oil. It makes one shiver, thinking of winter in those mountains of Appalachia.

People are already struggling with inadequate wages, are being forced to curtail everyday expenses simply to buy gasoline, to fill up their tanks. Senior citizens on fixed incomes are already forced to choose between prescription drugs and food. That is a tough choice. They must now confront life-threatening heating costs. This winter is coming. I can feel it in the air.

This winter, with energy costs rising, the Federal safety net will be needed to provide essential support for countless Americans. Many are watching with incredulity the fraying of that safety net.

On the farms and in the cities, in rural and urban neighborhoods, Americans have been shaken by the Government's inability to respond effectively to Hurricane Katrina while the Government focused on tax cuts for the wealthy and massive spending requests to rebuild Iraq—what a shame; we should never have gone there, no; it was no threat to our national security, and I said so at the time—massive spending requests to rebuild Iraq. Our Nation's infrastructure was weakening from neglect at home while all this was happening. Katrina highlighted that erosion, focused our attention on that erosion and the high cost of forgoing critical infrastructure repairs.

Just a few days ago, that erosion was further highlighted as Americans watched the wooden 173-year-old Whittenton Dam threaten to give way in Taunton, MA, forcing the evacuation of yet another American city.

This winter, the country must confront the threat of an avian flu pandemic as public health officials warn that our Nation's health infrastructure remains woefully inadequate. Remember the influenza? Remember the flu of 1917 and 1918? I don't remember it exactly, but I had it. My mother died in that pandemic. I was less than a year old. She said to my father: Give "the baby" to the Byrds. One of my father's sisters had married a Byrd, Titus Dalton Byrd. They did not have any children. They had a child prior to my birth, but their child had died—his name was Robert Madison—so they had no children left. My mother's wish that my father give me, the "baby," to Mr. and Mrs. Titus Dalton Byrd, the "Mrs." being my father's sister. Yes, that is why I am here today. It was their wish that my father give me, the baby—there were three older brothers and a sister—give them all to somebody, but give the baby to the Byrds. They took me in, changed my name, and brought me to West Virginia, away from North Carolina. And here I am.

Earlier this week, Hurricane Wilma pummeled southern Florida, causing heavy flooding and power outages. The cleanup costs could be enormous.

Rather than addressing these weaknesses and providing the American people with some reassurance, the Congress incredibly and inconceivably is looking for ways to further siphon funds away from our safety net and domestic investments. It is as if we have learned nothing—absolutely nothing—from Hurricane Katrina.

A hope and belief seem to exist, and fingers are crossed all across this town, that no one will connect how the budget cuts being considered will affect those hurting from high energy prices.

Eight Senate committees—eight Senate committees—have drafted rec-

onciliation legislation to cut domestic investments in order to prefund \$70 billion in additional tax cuts, many of which will not take effect for several years. They are backloaded. Now, get that: tax cuts. Oh, it is so easy. Ah, how I love to vote for tax cuts. That is easy. It does not take any courage to do that. Tax cuts. I have been in politics now 60 years next year, in various and sundry legislative branches, and the easiest vote I ever cast was for tax cuts.

Some of these spending cuts are coming from the very same programs that are providing essential disaster relief to the victims of Hurricanes Katrina and Rita, such as those used to provide temporary health services. They comprise much of the safety net for our Nation's most vulnerable, as well as for Americans afflicted by disaster.

The reconciliation process has been touted as a means to contain the budgetary costs of Katrina, but that is a specious, spurious argument. The reconciliation process would worsen—worsen now; not improve—our fiscal position. With \$70 billion in new tax cuts and an estimated \$39 billion in spending cuts, the result is a deficit that increases by \$31 billion—\$31 for every minute since Jesus Christ was born; \$31 for every minute—oh, the clock is ticking; that clock is ticking—\$31 for every minute since Our Lord Jesus Christ was born. Under the process being considered, Katrina costs would continue to mount, without offsets, while the safety net is further worn away.

The argument for reconciliation makes even less sense when you consider that Katrina costs are one-time, unforeseen emergency expenditures. Meanwhile, no action, none, no action has been taken to pay for trillions of dollars—trillions. How long would it take to count a trillion dollars at the rate of \$1 per second? How long would it take to count a trillion dollars at the rate of \$1 per second? Man, can you imagine that? How long would it take? Thirty-two thousand years? These young pages who have quick minds can figure that out. Thirty-two thousand, I am not sure about that figure. If it is not 32,000, it is 34,000 or 36,000. Thirty-two thousand years—I will stick with that figure for now—at a minimum, at the rate of a dollar per second. Can you believe it?

There are trillions of dollars of tax cuts. No action has been taken to pay for those trillions of dollars of tax cuts or the hundreds of billions of dollars of costs for Iraq—a war that we should have never been in. We should never have gone. And they are still struggling to find a reason why we went. Too late now. I said then I don't believe there are weapons of mass destruction. I think there have been in some years gone by but not now. And have they been found? No. And I and 22 others—yes, 22 others; one Republican among the 23; one Senator who is now dead and gone; he died in a plane

crash—23 souls, including my own, said: No. No, we won't go. We are not going to vote to give this power to declare war to this President or any President. We are not going to do it. Twenty-three of us. But there we are. We are there.

So with the hundreds of billions of dollars of costs for Iraq, no action has been taken to pay for that, even though these costs are as plain and obvious as any in the Federal budget. I simply cannot fathom why the administration believes that reconstructing Baghdad does not have to be paid for, while reconstructing Mississippi and Louisiana and Alabama requires offsets.

Can you imagine that? Reconstructing Baghdad does not have to be paid for, while reconstructing Mississippi and Louisiana and Alabama requires offsets. It does not make sense. It does not make good sense. It does not make common sense.

Nor has any action been taken to find savings elsewhere in the bloated—bloated—Federal budget. The Defense Department's budget comprises one-sixth of the Federal budget and surpasses the total discretionary budgets of every other agency and office of the Federal Government combined. The Pentagon is not even able to pass a standard audit. How about that. The Pentagon is not even able to pass a standard audit, and it has not been able to for some years. I will say that again. The Pentagon is not even able to pass a standard audit or to conduct effective oversight of military expenditures in Iraq. May God help us.

Government auditors have found substantial sums of defense contractor waste and fraud. Astonishingly, the Department of Defense pulled its inspector general out of Iraq last fall. Yet the Defense Department has not been asked to examine its \$450 billion annual budget.

All of the savings, all of the deficit reduction is supposed to come from the safety net for working families—people who work with their hands or at their desks—and from essential domestic investments that have been dangerously—dangerously, dangerously—foolishly neglected for too long. The sacrifice, too often, is being asked of working families, while others remain blissfully exempt.

The budget reconciliation process at this point in the year and under these circumstances is ill-conceived. We are missing an opportunity to ferret out real waste in the Federal budget and to reform programs that could yield real budgetary savings. And worse, we are opening the door to a dangerous process.

Yesterday, the House Ways and Means Committee—I believe it was yesterday—included in its reconciliation package language that would repeal the Continued Dumping and Subsidy Offset Act. This is a critically important law. It allows Customs to dis-tribute to American companies and

their workers the duties that it collects on unfairly traded, meaning “dumped,” imports. Yes. I am the daddy of that child. It is called the Byrd Rule. There are several things that are called the Byrd Rule, but that is the one we are talking about.

It allows Customs to distribute to American companies and their workers the duties that it collects on unfairly traded, meaning “dumped,” imports. The funds go only to those—now listen; the funds—I say the fines for these violations go only to those who have been injured by foreign producers who violate our trade laws.

The funds go to crawfish producers in Louisiana. Hear me now. They go to shrimp producers throughout the Gulf States. Hear me. They go to our lumber industry. That is a big industry. They go to raspberry growers. They go to honey producers and beekeepers. They go to garlic growers in California, to makers of pasta, to makers of steel, to makers of steel bearings and other products manufactured all across our Nation.

Companies in nearly every State of the Union receive funds under this law, and the funds are essential. They enable our industries to invest in their facilities and in their workers, to upgrade their equipment and technology. What could be wrong with that? That is a good law. The World Trade Organization doesn't like this law, but the WTO is wrong. The WTO doesn't like this law, but the WTO is wrong, wrong, I say to the four corners, the four winds of the Earth—wrong. The WTO ruling in this case was created out of whole cloth. Nothing in the WTO agreements prohibits us from reimbursing U.S. industry with duties collected—how and from what—on unfairly traded imports. If the trading partners didn't violate the law, they wouldn't have to pay these fines. They violate the law, yes.

The administration was directed by Congress in both the fiscal year 2004 and 2005 Omnibus Appropriations Acts to negotiate a solution to this WTO dispute in ongoing trade talks. The Appropriations Acts explicitly—plainly, clearly—state that U.S. negotiations shall be conducted within the World Trade Organization to recognize the right of WTO members to distribute moneys collected from antidumping and countervailing duties as they deem appropriate. The WTO cannot infringe on the sovereign right of the Congress to legislate. They can't do that. The United States needs to keep this important trade law on the books. Keep it on the books.

I have talked to the President. I have talked with the administration about that. I have talked with our Trade Representative. Keep it on the books. They first said they would fight for it. After Katrina, we send a terrible message by continuing with this flawed reconciliation process. You watch how it works. I helped to write that law. The rec-

onciliation process was never intended by those of us on both sides of the aisle—we are about all gone now, who created that process—to be used as it is being used. We send a terrible message when the American people call for deficit reduction and instead we lead them erroneously into more debt.

I hope the Congress will take the time to reconsider the flawed assumptions underlying this reconciliation process. It needs to do so before the process gets even further out of hand.

I thank all Senators. I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

HARRIET MIERS

Mr. BYRD. Mr. President, as the administration searches for a new nominee for the Supreme Court, I hope the White House will not retreat to a political corner and choose a nominee who will only serve to divide the Nation and divide this Senate. I urge the President—hear me now—to select a nominee cut from the same cloth as the new Chief Justice of the United States—moderate in approach, steeped in thought and experience, and committed to the protection of the U.S. Constitution, which I hold in my hand. In partnership, the President and the Senate must do all that they can to avoid rancor and extreme partisanship. That begins with real consultation and a nominee who can bridge the gap between political philosophies.

I found it noteworthy—I did—that questions about Harriet Miers' nomination came from Senators, organizations, and individuals from diverse political philosophies. It does not matter who is asking the questions about a nomination; these questions serve the long-term interest of the Nation, those people out there, the American people who are watching us through those lenses.

Unfortunately, in this age of partisan politics dominating all else, questions too often are labeled as obstructionism. You remember that? Obstructionism. If you ask questions, you are an obstructionist. Get that, I say to these fine young pages. Nothing could be further from the truth. No.

Republican Senators—yes, the Senators who sit over on that side of the aisle—and Democratic Senators, who sit over here, had serious questions concerning the judicial philosophy of this nominee. Asking questions and insisting upon answers from judicial nominees helps to make certain that the American people have faith in their courts. Asking questions is not something to be labeled as obstructionist. How many times have I said that? Rather, it is patriotic to ask questions. Asking questions is part of my duty,

part of your duty, Mr. President, part of each Senator's duty as citizens.

I think now would be a good time for the Senate to consider a proposal first put forward by Senator SPECTER in which I joined in the 105th Congress. We introduced legislation to establish a formal advisory mechanism for the Senate in the selection of Supreme Court Justices. Under that proposal, the Senate Judiciary Committee would establish a pool of possible Supreme Court nominees for the President to consider based on suggestions from Federal and State judges, distinguished lawyers, law professors, and others with a similar level of insight into the suitability of individuals for appointment to the Supreme Court. The President would, of course, be free to ignore the pool if he chose to do so, but the advice required by the Constitution would be formally available and the President would know that the individuals in the pool had received a bipartisan nod from the Senate committee required to do the vetting.

Senator SPECTER and I have talked about reintroducing this legislation in the coming days in an effort to guarantee that a broad spectrum of individuals are nominated for the Supreme Court and that the Senate is able, more fully, to fulfill its constitutional role. I am glad there are 14 Senators, ladies and gentlemen, Republican and Democrat, evenly divided, who joined together and who saved the Senate from a terrible blunder called the nuclear option. Some call it the constitutional option. There is nothing constitutional about it. It is unconstitutional on its face, the so-called nuclear option. What a shame that would have been. But the 14 Senators, Republican and Democrat, saved the Senate. That was a historic moment.

I say the President was right when he called Senators, when he sought the advice of Senators, when he sent Judge Roberts' name up here. Yes, for once he called me and asked what I thought. I complimented him on calling Senators, seeking their advice. The phrase is advice and consent, not just the word “consent.” It also has the word “advice.” So I said, and the 14 said, we want to be in on the takeoff as well as on the landing. So seek our advice. Yes.

Mr. President, seek our advice. Say to us, Lend me your ears, and I will lend you mine. He did that. The President did that. I complimented him on it. I hope he will do that now. I hope he will not send up a lightning rod, somebody who will just polarize the country and attract bows and arrows.

Mr. President, listen to the advice and consent clause in this hallowed document, the Constitution of the United States. Read it. It says “advice.” Hear me, Mr. President. Call Senators again. Don't send up someone who will divide the Senate, who will cause a filibuster, and then some would seek to cut off the freedom of Senators to speak. Be careful. Mr. President,

please call. Please call me. If you don't call me, call somebody else. Call Senators. Ask them what they think. You can discard our viewpoint if you wish. You don't have to accept our advice. I don't have anybody particularly in mind, but call me. Will you do it, Mr. President? I hope you will.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEFENSE AUTHORIZATION

Mr. FEINGOLD. Mr. President, I certainly appreciate the words of the Senator from West Virginia. In that light, let me point out that last night the Senate adopted a unanimous consent agreement to resume consideration of the Department of Defense authorization bill. Under the agreement, each side would be allowed to offer 12 amendments to the bill, all of which must relate to the bill or the jurisdiction of the Armed Services Committee.

Let me start by congratulating the Democratic leader for working tirelessly to bring this bill back before the Senate. Senator REID recognizes that Congress has a responsibility to the American people and to our brave men and women in uniform to debate and pass a responsible Department of Defense authorization bill. I thank him for his efforts.

Congress has an additional responsibility, and that is to put our Iraq policy right and return the focus of our country to our top national security goals. That policy, and particularly the failure of the administration to offer a reasonable, flexible timetable for bringing home our troops, is making us weaker. It is making us less safe, and it is making our enemies stronger. The perception of a massive, indefinite American troop presence in Iraq is feeding the very insurgency that we are trying to defeat. That is why I now call upon the majority and minority leaders to agree that they will allow the Senate to debate and vote upon an amendment calling for a flexible timetable for returning our troops home. This doesn't have to be exactly the resolution I introduced in June, or it doesn't have to include the December 31, 2006, target date for completion of the primary military mission that I proposed back in August.

There are plenty of Members deeply concerned about Iraq whose leadership has been and will continue to be crucial, people such as Senators LEVIN, KERRY, and DODD. Senators BYRD and KENNEDY have also been vocal about their concerns. There are plenty of Members on the other side, also, with whom I have spoken and shared some of my concerns about our Iraq policy. I welcome the opportunity to work with

my colleagues on both sides of the aisle to come up with a reasonable amendment that will finally start the process of getting our Iraq policy and our broader national security strategy on track.

Obviously, I do not have to remind anyone here that the United States suffered its 2,000th casualty in Iraq this week, and there have been more since then. Every one of our servicemembers in Iraq and their families deserve clarity about the mission they are serving and the timeframe for that mission. And the American people and the Iraqi people, too, need to know that we have a plan to complete our military mission and draw down our troops in Iraq.

Mr. President, the Senate needs to do its job. When the Senate finally resumes consideration of the Defense authorization bill, and I hope that will be very soon, we need to finally address and put our Iraq policy right. The Senate will consider up to 24 amendments at that time. Clearly, this should be one of them. I hope my colleagues agree with me and that we can work together to ensure that we live up to our responsibilities.

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

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

AMENDMENT NO. 2279, AS MODIFIED

Mr. FEINGOLD. Mr. President, I rise today with my colleague from Maine, Senator COLLINS, to offer an amendment to fund the Automatic Defibrillation in Adam's Memory, the ADAM Act. But first I would like to thank the Senator from Pennsylvania and the Senator from Iowa and their staffs for the hard work that obviously went into drafting this bill in the face of tight budget restraints.

Mr. President, in 2001, I learned about Adam Lemel, a 17-year-old high school student and a star athlete in southeastern Wisconsin. Tragically, during a timeout while playing basketball at a neighboring Milwaukee high school, Adam suffered sudden cardiac arrest and died before the paramedics were able to arrive.

After his death, his friend, David Ellis, joined forces with the Children's Hospital of Wisconsin to initiate Project ADAM to bring CPR training and public access defibrillation into schools, to educate communities about preventing sudden cardiac deaths, and to save lives. The ADAM Act called for the establishment of a national Project ADAM clearinghouse. Such a clearinghouse would provide schools with the "how to" and technical advice to set up public access defibrillation programs. This clearinghouse responds to a growing number of schools that have the desire to set up such a

defibrillation program but often do not know where to start.

The ADAM Act was signed into law in 2003—and we are very pleased with that—but it has yet to be funded. The amendment Senator COLLINS and I offered would simply fund the ADAM Act clearinghouse with \$800,000 for fiscal year 2006.

Mr. President, at this time, I would like to call up my amendment and ask that it be modified.

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

The amendment (No. 2279), as modified, is as follows:

At the appropriate place in title II, insert the following:

SEC. _____. In addition to amounts appropriated under this Act, out of any money in the Treasury not otherwise appropriated an additional \$800,000 to carry out section 312 of the Public Health Service Act (42 U.S.C. 244). The amounts on page 137, line 9 shall be further reduced by \$800,000.

Mr. FEINGOLD. I understand that the amendment will be accepted, and I want to thank the managers in advance for that as well.

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

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

AMENDMENT NO. 2283

Mr. OBAMA. Mr. President, I rise first to commend Senators SPECTER and HARKIN for their diligence and hard work on what is an enormous bill, particularly given the tight budget they had to work with. I also personally thank Senators SPECTER and HARKIN for adopting an amendment into the managers' bill relating to scholarships for low-income and minority students and for expansion of positive behavioral interventions and support within schools to encourage better discipline. I thank them and their staffs for working with us on this amendment.

In addition, it is my understanding that there has been a meeting of the minds between the two sides of the aisle around what may end up being the most significant aspect of the Labor H appropriations bill.

Yesterday, I joined Senators HARKIN, KENNEDY, and a number of my colleagues in introducing an avian flu amendment. I know we had been able to attach an amendment to the DOD appropriations bill that made significant headway in funding the work that needs to be done to prepare this nation for pandemic flu. Obviously, this Labor H bill was the more appropriate vehicle to fund preparedness activities. The fact that Senator SPECTER and Senator HARKIN have agreed to work something out on this issue is extremely important.

I will mention a couple of things that I believe make this avian flu amendment so significant. A number of Senators have talked on the Senate floor very eloquently about the threat of avian flu and the lack of preparedness and relative inactivity in the United States compared to our European and Asian allies. In the United States, we do not have a national preparedness plan for a pandemic. We do not have a stockpile of antivirals. Our public health system is weak, and the vaccine infrastructure is fragile. All of these areas desperately need attention, and the amendment that I hope will be adopted unanimously will provide the funding to do just that.

I am not going to rehash what was discussed earlier, but instead I wanted to spend a few minutes on the non-health aspects of avian flu, because it is important to fully understand the scope of the potential problems that a pandemic might cause. Obviously, the health concerns should be our immediate focus, and the Harkin amendment and the avian flu bill I introduced back in April do just that. However, we cannot ignore the economic and social implications of the pandemic flu. They deserve our urgent attention.

As Dr. Michael Osterholm has warned us, the arrival of a pandemic flu would trigger a reaction that would change the world overnight. We know that a vaccine would not be available for at least 6 months after the pandemic started. We also know that we only have enough antivirals in our stockpile to treat 1 percent of the Nation's population. As such, if an avian flu pandemic hits, foreign trade and travel would be reduced or even suspended in a desperate but fruitless attempt to stop the virus from entering new countries. This is not speculation. Some will recall that Hong Kong's Secretary for Health, Welfare and Food has already threatened to close the border with the Chinese mainland if the H5N1 strain of avian influenza moves into the human population.

Domestically, transportation would also be significantly curtailed as States or communities seek to keep the disease contained, and unaffected areas try to keep infection out. Such efforts at self-protection would have a devastating effect on the world economy, which relies on the speedy distribution of products. There would be major shortages of food, medicines, light bulbs, gasoline, and spare parts for military equipment. Potentially, we would have shutdowns in the production of microchips that fuel so much of our technology.

To use just one example, currently, two U.S.-based companies supply most of the protective face masks for health care workers around the world. Neither company would be able to meet increased demand during a pandemic, in part because the companies depend on multiple suppliers in multiple countries for the parts to make the masks.

Businesses today rely on the world's real time economy, and have not estab-

lished alternative supply chains nor emergency plans for production and distribution. In a time of pandemic, the labor source could be severely affected as well, compounding the supply chain problem.

Our Government officials also have not yet addressed the social implications of a pandemic. We had a taste of that in what tragically happened with Hurricane Katrina. We witnessed desperation and confusion as people scrambled to survive and to find their loved ones. We are going to have to develop protocols and plans now so we can prepare the public for whatever public health measures may be needed, including possible quarantine or isolation.

The closest the world has come to this scenario in modern times was the SARS epidemic in 2003. Over a period of 5 months, about 8,000 people were infected and about 10 percent of those infected died. Once SARS emerged in China, it spread to 5 countries within 24 hours, and to 30 countries on 6 continents within several months. The economic consequences of SARS were staggering. The 6-month epidemic costs to the Asian-Pacific region alone were estimated at over \$40 billion.

As avian flu is significantly more contagious and more deadly, you can only imagine the potential scope of economic devastation that we might face. Senator HARKIN has mentioned that the warning bell is ringing and we need to heed its urgent call to action. Time is running out and this administration must act now if it is to prevent the severe economic, security, and health consequences from pandemic flu.

Let me close with one last comment. I heard some colleagues in discussions, both in the media and on the floor of the Senate, suggest that we should not succumb to panic. I know at one point an analogy was drawn between what we are calling for with respect to investments in pandemic flu preparedness and Y2K.

Let me just make two points. No. 1, we are absolutely certain that some form of pandemic will occur in our lifetime. We do not know if it will be caused by a H5N1 virus that mutates and spreads by human-to-human contact, similar to the 1918 pandemic. But unless history has completely taught us the wrong lessons, we can expect some form of pandemic that has severe consequences, and right now, we do not have the infrastructure to deal with it.

What that means is whatever investment we make now—for example, in developing a cell-based technology rather than an egg-based technology to develop vaccines—that is a sound investment even if we are lucky and this H5N1 virus does not end up mutating in such a way that it can cause a pandemic, because we will now be prepared for whatever pandemic occurs. We will have the infrastructure to rapidly produce the sort of vaccines that are necessary. This is a smart investment

for us to make on the front end. The second point is one that, again, I think has been highlighted by what happened in New Orleans and the gulf coast. Sometimes the costs of doing nothing are so high that in the same way that you or I buy catastrophic health insurance hoping that we never have to use it, this is one of those situations where we have to devote the dollars to prepare and develop a plan, hoping that we never have to use it.

I am extraordinarily grateful that Senator HARKIN, Senator SPECTER, and other leaders on this committee have been able to come to an agreement that should allow us to finally fund the preparedness and readiness activities that are going to be necessary for us to meet the challenge of avian flu.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

AMENDMENT NO. 2218, AS MODIFIED

Mr. BINGAMAN. Mr. President, I send to the desk a modification of amendment 2218, and ask unanimous consent that it be so modified.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2218), as modified, is as follows:

AMENDMENT NO. 2218, AS MODIFIED

(Purpose: To increase funding for advanced placement programs)

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

SEC. _____. (a) In addition to amounts otherwise appropriated under this Act, there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional \$7,000,000 to carry out part G of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6531 et seq.).

(b) On page 183, line 15, strike "\$1,057,385,000" and insert "\$1,050,385,000" and on line 21 strike "\$417,924,000" and insert "\$410,924,000".

Mr. BINGAMAN. Mr. President, this is an amendment that the Senator from Texas, Mrs. HUTCHISON, and myself are offering to add an additional \$7 million to the funding for advanced placement instruction in our schools. This is an issue she and I have pursued for many years.

It is my strong belief one of the clearest ways we can improve the quality of education in our school system is to encourage more students to take advanced placement courses, to encourage more teachers to get the training necessary to teach those advanced placement courses. Those are courses the college board has identified as specified standards nationwide.

It is clear to anybody who is involved in secondary education in this country that a student is advantaged in their later education and in their career if

they have the opportunity and take advantage of the opportunity to take these advanced placement courses in high school. There are many high schools in my State of New Mexico that do not offer advanced placement courses to their students. I think that is a shame in this day and time. I think it is very unfortunate we do not make this opportunity available nationwide to more students and encourage it.

A recent report which the Presiding Officer and I have requested from the National Academy of Sciences talks very extensively about the importance of developing the scientific and technical building blocks we need for this country to strengthen our economy. They recommend in that National Academy of Sciences report that we can do a variety of things to improve the quality of education from kindergarten through the 12th grade, in addition to doing various things at the university level and, of course, doing a variety of things with research and development as well.

One of their recommendations is directly applicable to this amendment which we sent to the desk. The recommendation is that we set out to quadruple the number of students in advanced placement math and science courses by the year 2010. There are approximately 1.2 million students who take those courses today. The suggestion is that in the next 4 or 5 years we should increase that to 4.5 million students. That is an enormous undertaking. That is an easy thing to say but a very hard thing to do.

The recommendation in the appendix attached to the National Academy of Sciences report indicates that the estimate they have would cost something in the range of an additional \$350 million per year for us to be able to achieve this kind of improvement. We are not asking for that \$350 million in this amendment. We are asking for \$7 million. We are asking to get closer to what the President requested in the budget he sent to the Congress earlier this year. We are asking to go up to \$40 million for advanced placement instruction.

That is a very modest request, but we are informed it is all that is possible, given the budgetary constraints under which this bill is operating.

I think it is an extremely good amendment. It is a very important focus for us to have as we try to begin to focus on an agenda that will make this country more competitive in world markets. I know the Presiding Officer feels this needs to be a very high priority for this country. I certainly do, as well as the Senator from Texas.

I hope our colleagues will support this amendment.

I yield the floor so Senator HUTCHISON can explain her views on the issue.

THE PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my colleague, Senator BINGA-

MAN. We have been working on increasing the amount put in the advanced placement program for years. Together, we actually started the Federal funding for this program. It has been a phenomenal success.

In fact, in a recent study on the lack of emphasis in science in our country in high schools and colleges, one of the recommendations made by the commission, which I think the Presiding Officer of the Senate sitting in the chair today is familiar with, * * *

One of the recommendations is increasing the Advanced Placement Program. That is exactly what we are doing with this amendment.

The Advanced Placement Program allows students to pursue college-level studies while still in high school. It is celebrating its 50th anniversary and it is now in 15,000 schools around the world, including 60 percent of high schools in America. Through these programs, students experience a rigorous college level curriculum and have the chance to earn college credit, advanced placement, or both.

According to a U.S. Department of Education study, participation in advanced placement courses is a stronger predictor of success in college than test scores or grade point averages. A 2002 study by the University of Texas at Austin showed that among students with the same SAT scores and class rank, advanced placement students scoring three or higher on the exams performed better in advanced college courses than students who participated in concurrent enrollment or who did not skip any college courses at all.

Research has also shown that 61 percent of students who take two or more advanced placement exams graduate from college on time. By contrast, only 29 percent of other college students earn a degree within 4 years.

When you consider the average total charges at a 4-year public institution in the 2005 school year were more than \$12,000 per year and \$29,000 per year for private colleges, graduating within 4 years becomes a very important objective.

While much growth has occurred in advanced placement participation, a vast gap still exists between the 57 percent of the class of 2004 who embarked on higher education last fall and the 13 percent of the class of 2004 who were prepared to succeed in college by having mastered an AP course in high school. Currently, 40 percent of students entering 4-year colleges and universities are requiring some remedial education while 63 percent of students at 2-year institutions do. This is a significant concern. One or more remedial courses, particularly in math or reading, negatively influence the likelihood that a student will obtain that bachelor's degree.

Last year, a fellow Texan and current Assistant Secretary of Education, Tom Luce, wrote a book entitled "Do What Works: How Proven Practices Can Improve America's Public Schools."

Among other programs, the book highlighted the importance of advanced placement courses in educating today's students. In his book, Secretary Luce states:

Advanced Placement courses are increasingly viewed as a key to driving higher educational achievement by all students, particularly economically disadvantaged and minority students.

Secretary Luce dedicated his book to Edith and Peter O'Donnell, two great Americans who know and understand the importance of educating our youngsters. Peter O'Donnell recently sat on the Commission of National Academies which published a report entitled "Rising Above The Gathering Storm: Energizing and Employing America for a Brighter Economic Future."

The report outlined a number of recommendations to strengthen America's competitiveness with the ultimate goal of creating new, high-quality jobs. One of the recommendations was to train additional advanced placement instructors to teach advanced courses in mathematics and science. Some ways we can do this are by subsidizing test fees for low-income students who are enrolled in AP classes and plan to take an AP test, and by expanding teacher training and participation in online courses.

President Bush requested \$51 million in his budget for this program. That would be an increase of \$22 million from last year.

This amendment I am cosponsoring with Senator BINGAMAN would accomplish the President's funding goal by adding an additional \$7 million. It is very important we do this. It does have offsets.

I particularly thank Senator SPECTER and Senator HARKIN and their staffs for helping find the offsets, realizing the importance of this program.

My friend Peter O'Donnell was certainly on the mark when he suggested advanced placement would start our students in a higher echelon of academic programs to better prepare them for college. These programs will also help them get through college within a 4-year period, which is becoming more and more of an issue in public and private universities around our country.

I thank Senator BINGAMAN for being a partner with me on this. Since 1998 we have worked on this together. If we can continue to increase the program and, therefore, increase the number of participants, we will see the college students who perform better having more opportunities for science and math careers, which is very important for the future of our country.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague very much for her strong advocacy for this amendment and this program. I also say a word of commendation about Peter O'Donnell and the work he has done in this area.

He was very generous in giving of his time to brief me and my staff on progress that has been made in the State of Texas in expanding advanced placement through the private foundation he has established there. It is a very impressive model the whole country needs to emulate. This modest amendment will be a step toward helping more to happen around the country.

I ask unanimous consent Senator REID of Nevada, Senator BOXER, and Senator FEINSTEIN be added as original cosponsors.

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

Mr. BINGAMAN. As I understand it, we are ready for a vote on this amendment at this time unless the managers would like to postpone it.

Mrs. HUTCHISON. A voice vote would be fine with us.

The PRESIDING OFFICER. If there is no debate, the question is on agreeing to the amendment.

The amendment (No. 2218) was agreed to.

Mr. HARKIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mrs. HUTCHISON. I ask unanimous consent at 3 o'clock today the Senate proceed to executive session and to consecutive votes on the following nominations: No. 386, John Smoak, to be United States District Judge for the Northern District of Florida; and No. 384, Susan Neilson, to be United States Circuit Judge for the Sixth Circuit.

I further ask unanimous consent there be 2 minutes of debate equally divided prior to each vote; further, that following those votes the President be immediately notified of the Senate's action and the Senate then return to legislative session.

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

The Senator from Iowa.

AMENDMENT NO. 2244 WITHDRAWN

Mr. HARKIN. Mr. President, I ask consent to withdraw amendment numbered 2244.

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

AMENDMENT NO. 2262

Mr. BINGAMAN. Mr. President, last evening I called up for consideration amendment 2262 and then had it laid aside. I call it up again.

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

Mr. BINGAMAN. Mr. President, this is an amendment that is very important. I hope we can get a vote before the afternoon is over. The amendment would invest an additional \$60 million in our Nation's future by strengthening 8 programs: the Migrant Education Program, the English Language Acquisition Program, the High School

Equivalency Program, the College Assistance Migrant Program, the Dropout Prevention Program, the English as a Second Language Program, the local family information centers, and also the Hispanic-serving institutions.

The funding additions this amendment calls for add up to the total \$60 million. This is an amendment that is strongly supported by the Congressional Hispanic Caucus, by the National PTA, and by the Hispanic Education Coalition, which is an ad hoc coalition of national organizations dedicated to improving educational opportunities for the more than 40 million Hispanics who live in this country today.

The Migrant Education Program is the first item. The title I Migrant Education Program was established to provide a compensatory education program designed to deal with the difficulties encountered by children of migrant families. Some of the children attend three or four schools in a single school year.

They have a great need for coordination of educational services among the States and local districts where they live, often for short periods of time. The MEP builds the support structures for migrant students so that they can achieve high levels of success both in and outside of school.

The U.S. Department of Education reports that more than 750,000 students were identified as eligible for the program in Fiscal Year 2001. Additional funds are necessary to ensure that these children are able to meet the challenges mandated by the No Child Left Behind Act. This amendment will provide an additional \$9.6 million in needed funding.

This amendment would also increase funding to States and local school districts in order to ensure that as many of the 5.5 million children with limited English skills as possible learn English, develop high levels of academic attainment, and meet the same challenging State academic standards as all children.

Title III is a formula grant program that distributes funding to all 50 States based on the number of limited English proficient LEP and recent immigrant students. The funds are used for developing effective language acquisition programs; training for bilingual/ESL teachers and regular teachers and educational personnel; parent involvement; and providing services for recently arrived immigrant students. This amendment requests an additional \$10.3 million for Language Acquisition Grants, which restores the program's funding to its Fiscal Year 2003 level.

This amendment would provide modest increases for the High School Equivalency Program HEP and the College Assistance Migrant Program CAMP. The HEP helps migrant students who have dropped out of high school earn a GED. The CAMP assists migrant students in their first year of college with both counseling and sti-

pend. These programs provide farm-worker migrant students with education opportunities and support that will help them to become productive members of society.

Migrant students are among the most disadvantaged youth in this Nation. Current estimates place the dropout rate for migrant youth at between 50 and 60 percent. Before CAMP, there was no record of a child of migrant farm workers ever having attended college. Both programs have been very successful in helping migrant students become productive members of society.

According to the Department of Education, in 2003-2004, almost 10,000 students were served by HEP CAMP, and 63 percent of the HEP participants received a GED, and 84 percent of CAMP students completed their first year of college in good standing. This amendment provides an additional \$5.7 million for these programs.

The Dropout Prevention program help States and school districts to implement research-based, sustainable, and coordinated school dropout prevention and re-entry programs in order to raise student achievement. At a time when schools are focused on narrowing achievement gaps between differing subgroups of students, it seems that Congress would want to retain Dropout Prevention, a program specifically aimed at providing schools with the tools to help students achieve a high school degree.

Support for dropout prevention is even more significant when considering that the primary source of Federal funding for public schools, authorized through the No Child Left Behind Act NCLB, focuses mainly on elementary schools. More than 90 percent of title I funds—the principal NCLB program—are directed to elementary schools. Such an emphasis on elementary education is necessary and appropriate, but equally important is continuing an investment of resources throughout the education continuum in order to meet the needs of middle level and high school students.

The Dropout Prevention Program is the only Federal program actively working to reduce the Nation's dropout rates, and, as recent headlines tell us, it is a problem that is far more severe than previous data indicated.

A report by the Urban Institute finds that only 68 percent of all students in the public high school class of 2001 graduated. Furthermore, it states that only 5 of all black students and 50 percent of all Hispanic students graduate. Nearly half of all black and Hispanic students do not graduate from high school. This is a problem that has reached enormous proportions. The Dropout Prevention Program was eliminated in this legislation. This amendment restores \$5 million to this program.

The Local Family Information Centers Program was authorized under the No Child Left Behind Act to provide parents of title I students, including

English language learners, with information about their children's schools so that they can help their children to meet the high standards we have set under NCLB.

The Local Family Information Centers also help parents to hold their local and State school officials accountable and become more involved in their children's education. This amendment would increase funding for these centers by \$13 million.

The need for increased funding for English as a Second Language ESL is evident by the growing demand for services and the lack of resources to meet that need.

Enrollment in Adult ESL has increased 105 percent over the past 10 years, yet there is a lack of programs and funding to ensure that all who desire to learn English have access to appropriate services.

Currently, community-based organizations must piece programs together with volunteer labor and facilities. The need for more targeted services is overwhelming. Demand for English-language instruction far outweighs supply, waiting lists for classes typically range from several months to years, and many States do not have the capacity to meet the demand.

The current \$70 million in funding is insufficient to meet the enormous demand for ESL services. As the labor market continues to require English-proficient labor, investing in ESL programs will strengthen the labor pool and return a more versatile productive workforce. This amendment provides an additional \$6.5 million for ESL programs.

Currently, 35 percent of Hispanics are under the age of 18. The Educational Testing Service has projected the U.S. higher education system will grow by 3.5 million additional students by 2015 and that nearly 40 percent of these new students will be Hispanic. HSIs serve the largest concentrations of the Nation's youngest and largest ethnic population.

The impending emergence of more than 100 new HSIs mostly in CA, TX, FL, NM, IL, in the next few years and the rapid growth of the Hispanic college-age population underscore urgency for immediate, major, and sustained increases in title V funding.

At a time when the current labor force is reaching retirement age in substantial numbers, Hispanics already represent one of every three new workers joining the U.S. labor force, according to the U.S. Bureau of Labor Statistics. By 2025, the Bureau projects that one of two new workers joining the U.S. labor force will be Hispanic. This amendment would provide an additional \$9.9 million in assistance to these great institutions.

We must do everything possible to provide every child with the best education we can. This amendment would provide small but much-needed increases to programs that can make a difference in the lives of millions of children. I urge my fellow Senators to support these greatly needed programs

by providing them with the proper resources.

This is a very worthwhile amendment. It puts resources to use where they are most needed—not just in my State but throughout this country.

The fastest growing minority population in our country is the Hispanic community. We need to ensure these young people growing up are well educated, are prepared for the challenges for the 21st century. This legislation helps greatly with that effort.

AMENDMENT NO. 2259

Mr. BINGAMAN. Mr. President, let me briefly describe one other amendment at this point. I called this amendment up yesterday, as well, amendment 2259, dealing with the Drug Assistance Program, an amendment Senator SMITH and I have worked together on to add additional funding for the AIDS Drug Assistance Program, or ADAP.

We had an amendment voted on last night by Senator COBURN to shift funding to this function by taking funding from the Centers for Disease Control. Our amendment does not do that. Our amendment provides \$74 million in much-needed funding. It would be emergency funding for the AIDS Drug Assistance Program.

This is a very meritorious amendment. It is an amendment I hope all colleagues will support. Some Members of this body voted against the amendment of the Senator from Oklahoma in anticipation of supporting this very important amendment I am talking about now.

The AIDS Drug Assistance Program provide life-saving assistance to over 136,000 uninsured or underinsured HIV-infected individuals each year. As the number of people living with HIV/AIDS has increased, largely due to advances in HIV treatment, the importance of and demand for ADAP has grown so that, as of September 2005, a total of 2,187 individuals were on ADAP waiting lists in nine States.

As the National ADAP Monitoring Project says:

When an individual is on a waiting list, they may not have access to HIV-related medications.

We are talking about life-extending and life-saving medications. In fact, it has been reported that patients on ADAP waiting lists in West Virginia and Kentucky have passed away.

Furthermore, as of March 2005, due to funding shortfalls, 21 States have some sort of cost containment measures in place, including waiting lists, that often impede access to care. This includes increased cost-sharing, reductions in eligibility income limits, and limitations on covered treatments.

We as a Nation, are rightfully committed to providing billions of dollars of support for HIV/AIDS care and treatment services to those living with HIV in nations across the world and we should be. However, here at home, it is unforgivable that there are Americans with HIV dying because they are on waiting lists for life-saving drugs or having life-saving medications rationed to them in various forms.

A story entitled "Dying for AIDS Drugs" documents some of the stories of those who have lost ADAP coverage or are on waiting lists. As the story reads:

Margaret Nicholson, a Springfield, Oregon, homecare attendant who survives with her mother and husband on less than \$20,000 a year, lost her ADAP coverage because she couldn't afford the new co-pays; she has now gone 4 months without seeing a doctor and is scraping by on pill samples. In North Carolina, HIV doctor Aimee Wilkin says some of her waiting list patients, forced to seek medicines through drug company charity programs, have faced multiple treatment interruptions, the result of bureaucratic delays, exposing them to the risk of HIV drug resistance. In Kentucky, caseworkers are so desperate they're asking churches to pass the hat to sponsor someone's pills for a few weeks at a time.

In our great Nation, this is unacceptable and should end. This amendment, sponsored by Senator SMITH and myself, would go a long way to address the ADAP shortfall and I urge its passage.

I hope we can also have a rollcall vote on this amendment.

I ask for the yeas and nays on Senate amendment 2262 at this time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. Mr. President, I also ask for a rollcall vote on Senate amendment 2259.

The PRESIDING OFFICER. Without objection, it is in order to request that at this time.

Mr. BINGAMAN. 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. BINGAMAN. I yield the floor.

EXECUTIVE SESSION

NOMINATION OF JOHN RICHARD SMOAK TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the hour of 3 o'clock having arrived, the Senate will go into executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of John Richard Smoak, of Florida, to be United States District Judge for the Northern District of Florida.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to be recognized for 2 minutes to speak on behalf of the nominee.

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

Mr. MARTINEZ. Mr. President, I rise to speak on behalf of Richard Smoak,

who has been nominated by President Bush to fill a vacancy in the Northern District of Florida as a Federal district court judge.

I would like to have the record reflect Mr. Smoak is a man of great integrity, a person who will distinguish himself on the bench, as he has in every other aspect of his life.

He is from Panama City, FL, where he has practiced law in a very distinguished fashion for quite a number of years. He is one of those people who folks speak about in superlative terms. And one can understand why.

Mr. Smoak graduated from the University of Florida in 1972, with a law degree; after having gone to the U.S. Military Academy at West Point, graduating in 1965. From 1965 to 1970, Mr. Smoak was an infantry officer, serving extensively in Vietnam, where he distinguished himself by receiving a Silver Star medal and a Bronze Star medal, among other military awards he received for his distinguished service to his Nation.

Mr. President, better than I, I think I should quote from among those who have known him and have practiced law with him, and those who have been in the community with him.

I will quote from Mr. Paul Anderson of Panama City, who speaks of Mr. Smoak in this fashion:

Dick Smoak is simply one of the finest lawyers and finest men I have ever had the privilege of knowing. Describing Dick requires the use of words such as integrity, character and professionalism. As a legal practitioner, Dick knows the law and applies it logically to each case he handles.

Mr. President, in addition to that, one of those things I believe I like about Mr. Smoak that speaks so highly of him is that Mr. Anderson speaks about the fact that he does not compromise his principles.

With that, Mr. President, I urge my colleagues to vote favorably on this nomination of Mr. Richard Smoak to serve as a Federal district court judge for the Northern District of Florida.

Mr. NELSON of Florida. Mr. President, I urge my colleagues to vote in favor of John Richard Smoak for appointment to the United States District Court for the Northern District of Florida. Mr. Smoak has long served his Nation, from his highly decorated service in Vietnam to his efforts to improve the judiciary system in Florida.

He has resided and has practiced civil law for over the last 30 years in Panama City, FL. During that time, he represented a wide variety of clients from doctors to small business owners to truckdrivers to national corporations in many areas of the law. This broad experience will serve him well as a Federal judge.

Mr. Smoak is a well-regarded and highly qualified attorney. I, along with Senator MARTINEZ, believe he will make a great addition to the Federal bench and urge our colleagues to vote in support of his nomination.

The PRESIDING OFFICER (Mr. COLEMAN). Is all time yielded back?

Mr. MARTINEZ. Mr. President, I yield back the remainder of my time.

Mr. FRIST. 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 question is, Will the Senate advise and consent to the nomination of John Richard Smoak, of Florida, to be United States District Judge for the Northern District of Florida? 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. INOUE), 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 97, nays 0, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—97

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

NOT VOTING—3

Corzine Inouye Rockefeller

The nomination was confirmed.

NOMINATION OF SUSAN BIEKE NELSON TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

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

The legislative clerk read the nomination of Susan Bieke Neilson, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Mr. SPECTER. Mr. President, I ask unanimous consent that this vote be 10 minutes, with a 5-minute extra.

The PRESIDING OFFICER. The yeas and nays have not yet been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that this next vote be taken on a voice vote.

Mr. REID. Mr. President, reserving the right to object, Senator LEAHY is not on the floor; therefore, we would have to object.

Mr. LOTT. I thank the Chair.

The PRESIDING OFFICER. Is time yielded back? If so, the question is, Will the Senate advise and consent to the nomination of Susan Bieke Neilson to be United States Circuit Judge for the Sixth Circuit? 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. INOUE), 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 97, nays 0, as follows:

[Rollcall Vote No. 277 Ex.]

YEAS—97

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

NOT VOTING—3

Corzine Inouye Rockefeller

The nomination was confirmed.

The PRESIDING OFFICER. The President is notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate returns to legislative session.

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 vac-

cine 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 dec-

ades. 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 amount recommended by the House. In 2004, fund-

ing 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 growing 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. INOUE), 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 roll-call 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. INOUE), 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
ThomasThune
VitterVoinovich
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 Sickie Cell Treatment Act that was passed last year.

I thank Senator COCHRAN for his concern and sensitivity on the issue of funding the Sickie 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. INOUE), 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
Allen
Bayh
Bennett
Brownback
Burr
Chambliss
Coburn
Cornyn
Craig
Crapo
DeMint
Dole
DorganEnsign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kohl
Kyl
Lott
Martinez
Nelson (NE)Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Sununu
Talent
Thune
Vitter
Warner
Wyden

NAYS—56

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

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 De-

partment 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 cre-

ating 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-pay-

ing 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 in-

crease 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 un-

precedented 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. INOUE), 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. INOUE, 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 de-

tails 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 CHAFFEE, 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 state-ly 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

crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July, 17, 2004, a 32-year-old gay man left a local Austin, TX, bar with two men, and walked home. The two men, Donald Bockman and Darren Gay, returned to the victim's home later that evening where they proceed to beat him and sexually assault him. Police say the two men dragged, tied-up, beat, cut, then sexually assaulted the victim. According to police, this attack was motivated by the victim's sexual orientation.

I believe that our Government's first duty is to defend its citizens, in all circumstances, from threats to them at home. The Local Law Enforcement Enhancement Act is a major step forward in achieving that goal. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

YOUNG PEOPLE AND GUN VIOLENCE

Mr. LEVIN. Mr. President, last Thursday, in the midst of National Safe Schools Week, a student was nearly shot to death inside a Michigan high school. This tragic incident further underscores the need to do more to combat youth violence, especially gun violence.

According to published newspaper reports of the shooting, around noon last Thursday, a tenth grade student fired as many as three shots at another student in a crowded high school hallway. The 15-year-old victim was struck once in the chest by a .380 caliber bullet, which missed his heart by less than an inch. Fortunately, he is expected to live.

The suspect, who is also 15 years old, allegedly used a stolen .380 caliber pistol in the shooting and now faces life in prison after being charged as an adult. Reportedly, the suspect also has a previous conviction involving a firearm violation. The shooting last Thursday came less than a month after two other students were injured in a drive-by shooting outside the same high school. Unfortunately, youth gun violence continues to threaten communities, destroy families, and change the lives of too many young people forever.

Only a day before last Thursday's shooting, thousands of young people across the country observed a Day of National Concern About Young People and Gun Violence, which was designed to empower children and teenagers to do what they can to eliminate gun violence in their communities. In many communities, students were given the opportunity to sign a voluntary pledge against gun violence. Since the first

Day of National Concern About Young People and Gun Violence in 1996, more than 7 million students have signed the pledge. Here is what the pledge says:

I will never bring a gun to school; I will never use a gun to settle a dispute; I will use my influence with my friends to keep them from using guns to settle disputes. My individual choices and actions, when multiplied by those of young people throughout the country, will make a difference. Together, by honoring this pledge, we can reverse the violence and grow up in safety.

I applaud the organizers and students who participated in this year's Day of National Concern About Young People and Gun Violence for their efforts to reduce gun violence. The thousands of students who signed the pledge this year, and the millions before them, have promised to do what they can to prevent tragedies like last week's school shooting in Michigan. Congress should do its part by adequately funding important law enforcement programs and by passing commonsense gun safety legislation.

BREAST CANCER ENVIRONMENTAL RESEARCH ACT

Mr. WYDEN. Mr. President, October is National Breast Cancer Awareness Month and 2005 marks more than 20 years that National Breast Cancer Awareness Month has educated women about early breast cancer detection, diagnosis, and treatment.

Yet, more than three million women currently live with breast cancer and the causes of this disease are still mostly unknown. While we have made significant advances in treatment, so much more needs to be done when it comes to prevention of this often fatal disease.

The Breast Cancer Environmental Research Act, S. 757, would enhance breast cancer environmental research across the country. This bill which is modeled after the Department of Defense Breast Cancer Research Program, would over 5 years, invest \$30 million through a peer-reviewed grant process to establish a multi-disciplinary approach.

At this time, four research centers study prenatal-adult environmental exposures that may cause breast cancer. And while this is a good start, we need a nationally focused, collaborative and comprehensive strategy to approach this and the Breast Cancer Environmental Research Act would do just that.

This country has great resources when it comes to medical and scientific research. I believe this bill would provide an efficient and effective strategy for developing research in the environmental causes of this tragic disease.

ADDITIONAL STATEMENTS

RECOGNIZING SIXTY-FIVE YEARS OF FACTS ON FILE

• Mr. ENZI. Mr. President, it doesn't seem all that long ago that one of our

most popular television shows featured a detective with a catch phrase that soon became part of our national vocabulary. When questioning someone who was offering more opinions than observations he would often interrupt and say, "Just the facts." Those few words sum up the history of a publication that has grown from an in-depth look at World War II to an incredible collection of all forms of data that covers just about everything from the beginnings of recorded history to the exploration of the furthest ranges of our universe.

Sixty-five years ago, Facts on File World News Digest was founded in 1940 by three emigrants from Hitler's Europe who knew there would be a need for a publication devoted to the issues of World War II. They had witnessed the rise of Nazism in the 1930s and recognized the need for a U.S.-based publication that focused on both world and domestic news events in the years leading up to World War II. Their first issue dealt with the presidential race between Roosevelt and Wilkie and their first bound volume of the events of the day was written, as described in the forward, as an effort to provide a clear and concise guide to help the reader navigate through a "hopeless maze of thousands of facts."

Nowadays, by comparison, we are deluged by tens of millions of facts and other pieces of data from around the world almost every day. Through it all, Facts on File has continued to sift the trivial from the significant and put together volume after volume of written information placing the facts about a myriad of subjects online and at our fingertips.

Facts on File World News Digest was originally conceived as a source of information for radio and news journalists. Today, it serves an ever widening group of people who need quick and easy access to the basic facts about an endless list of items. Teachers rely on the publications for their lesson plans. Students rely on the easy access their database provides them for help with their homework, background for their papers, or just to encourage a genuine curiosity about the history of the world around them and how things work.

Weekly Reader, which is now a part of the Facts on File family, took a poll of its readers recently. They discovered that almost 70 percent of today's students reported that they look for and find most of the facts they need for their homework on the Internet. Their use of the latest technology was the good news. The bad news was they often do not question the material they find or use another source to double check it. They just assume what they have found is correct.

That is why it is so vitally important that we make sure our children, students and researchers have access to online materials on the web that put a premium on facts—not opinions. For that reason and so many more, Facts

on File World News Digest will continue to be a priceless treasure trove of information, providing access to its databases and the wealth of knowledge they store with students, teachers, and government entities across the country.

As the old adage says so well, we're entitled to our own opinions, we're just not entitled to our own facts. Facts on File has been working for 65 years to make sure the record is clear so that those who use their publications as a source get it right the first time.

As the Chairman of the Senate Committee on Health, Education, Labor and Pensions, I like to say that education is our middle name. Facts on File, and the family of publications it includes, has been a very valuable component of our education system for some time. I appreciate and congratulate them on a remarkable record of success. It's good to know that a resource exists that can provide our children with the data they need to supplement their studies, a resource that does its best, like the detective I referred to earlier, to provide "just the facts."•

(At the request of Mr. SARBANES, the following statement was ordered to be printed in the RECORD.)

• Mr. CORZINE. Mr. President, in Greek communities around the world, Oxi Day celebrates the fateful day, October 28, 1940, when Greece said "NO" to Mussolini's demand for immediate free passage of Italian army troops through Greece, and thereby changed the course of World War II. When Greece refused, Mussolini invaded, expecting no serious resistance to his much larger and better-equipped army. In fact, the outnumbered Greek forces offered such stiff resistance that Mussolini was soon thrown on the defensive and the Italians retreated into Albania. The Greeks held the Axis forces at bay for months, forcing Hitler to divert to Greece, forces that had been intended for the invasion of the Soviet Union, which in turn caused a delay in the invasion. Within months, the German armies were bogged down in the harsh winter conditions from which they were never able to recover.

In the brutal campaign that Hitler's armies waged in Greece, nearly 16,000 Greeks were killed and more than 300,000 taken prisoner, but from that campaign emerged the determined and courageous Greek resistance. In World War II, Greece and the United States were partners in the struggle against fascism as today they are partners in the effort to build a free, democratic and prosperous world.

In Greek communities everywhere, Oxi Day is a time to celebrate Greece's stunning defeat of Mussolini's armies and the Greek role in assuring the Allied victory in World War II. It is also a time to reflect on the democratic spirit that inspired that victory, a spirit Greece gave to the world more than two millennia ago. Today, I join our Greek American friends in recognizing

a momentous day in which we are reminded that tyranny will always be defeated by the enduring light of freedom. •

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination and two treaties which were referred to the appropriate committees.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:48 a.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 172. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

The message also announced that the House has passed the following bill, with amendments:

S. 1713. An act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments.

ENROLLED BILL SIGNED

At 12:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

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

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 12:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2967. An act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the "Rosa Parks Federal Building".

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 276. Concurrent resolution requesting the President to return to the House of Representatives the enrollment of H.R. 3765 so that the Clerk of the House may reenroll the bill in accordance with the action of the two Houses.

At 2:40 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3945. An act to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions, credit unions, and Federal regulatory agencies, and for other purposes.

At 6:26 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 37. An act to extend the special postage stamp for breast cancer research for 2 years.

The message also announced that the House disagree to the amendments of the Senate to the bill H.R. 3057 making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing vote of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. KOLBE, Mr. KNOLLENBERG, Mr. KIRK, Mr. CRENSHAW, Mr. SHERWOOD, Mr. SWEENEY, Mr. REHBERG, Mr. CARTER, Mr. LEWIS of California, Mrs. LOWEY, Mr. JACKSON of Illinois, Ms. KILPATRICK of Michigan, Mr. ROTHMAN, Mr. FATTAH, and Mr. OBEY.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4433. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a monthly report on the status of the Commission's licensing activities and regulatory duties for August 2005; to the Committee on Environment and Public Works.

EC-4434. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds" (RIN1018-AT76) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4435. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; VOC RACT Orders for Hitchcock Chair Co., Ltd.; Kimberly Clark Corp.; Watson Laboratories, Inc.; and Ross and Roberts, Inc." (FRL7967-2) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4436. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana" (FRL7981-8)

received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4437. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Consumer Products Regulation" (FRL7982-4) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4438. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans For Designated Facilities and Pollutants; Massachusetts; Negative Declaration;" (FRL7986-6) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4439. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidance on Fees Charged By States to Recipients of Clean Water State Revolving Fund Program Assistance" (FRL7983-7) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4440. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Revisions to EPAAR Clauses" (FRL7986-2) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4441. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Bull Trout" (RIN1018-AU31) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4442. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Arkansas River Basin Population of the Arkansas River Shiner" (RIN1018-AT84) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4443. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Pacific Coast Population of the Western Snowy Plover" (RIN1018-AT89) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4444. A communication from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Southwestern Willow Flycatcher (*Empidonax traillii extimus*)" (RIN1018-AI49) received on October 21, 2005; to the Committee on Environment and Public Works.

EC-4445. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administra-

tion, transmitting, pursuant to law, the report of a rule entitled "Announcement of Contract Awards" (RIN2700-AD18) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4446. A communication from the Secretary of Transportation transmitting, pursuant to law, the Department's Fiscal Year 2004 Annual Report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Commerce, Science, and Transportation.

EC-4447. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Rule, Texas)" (MM Docket No. 01-219) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4448. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Laredo, Texas)" (MB Docket No. 03-156, RM-10721) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4449. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hutchinson and Haven, Kansas)" (MB Docket No. 04-376) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4450. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Communications Assistance for Law Enforcement Act and Broadband Access and Services" (FCC 05-153) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4451. A communication from the Acting Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Appropriate Framework for Broadband Access to the Internet over Wireline Facilities; Universal Service Obligations of Broadband Providers" (FCC 05-150) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4452. A communication from the Director, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation: Exceptions to Taking Prohibitions for Endangered Sea Turtles" (RIN0648-AS57) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4453. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Areas 620 and 630 of the Gulf of Alaska" (I.D. No. 092105A) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4454. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel

in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area" (I.D. No. 092105D) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4455. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment" (I.D. No. 091405F) received on October 21, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

H.R. 797. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians (Rept. No. 109-160).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 485. A bill to reauthorize and amend the National Geologic Mapping Act of 1992 (Rept. No. 109-161).

S. 761. A bill to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes (Rept. No. 109-162).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1170. A bill to establish the Fort Stanton-Snowy River National Cave Conservation Area (Rept. No. 109-163).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 166. A bill to amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation in the Deschutes River Conservancy, and for other purposes (Rept. No. 109-164).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 251. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Sub-basins in Oregon (Rept. No. 109-165).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 213. A bill to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico (Rept. No. 109-166).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment and an amendment to the title:

S. 592. A bill to extend the contract for the Glendo Unit of the Missouri River Basin Project in the State of Wyoming (Rept. No. 109-167).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 819. A bill to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota,

to reflect increased demands for municipal, industrial, and fish and wildlife purposes (Rept. No. 109-168).

S. 891. A bill to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska (Rept. No. 109-169).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:

S. 1338. A bill to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes (Rept. No. 109-170).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments:

S. 777. A bill to designate Catoctin Mountain Park in the State of Maryland as the "Catoctin Mountain National Recreation Area", and for other purposes (Rept. No. 109-171).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1101. A bill to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California (Rept. No. 109-172).

By Mr. WARNER, from the Committee on Armed Services, with amendments:

S. 1803. An original bill to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 109-173).

By Mr. GREGG, from the Committee on the Budget, without amendment:

S. 1932. An original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

William Anderson, of Connecticut, to be an Assistant Secretary of the Air Force.

John G. Grimes, of Virginia, to be an Assistant Secretary of Defense.

A. J. Eggenberger, of Montana, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2008.

John J. Young, Jr., of Virginia, to be Director of Defense Research and Engineering.

Michael W. Wynne, of Florida, to be Secretary of the Air Force.

Donald C. Winter, of Virginia, to be Secretary of the Navy.

Delores M. Etter, of Maryland, to be an Assistant Secretary of the Navy.

Air Force nomination of Lt. Gen. William T. Hobbins to be General.

Air Force nomination of Lt. Gen. Lance L. Smith to be General.

Air Force nomination of Maj. Gen. Michael W. Peterson to be Lieutenant General.

Air Force nominations beginning with Brigadier General Eugene R. Chojnacki and ending with Colonel Robert J. Yapple, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nomination of Gen. Burwell B. Bell III to be General.

Army nomination of Maj. Gen. Michael D. Maples to be Lieutenant General.

Army nominations beginning with Colonel Daniel B. Allyn and ending with Colonel

Terry A. Wolff, which nominations were received by the Senate and appeared in the Congressional Record on September 6, 2005.

Army nominations beginning with Brig. Gen. Thomas D. Robinson and ending with Col. Luis R. Visot, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nomination of Brig. Gen. Michael J. Diamond to be Major General.

Navy nomination of Rear Adm. Patrick M. Walsh to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nomination of John S. Baxter to be Colonel.

Army nomination of Jose R. Rael to be Colonel.

Army nominations beginning with Suzanne R. Avery and ending with James Fikes, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nominations beginning with Donna J. Dolan and ending with Deborah F. Simpson, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nominations beginning with Paul F. Abbey and ending with Warren A. Williams, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nominations beginning with Paul S. Astphan and ending with Brinda F. Williamsmorgan, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nominations beginning with Lynn S. Alsop and ending with Carol L. Zieres, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Army nominations beginning with James W. Agnew and ending with David A. Yeropoli, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Marine Corps nomination of Darren W. Milton to be Major.

Marine Corps nominations beginning with Christopher J. Aaby and ending with Richard B. Young II, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Navy nomination of William D. Fuson to be Captain.

Navy nominations beginning with Daniel Albrecht and ending with Johnny Won, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 1926. A bill to provide the Department of Justice the necessary authority to appre-

hend, prosecute, and convict individuals committing animal enterprise terror; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 1927. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. BROWNBACK, Mr. COBURN, Mr. DEMINT, Mr. GRAHAM, Mr. MCCAIN, Mr. SUNUNU, and Mr. CORNYN):

S. 1928. A bill to reduce mandatory and discretionary spending in order to offset the cost of rebuilding the Gulf Region in the wake of Hurricane Katrina and Hurricane Rita; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. HATCH, and Mr. COCHRAN):

S. 1929. A bill to reduce health care disparities and improve health care quality, to improve the collection of racial, ethnic, primary language, and socio-economic determination data for use by healthcare researchers and policymakers, to provide performance incentives for high performing hospitals and community health centers, and to expand current Federal programs seeking to eliminate health disparities; to the Committee on Finance.

By Mr. REID (for himself and Mr. COCHRAN):

S. 1930. A bill to expand the research, prevention, and awareness activities of the National Institute of Diabetes and Digestive and Kidney Diseases and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself, Mr. BAUCUS, Mr. BURNS, Mr. DORGAN, Mr. ENZI, Mr. SALAZAR, and Mr. THOMAS):

S. 1931. A bill to state the policy of the United States on the intercontinental ballistic missile force; to the Committee on Armed Services.

By Mr. GREGG:

S. 1932. An original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); from the Committee on the Budget; placed on the calendar.

By Mr. MARTINEZ:

S. 1933. A bill to provide for the inclusion of Department of Defense property on Santa Rosa and Okaloosa Island, Florida, in the Gulf Islands National Seashore if the property is ever excess to the needs of the Armed Forces; to the Committee on Armed Services.

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. BROWNBACK, Mr. TALENT, Mr. DEWINE, Mr. CORZINE, Mr. BINGAMAN, Mr. KYL, Mr. SANTORUM, and Mr. OBAMA):

S. 1934. A bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 1935. A bill to authorize appropriations for fiscal years 2006 and 2007 for United States contributions to the International Fund for Ireland, and for other purposes; to the Committee on Foreign Relations.

By Mr. LOTT:

S. 1936. A bill to strengthen the national flood insurance program, encourage participation in the program, and provide owners of

properties not located in flood hazard zones a one-time opportunity to purchase flood insurance coverage for a period covering such hurricane; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEWINE (for himself, Mr. NELSON of Florida, Mr. LUGAR, Mr. BIDEN, Mr. COLEMAN, Mr. DODD, Mr. HAGEL, Mr. DURBIN, Mr. MCCAIN, Mr. LIEBERMAN, Mr. MARTINEZ, Mr. BINGAMAN, Mr. SUNUNU, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. CHAFEE, Mr. VOINOVICH, and Mr. SMITH):

S. 1937. A bill to expand certain preferential trade treatment for Haiti; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEMINT (for himself, Mr. HARKIN, Mr. GRAHAM, and Mr. FEINGOLD):

S. Res. 289. A resolution expressing the sense of the Senate that Joseph Jefferson "Shoeless Joe" Jackson should be appropriately honored for his outstanding baseball accomplishments; considered and agreed to.

By Mr. SALAZAR (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. KERRY, Mr. LIEBERMAN, Mr. OBAMA, Mr. REID, Mrs. BOXER, Mr. PRYOR, Mr. DURBIN, and Mr. REED):

S. Res. 290. A resolution honoring the life and expressing the deepest condolences of Congress on the passing of Edward Roybal, former United States Congressman; considered and agreed to.

By Mr. OBAMA (for himself and Mr. DURBIN):

S. Res. 291. A resolution to congratulate the Chicago White Sox on winning the 2005 World Series Championship; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. DODD, Mrs. DOLE, Mr. NELSON of Florida, Mr. CORZINE, Mr. SALAZAR, Mr. FEINGOLD, Mr. LEVIN, Mrs. CLINTON, Mr. COLEMAN, and Mrs. FEINSTEIN):

S. Res. 292. A resolution calling on the President to condemn the anti-Israel sentiments expressed by the President of Iran, Mahmoud Ahmadinejad, on October 26, 2005; considered and agreed to.

By Mr. MCCAIN (for himself, Mr. BIDEN, Mr. SUNUNU, Mr. BAYH, Mr. LEAHY, Mr. SMITH, Mr. GRAHAM, and Mr. LIEBERMAN):

S. Res. 293. A resolution calling for a free and fair presidential election in the Republic of Kazakhstan; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. REID, Mr. DODD, Mr. DEWINE, Mr. LEVIN, Mr. BROWNBACK, Ms. STABENOW, Mr. SANTORUM, Mr. OBAMA, Mr. TALENT, Mrs. CLINTON, Mr. ALLEN, Mr. KENNEDY, Mr. HARKIN, Mr. BIDEN, Mrs. BOXER, Mr. PRYOR, Mr. JEFFORDS, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. SCHUMER, Mr. CORZINE, Mr. DORGAN, Mr. ROCKEFELLER, Mr. BAYH, Mr. LIEBERMAN, Mr. LEAHY, Mr. DURBIN, and Mr. AKAKA):

S. Con. Res. 61. A concurrent resolution authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol; considered and agreed to.

ADDITIONAL COSPONSORS

S. 113

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 113, a bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust.

S. 380

At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 380, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 408

At the request of Mr. DEWINE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 417

At the request of Mr. DORGAN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 417, a bill to amend the Internal Revenue Code of 1986 to provide for a refundable wage differential credit for activated military reservists.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 484

At the request of Mr. WARNER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 632

At the request of Mr. LUGAR, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 632, a bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

S. 633

At the request of Mr. JOHNSON, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while

serving in the Armed Forces of the United States.

S. 801

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 801, a bill to designate the United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, as the "John Milton Bryan Simpson United States Courthouse".

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1191

At the request of Mr. SALAZAR, the names of the Senator from Montana (Mr. BURNS) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1191, a bill to establish a grant program to provide innovative transportation options to veterans in remote rural areas.

S. 1215

At the request of Mr. GREGG, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1215, a bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection from development.

S. 1264

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 1264, a bill to provide for the provision by hospitals of emergency contraceptives to women, and post-exposure prophylaxis for sexually transmitted disease to individuals, who are survivors of sexual assault.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1462

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

At the request of Mr. BROWNBACK, the names of the Senator from Florida (Mr. NELSON), the Senator from North Dakota (Mr. DORGAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Rhode Island (Mr. REED) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1462, *supra*.

S. 1571

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 1571, a bill to amend title 38, United States Code, to establish a comprehensive program for testing and treatment of veterans for the Hepatitis C virus.

S. 1587

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1587, a bill to amend title XXI of the Social Security Act to permit qualifying States to use a portion of their allotments under the State children's health insurance program for any fiscal year for certain medicaid expenditures.

S. 1800

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

S. 1808

At the request of Mr. BINGAMAN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Michigan (Ms. STABENOW) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1808, a bill to amend title XIX of the Social Security Act to improve the qualified medicare beneficiary (QMB) and specified low-income medicare beneficiary (SLMB) programs within the medicaid program.

S. 1824

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1824, a bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit.

S. 1860

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1860, a bill to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes.

S. 1922

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1922, a bill to authorize appropriate action if negotiations with Japan to allow the resumption of United States beef exports are not successful, and for other purposes.

S. 1925

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1925, a bill to provide for workers and businesses during the response to Hurricane Katrina and Hurricane Rita, and for other purposes.

S.J. RES. 1

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the name of the Senator from Florida (Mr.

MARTINEZ) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 219

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Res. 219, a resolution designating March 8, 2006, as "Endangered Species Day", and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

AMENDMENT NO. 2070

At the request of Ms. SNOWE, her name was added as a cosponsor of amendment No. 2070 proposed to H.R. 3058, a bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2193

At the request of Mr. THUNE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2193 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2218

At the request of Mr. BINGAMAN, the names of the Senator from Nevada (Mr. REID), the Senator from California (Mrs. BOXER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 2218 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2219

At the request of Mr. BINGAMAN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 2219 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2249

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 2249 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal

year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2250

At the request of Ms. LANDRIEU, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 2250 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2255

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Connecticut (Mr. DODD), the Senator from New York (Mr. SCHUMER) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 2255 intended to be proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2257

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 2257 intended to be proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2258

At the request of Mr. DOMENICI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 2258 intended to be proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2259

At the request of Mr. BINGAMAN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of amendment No. 2259 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2262

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 2262 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2276

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 2276 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2283

At the request of Mr. HARKIN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Rhode Island (Mr. REED), the Senator from New Jersey (Mr. CORZINE) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 2283 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2287

At the request of Mr. SPECTER, the name of the Senator from Nevada (Mr. ENSIGN) was withdrawn as a cosponsor of amendment No. 2287 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 2287 proposed to H.R. 3010, *supra*.

AMENDMENT NO. 2289

At the request of Mr. DAYTON, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 2289 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2299

At the request of Mr. TALENT, his name was added as a cosponsor of amendment No. 2299 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2301

At the request of Mr. OBAMA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 2301 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2308

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a co-

sponsor of amendment No. 2308 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 2327

At the request of Mr. COLEMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2327 proposed to H.R. 3010, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 1927. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am proposing a Fair Flat Tax Act that will finally provide real tax relief to America's hurting middle class. It will do so by making the tax system simpler, flatter and fairer. And at the same time, it will begin to reduce the deficit that is destabilizing our economy, our security and our future.

This tax reform proposal is simpler because it's easier to understand and use. My legislation will include a new, simplified 1040 form that is one page, 30 lines, for every individual taxpayer.

This plan is flatter because it collapses the current system of six individual tax brackets down to three—15, 25 and 35 percent—and creates a flat corporate rate of 35 percent.

Ultimately, this plan is fairer because it changes the laws that disproportionately favor the most affluent Americans and corporations at the expense of the middle class. Instead, it provides a major middle-class tax cut—paid for by the elimination of scores of tax breaks in the individual and corporate income tax breaks, and by repealing the Bush tax cuts that favored the most fortunate few at the expense of the many.

This plan is fairer for American taxpayers because it treats work and wealth equally.

This is a radical statement about tax law: America can do better than a two-tier system which forces a policeman to pay a higher effective tax rate than an investor who makes his income on capital gains and dividends.

Under the current Federal Tax Code, all income is not created equal in this country. Americans who work for wages, in effect, subsidize the tax cuts and credits and deferrals of those who make money through unearned income—the dividends from investments. It's time to treat all taxpayers the same.

Let me be clear: I am not interested in soaking investors. I am a Democrat who believes in markets, and creating wealth. But what our country is all about is equality, and our Tax Code should treat everyone's income more equally too.

My legislation, The Fair Flat Tax Act of 2005, adapts the flat tax idea to help reduce the deficit instead, through fewer exclusions, exemptions, deductions, deferrals, credits and special rates for certain businesses and activities, and through the setting of a single, flat corporate rate of 35 percent. On the individual side, it ends favoritism for itemizers while improving deductions across the board: The standard deduction would be tripled for single filers from \$5,000 to \$15,000 and raised from \$10,000 to \$30,000 for married couples. Six individual rates are collapsed into three progressive rates of 15 percent, 25 percent and 35 percent, and income from all sources is taxed the same.

Several deductions used most frequently by individuals, those for home mortgage interest and charitable contributions, and the credits for children, education and earned income are retained. No one would have to calculate their taxes twice: this proposal eliminates the individual Alternative Minimum Tax (AMT), which could snare as many as 21 million American taxpayers in 2006.

This proposal would eliminate an estimated \$20 billion each year in special breaks for corporations, and direct the Treasury Secretary to identify and report to Congress an additional \$10 billion in savings from tax expenditures that subsidize inefficiencies in the health care system. Eliminating these breaks would sustain current benefits for our men and women in uniform, our veterans and the elderly and disabled—as well as breaks that promote savings and help families pay for health care and education.

What makes the Fair Flat Tax Act truly unique is that it corrects one of the most glaring inequities in the current tax system: regressive State and local taxes. Under current law, low and middle income taxpayers get hit with a double whammy: compared to wealthy Americans, they pay more of their income in State and local taxes. Poor families pay more than 11 percent and middle income families pay about 10 percent of their income in State and local taxes, while wealthier taxpayers only pay five percent. And because many low and middle income taxpayers don't itemize, they get no credit on their Federal form for paying State and local taxes. In fact, two-thirds of the Federal deduction for State and local taxes goes to those with incomes above \$100,000. Under the Fair Flat Tax Act for the first time the Federal code would look at the entire picture, at an individual's combined Federal, State and local tax burden, and give credit to low and middle income individuals to correct for regressive State and local taxes.

Repealing some individual tax credits, deductions and exclusions from income—along with some serious changes to the corporate Tax Code—enables larger standard deductions and broader middle-class tax relief.

The deductions most important to most Americans remain in place: the home mortgage deduction stays, as do child credits and charitable contributions, higher education and health savings.

What all this means for American taxpayers is—the vast majority of taxpayers will see a cut, particularly the middle class. Congressional Research Service experts tell us that middle class families and families with wage and salary incomes up to \$150,000 will see tax relief.

On the corporate side—this plan does something that may not be popular, but it's right.

Each of us, including America's corporations, need to pay our fair share. Corporations that have used tax loopholes to avoid paying their fair share of taxes are going to see those loopholes close and they're going to contribute.

This legislation makes concrete progress toward deficit reduction. There's a long way to go to stop the hemorrhaging in the Federal budget, but this legislation makes a real start by whittling the deficit down approximately \$100 billion over five years.

Some may wonder if what I am proposing today is a response to the President's Tax Reform Advisory Panel. To date, the Panel hasn't officially released its recommendations. I can't respond to something that hasn't been introduced yet. But I am troubled by the fact that the recommendations trickling out from the Panel would continue to twist the Tax Code away from equal treatment of all income, widening the chasm between people who get wages and people who collect dividends.

I am introducing The Fair Flat Tax Act of 2005 today to provide Americans a plan based on common-sense principles that can make the Tax Code work better.

Making the Tax Code simpler and flatter is going to make it fairer. My legislation is going to provide real relief to the middle class. It will treat work and wealth equally. It will make a start at reducing the deficit. I am ready to get to work with my colleagues and move it forward.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1927

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Fair Flat Tax Act of 2005”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in

this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

Sec. 2. Purpose.

TITLE I—INDIVIDUAL INCOME TAX REFORMS

Sec. 101. 3 progressive individual income tax rates for all forms of income.

Sec. 102. Increase in basic standard deduction.

Sec. 103. Refundable credit for State and local income, sales, and real and personal property taxes.

Sec. 104. Earned income child credit and earned income credit for childless taxpayers.

Sec. 105. Repeal of individual alternative minimum tax.

Sec. 106. Termination of various exclusions, exemptions, deductions, and credits.

TITLE II—CORPORATE AND BUSINESS INCOME TAX REFORMS

Sec. 201. Corporate flat tax.

Sec. 202. Treatment of travel on corporate aircraft.

Sec. 203. Termination of various preferential treatments.

Sec. 204. Elimination of tax expenditures that subsidize inefficiencies in the health care system.

Sec. 205. Pass-through business entity transparency.

TITLE III—TECHNICAL AND CONFORMING AMENDMENTS; SUNSET

Sec. 301. Technical and conforming amendments.

Sec. 302. Sunset.

SEC. 2. PURPOSE.

The purpose of this Act is to amend the Internal Revenue Code of 1986—

(1) to make the Federal individual income tax system simpler, fairer, and more transparent by—

(A) recognizing the overall Federal, State, and local tax burden on individual Americans, especially the regressive nature of State and local taxes, and providing a Federal income tax credit for State and local income, sales, and property taxes,

(B) providing for an earned income tax credit for childless taxpayers and a new earned income child credit,

(C) repealing the individual alternative minimum tax,

(D) increasing the basic standard deduction and maintaining itemized deductions for principal residence mortgage interest and charitable contributions,

(E) reducing the number of exclusions, exemptions, deductions, and credits, and

(F) treating all income equally,

(2) to make the Federal corporate income tax rate a flat 35 percent and eliminate special tax preferences that favor particular types of businesses or activities, and

(3) to partially offset the Federal budget deficit through the increased revenues resulting from these reforms.

TITLE I—INDIVIDUAL INCOME TAX REFORMS

SEC. 101. 3 PROGRESSIVE INDIVIDUAL INCOME TAX RATES FOR ALL FORMS OF INCOME.

(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—The table contained in section 1(a) is amended to read as follows:

“If taxable income is:	The tax is:
Not over \$25,000	15% of taxable income.
Over \$25,000 but not over \$120,000	\$3,750, plus 25% of the excess over \$25,000
Over \$120,000	\$27,500, plus 35% of the excess over \$120,000”.

(b) HEADS OF HOUSEHOLDS.—The table contained in section 1(b) is amended to read as follows:

“If taxable income is:	The tax is:
Not over \$16,000	15% of taxable income.
Over \$16,000 but not over \$105,000	\$2,400, plus 25% of the excess over \$16,000
Over \$105,000	\$24,650, plus 35% of the excess over \$105,000”.

(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—The table contained in section 1(c) is amended to read as follows:

“If taxable income is:	The tax is:
Not over \$15,000	15% of taxable income.
Over \$15,000 but not over \$70,000	\$2,250, plus 25% of the excess over \$15,000
Over \$70,000	\$16,000, plus 35% of the excess over \$70,000”.

(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—The table contained in section 1(d) is amended to read as follows:

“If taxable income is:	The tax is:
Not over \$12,500	15% of taxable income.
Over \$12,500 but not over \$60,000	\$1,875, plus 25% of the excess over \$12,500
Over \$60,000	\$13,750, plus 35% of the excess over \$60,000”.

(e) CONFORMING AMENDMENTS TO INFLATION ADJUSTMENT.—Section 1(f) is amended—

(1) by striking “1993” in paragraph (1) and inserting “2006”;

(2) by striking “except as provided in paragraph (8)” in paragraph (2)(A),

(3) by striking “1992” in paragraph (3)(B) and inserting “2005”;

(4) by striking paragraphs (7) and (8), and

(5) by striking “PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET;” in the heading thereof.

(f) REPEAL OF RATE DIFFERENTIAL FOR CAPITAL GAINS AND DIVIDENDS.—

(1) REPEAL OF 2003 RATE REDUCTION.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking “December 31, 2008” and inserting “December 31, 2005”.

(2) TERMINATION OF PRE-2003 CAPITAL GAIN RATE DIFFERENTIAL.—Section 1(h) is amended (after the application of paragraph (1)) by adding at the end the following new paragraph:

“(13) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2005.”.

(g) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 1 is amended by striking subsection (i).

(2) The Internal Revenue Code of 1986 is amended by striking “calendar year 1992” each place it appears and inserting “calendar year 2005”.

(3) Section 1445(e)(1) (after the application of subsection (g)(1)) is amended by striking “(or, to the extent provided in regulations, 20 percent)”.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 102. INCREASE IN BASIC STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) (defining standard deduction) is amended to read as follows:

“(2) BASIC STANDARD DEDUCTION.—For purposes of paragraph (1), the basic standard deduction is—

“(A) 200 percent of the dollar amount in effect under subparagraph (C) for the taxable year in the case of—

“(i) a joint return, or

“(ii) a surviving spouse (as defined in section 2(a)),

“(B) \$26,250 in the case of a head of household (as defined in section 2(b)), or
 “(C) \$15,000 in any other case.”.

(b) CONFORMING AMENDMENT TO INFLATION ADJUSTMENT.—Section 63(c)(4)(B)(i) is amended by striking “(2)(B), (2)(C), or”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 103. REFUNDABLE CREDIT FOR STATE AND LOCAL INCOME, SALES, AND REAL AND PERSONAL PROPERTY TAXES.

(a) GENERAL RULE.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

“SEC. 36. CREDIT FOR STATE AND LOCAL INCOME, SALES, AND REAL AND PERSONAL PROPERTY TAXES.

“(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 10 percent of the qualified State and local taxes paid by the taxpayer for such year.

“(b) QUALIFIED STATE AND LOCAL TAXES.—For purposes of this section, the term ‘qualified State and local taxes’ means—

- “(1) State and local income taxes,
- “(2) State and local general sales taxes,
- “(3) State and local real property taxes, and
- “(4) State and local personal property taxes.

“(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) STATE OR LOCAL TAXES.—A State or local tax includes only a tax imposed by a State, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia.

“(2) GENERAL SALES TAXES.—

“(A) IN GENERAL.—The term ‘general sales tax’ means a tax imposed at one rate with respect to the sale at retail of a broad range of classes of items.

“(B) APPLICATION OF RULES.—Rules similar to the rules under subparagraphs (C), (D), (E), (F), (G), and (H) of section 164(b)(5) shall apply.

“(3) PERSONAL PROPERTY TAXES.—The term ‘personal property tax’ means an ad valorem tax which is imposed on an annual basis in respect of personal property.

“(4) APPLICATION OF RULES TO PROPERTY TAXES.—Rules similar to the rules of subsections (c) and (d) of section 164 shall apply.

“(5) NO CREDIT FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer and the taxpayer’s spouse file a joint return for the taxable year.

“(6) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual’s taxable year begins.

“(7) DENIAL OF DOUBLE BENEFIT.—Any amount taken into account in determining the credit allowable under this section may not be taken into account in determining any credit or deduction under any other provision of this chapter.”.

(b) TECHNICAL AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting “or from section 36 of such Code” before the period at the end.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 36 and inserting the following:

“Sec. 36. Credit for state and local income, sales, and real and personal property taxes.

“Sec. 37. Overpayments of tax.”.

(c) REPORT REGARDING USE OF CREDIT BY RENTERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives recommendations regarding the treatment of a portion of rental payments in a manner similar to real property taxes under section 36 of the Internal Revenue Code of 1986 (as added by this section).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 104. EARNED INCOME CHILD CREDIT AND EARNED INCOME CREDIT FOR CHILDLESS TAXPAYERS.

(a) IN GENERAL.—Subsection (a) of section 32 (relating to earned income) is amended to read as follows:

“(a) ALLOWANCE OF EARNED INCOME CHILD CREDIT AND EARNED INCOME CREDIT.—

“(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year—

“(A) in the case of any eligible individual with 1 or more qualifying children, an amount equal to the earned income child credit amount, and

“(B) in the case of any eligible individual with no qualifying children, an amount equal to the earned income credit amount.

“(2) EARNED INCOME CHILD CREDIT AMOUNT.—For purposes of this section, the earned income child credit amount is equal to the sum of—

“(A) the credit percentage of so much of the taxpayer’s earned income for the taxable year as does not exceed the earned income limit amount, plus

“(B) the supplemental child credit amount determined under subsection (n) for such taxable year.

“(3) EARNED INCOME CREDIT AMOUNT.—For purposes of this section, the earned income credit amount is equal to the credit percentage of so much of the taxpayer’s earned income for the taxable year as does not exceed the earned income limit amount.

“(4) LIMITATION.—The amount of the credit allowable to a taxpayer under paragraph (2)(A) or (3) for any taxable year shall not exceed the excess (if any) of—

“(A) the credit percentage of the earned income amount, over

“(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the phaseout amount.”.

(b) SUPPLEMENTAL CHILD CREDIT AMOUNT.—Section 32 is amended by adding at the end the following new subsection:

“(n) SUPPLEMENTAL CHILD CREDIT AMOUNT.—

“(1) IN GENERAL.—For purposes of subsection (a)(2)(B), the supplemental child credit amount for any taxable year is equal to the lesser of—

“(A) the credit which would be allowed under section 24 for such taxable year without regard to the limitation under section 24(b)(3) with respect to any qualifying child as defined under subsection (c)(3), or

“(B) the amount by which the aggregate amount of credits allowed by subpart A for such taxable year would increase if the limitation imposed by section 24(b)(3) were increased by the excess (if any) of—

“(i) 15 percent of so much of the taxpayer’s earned income which is taken into account in computing taxable income for the taxable year as exceeds \$10,000, or

“(ii) in the case of a taxpayer with 3 or more qualifying children (as so defined), the excess (if any) of—

“(I) the taxpayer’s social security taxes for the taxable year, over

“(II) the credit allowed under this section for the taxable year.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under subpart A and shall reduce the amount of credit otherwise allowable under section 24(a) without regard to section 24(b)(3).

“(2) SOCIAL SECURITY TAXES.—For purposes of paragraph (1)—

“(A) IN GENERAL.—The term ‘social security taxes’ means, with respect to any taxpayer for any taxable year—

“(i) the amount of the taxes imposed by section 3101 and 3201(a) on amounts received by the taxpayer during the calendar year in which the taxable year begins,

“(ii) 50 percent of the taxes imposed by section 1401 on the self-employment income of the taxpayer for the taxable year, and

“(iii) 50 percent of the taxes imposed by section 3211(a)(1) on amounts received by the taxpayer during the calendar year in which the taxable year begins.

“(B) COORDINATION WITH SPECIAL REFUND OF SOCIAL SECURITY TAXES.—The term ‘social security taxes’ shall not include any taxes to the extent the taxpayer is entitled to a special refund of such taxes under section 6413(c).

“(C) SPECIAL RULE.—Any amounts paid pursuant to an agreement under section 3121(l) (relating to agreements entered into by American employers with respect to foreign affiliates) which are equivalent to the taxes referred to in subparagraph (A)(i) shall be treated as taxes referred to in such paragraph.

“(3) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2005, the \$10,000 amount contained in paragraph (1)(B) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2000’ for ‘calendar year 1992’ in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of \$50.”.

(c) CONFORMING AMENDMENT.—Section 24(d) is amended by adding at the end the following new paragraph:

“(4) TERMINATION.—This subsection shall not apply with respect to any taxable year beginning after December 31, 2005.”.

(d) CERTAIN TREATMENT OF EARNED INCOME MADE PERMANENT.—Clause (vi) of section 32(c)(2)(B) is amended to read as follows:

“(vi) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.”.

(e) REPEAL OF DISQUALIFIED INVESTMENT INCOME TEST.—Subsection (i) of section 32 is repealed.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 105. REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55(a) (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

“For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2005, shall be zero.”.

(b) MODIFICATION OF LIMITATION ON USE OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—Subsection (c) of section 53 (relating to credit for prior year minimum tax liability) is amended to read as follows:

“(c) LIMITATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

“(A) the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part, over

“(B) the tentative minimum tax for the taxable year.

“(2) TAXABLE YEARS BEGINNING AFTER 2005.—In the case of any taxable year beginning after 2005, the credit allowable under subsection (a) to a taxpayer other than a corporation for any taxable year shall not exceed 90 percent of the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 106. TERMINATION OF VARIOUS EXCLUSIONS, EXEMPTIONS, DEDUCTIONS, AND CREDITS.

(a) IN GENERAL.—Subchapter C of chapter 90 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following new section:

“SEC. 7875. TERMINATION OF CERTAIN PROVISIONS.

“The following provisions shall not apply to taxable years beginning after December 31, 2005:

“(1) Section 44 (relating to credit for expenditures to provide access to disabled individuals).

“(2) Section 62(a)(2)(D) (relating to deduction for certain expenses of elementary and secondary school teachers).

“(3) Section 67 (relating to 2-percent floor on miscellaneous itemized deductions).

“(4) Section 74(c) (relating to exclusion of certain employee achievement awards).

“(5) Section 79 (relating to exclusion of group-term life insurance purchased for employees).

“(6) Section 104(a)(1) (relating to exclusion of workmen's compensation).

“(7) Section 104(a)(2) (relating to exclusion of damages for physical injuries and sickness).

“(8) Section 107 (relating to exclusion of rental value of parsonages).

“(9) Section 119 (relating to exclusion of meals or lodging furnished for the convenience of the employer).

“(10) Section 125 (relating to exclusion of cafeteria plan benefits).

“(11) Section 132 (relating to certain fringe benefits), except with respect to subsection (a)(5) thereof (relating to exclusion of qualified transportation fringe).

“(12) Section 163(h)(4)(A)(i)(II) (relating to definition of qualified residence).

“(13) Section 165(d) (relating to deduction for wagering losses).

“(14) Section 217 (relating to deduction for moving expenses).

“(15) Section 454 (relating to deferral of tax on obligations issued at discount).

“(16) Section 501(c)(9) (relating to tax-exempt status of voluntary employees' beneficiary associations).

“(17) Section 911 (relating to exclusion of earned income of citizens or residents of the United States living abroad).

“(18) Section 912 (relating to exemption for certain allowances).”.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 90 is amended by adding at the end the following new item:

“Sec. 7875. Termination of certain provisions.”.

TITLE II—CORPORATE AND BUSINESS INCOME TAX REFORMS

SEC. 201. CORPORATE FLAT TAX.

(a) IN GENERAL.—Subsection (b) of section 11 (relating to tax imposed) is amended to read as follows:

“(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be equal to 35 percent of the taxable income.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 280C(c)(3)(B)(ii)(II) is amended by striking “maximum rate of tax under section 11(b)(1)” and inserting “rate of tax under section 11(b)”.

(2) Sections 860E(e)(2)(B), 860E(e)(6)(A)(ii), 860K(d)(2)(A)(ii), 860K(e)(1)(B)(ii), 1446(b)(2)(B), and 7874(e)(1)(B) are each amended by striking “highest rate of tax specified in section 11(b)(1)” and inserting “rate of tax specified in section 11(b)”.

(3) Section 904(b)(3)(D)(ii) is amended by striking “(determined without regard to the last sentence of section 11(b)(1))”.

(4) Section 962 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(5) Section 1201(a) is amended by striking “(determined without regard to the last 2 sentences of section 11(b)(1))”.

(6) Section 1561(a) is amended—

(A) by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively,

(B) by striking “The amounts specified in paragraph (1), the” and inserting “The”,

(C) by striking “paragraph (2)” and inserting “paragraph (1)”,

(D) by striking “paragraph (3)” both places it appears and inserting “paragraph (2)”,

(E) by striking “paragraph (4)” and inserting “paragraph (3)”, and

(F) by striking the fourth sentence.

(7) Subsection (b) of section 1561 is amended to read as follows:

“(b) CERTAIN SHORT TAXABLE YEARS.—If a corporation has a short taxable year which does not include a December 31 and is a component member of a controlled group of corporations with respect to such taxable year, then for purposes of this subtitle, the amount to be used in computing the accumulated earnings credit under section 535(c)(2) and (3) of such corporation for such taxable year shall be the amount specified in subsection (a)(1) divided by the number of corporations which are component members of such group on the last day of such taxable year. For purposes of the preceding sentence, section 1563(b) shall be applied as if such last day were substituted for December 31.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 202. TREATMENT OF TRAVEL ON CORPORATE AIRCRAFT.

(a) IN GENERAL.—Section 162 (relating to trade or business expenses) is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

“(q) TREATMENT OF TRAVEL ON CORPORATE AIRCRAFT.—The rate at which an amount allowable as a deduction under this chapter for the use of an aircraft owned by the taxpayer is determined shall not exceed the rate at which an amount paid or included in income by an employee of such taxpayer for the personal use of such aircraft is determined.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 203. TERMINATION OF VARIOUS PREFERENTIAL TREATMENTS.

(a) IN GENERAL.—Section 7875, as added by section 106, is amended—

(1) by inserting “(or transactions in the case of sections referred to in paragraphs

(21), (22), (23), (24), and (27))” after “taxable years beginning”, and

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

“(19) Section 43 (relating to enhanced oil recovery credit).

“(20) Section 263(c) (relating to intangible drilling and development costs in the case of oil and gas wells and geothermal wells).

“(21) Section 382(l)(5) (relating to exception from net operating loss limitations for corporations in bankruptcy proceeding).

“(22) Section 451(i) (relating to special rules for sales or dispositions to implement Federal Energy Regulatory Commission or State electric restructuring policy).

“(23) Section 453A (relating to special rules for nondealers), but only with respect to the dollar limitation under subsection (b)(1) thereof and subsection (b)(3) thereof (relating to exception for personal use and farm property).

“(24) Section 460(e)(1) (relating to special rules for long-term home construction contracts or other short-term construction contracts).

“(25) Section 613A (relating to percentage depletion in case of oil and gas wells).

“(26) Section 616 (relating to development costs).

“(27) Sections 861(a)(6), 862(a)(6), 863(b)(2), 863(b)(3), and 865(b) (relating to inventory property sales source rule exception).”.

(b) FULL TAX RATE ON NUCLEAR DECOMMISSIONING RESERVE FUND.—Subparagraph (B) of section 468A(e)(2) is amended to read as follows:

“(B) RATE OF TAX.—For purposes of subparagraph (A), the rate set forth in this subparagraph is 35 percent.”.

(c) DEFERRAL OF ACTIVE INCOME OF CONTROLLED FOREIGN CORPORATIONS.—Section 952 (relating to subpart F income defined) is amended by adding at the end the following new subsection:

“(e) SPECIAL APPLICATION OF SUBPART.—

“(1) IN GENERAL.—For taxable years beginning after December 31, 2005, notwithstanding any other provision of this subpart, the term ‘subpart F income’ means, in the case of any controlled foreign corporation, the income of such corporation derived from any foreign country.

“(2) APPLICABLE RULES.—Rules similar to the rules under the last sentence of subsection (a) and subsection (d) shall apply to this subsection.”.

(d) DEFERRAL OF ACTIVE FINANCING INCOME.—Section 953(e)(10) is amended—

(1) by striking “2006” and inserting “2005”, and

(2) by striking “2007” and inserting “2006”.

(e) DEPRECIATION ON EQUIPMENT IN EXCESS OF ALTERNATIVE DEPRECIATION SYSTEM.—Section 168(g)(1) (relating to alternative depreciation system) is amended by striking “and” at the end of subparagraph (D), by adding “and” at the end of subparagraph (E), and by inserting after subparagraph (E) the following new subparagraph:

“(F) notwithstanding subsection (a), any tangible property placed in service after December 31, 2005.”.

(f) EFFECTIVE DATE.—The amendments made by subsections (b), (c), and (d) shall apply to taxable years beginning after December 31, 2005.

SEC. 204. ELIMINATION OF TAX EXPENDITURES THAT SUBSIDIZE INEFFICIENCIES IN THE HEALTH CARE SYSTEM.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives recommendations regarding the elimination of Federal tax incentives which subsidize inefficiencies in the health care

system and if eliminated would result in Federal budget savings of not less than \$10,000,000,000 annually.

SEC. 205. PASS-THROUGH BUSINESS ENTITY TRANSPARENCY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the implementation of additional reporting requirements with respect to any pass-through entity with the goal of the reduction of tax avoidance through the use of such entities. In addition, the Secretary shall develop procedures to share such report data with State revenue agencies under the disclosure requirements of section 6103(d) of the Internal Revenue Code of 1986.

TITLE III—TECHNICAL AND CONFORMING AMENDMENTS; SUNSET

SEC. 301. TECHNICAL AND CONFORMING AMENDMENTS.

The Secretary of the Treasury or the Secretary's delegate shall not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the purposes of the provisions of, and amendments made by, this Act.

SEC. 302. SUNSET.

(a) IN GENERAL.—All provisions of, and amendments made by, this Act shall not apply to taxable years beginning after December 31, 2010.

(b) APPLICATION OF CODE.—The Internal Revenue Code of 1986 shall be applied and administered to taxable years described in subsection (a) as if the provisions of, and amendments made by, this Act had never been enacted.

By Mr. REID (for himself and Mr. COCHRAN):

S. 1930. A bill to expand the research, prevention, and awareness activities of the National Institute of Diabetes and Digestive and Kidney Diseases and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise today to introduce legislation focused on a devastating condition known as inflammatory bowel disease (IBD). I am pleased that Senator COCHRAN has once again joined me in the fight against this painful and debilitating disease.

Crohn's disease and ulcerative colitis, collectively known as inflammatory bowel disease, are chronic disorders of the gastrointestinal tract which afflict approximately 1.4 million Americans, 30 percent whom are diagnosed in their childhood years. IBD can cause severe abdominal pain, fever, and intestinal bleeding. Complications related to the disease include; arthritis, osteoporosis, anemia, liver disease, growth and developmental challenges, and colorectal cancer. Inflammatory bowel disease represents a major cause of morbidity from digestive illness and has a devastating impact on patients and families.

In the 108th Congress I was proud to sponsor bipartisan legislation focused

on IBD that attracted 36 co-sponsors. Several important provisions of that bill were incorporated into legislation known as the "Research Review Act" which was signed into law by the President last November. Specifically, the "Research Review Act" called on the Government Accountability Office and the Centers for Disease Control and Prevention to submit reports to Congress on three issues of critical importance to the IBD community, 1. Social Security Disability, 2. Medicare and Medicaid coverage, and 3. the epidemiology of the disease in the United States.

The legislation I am introducing today builds upon the progress made last year by calling for an increased Federal investment in biomedical research on IBD. The hope for a better quality of life patients and families depends on basic and clinical research sponsored by the National Institute of Diabetes and Digestive and Kidney Diseases at the National Institutes of Health (NIDDK). The "Inflammatory Bowel Disease Research Act" calls for an expansion of NIDDK's research portfolio on Crohn's disease and ulcerative colitis in order to capitalize on several exciting discoveries that have broadened our understanding of IBD in recent years. By increasing our investment in this area, we will maximize the possibility that we will be able to offer hope to millions of Americans who suffer from this debilitating disease. At the same time, progress in this area could also mean we would save millions of dollars in net health care expenditures through reduced hospitalizations and surgeries.

In addition to biomedical research, this legislation also calls on the Centers for Disease Control and Prevention to develop a "National Inflammatory Bowel Disease Action Plan." This plan will provide a comprehensive approach to addressing the burden of IBD in the United States, including strategies for raising awareness of the disease among the general public and health care community, expanding epidemiological research focused on the prevalence of IBD, and preventing the progression of the disease and its complications.

The Crohn's and Colitis Foundation of America, an organization that has been a leader in the battle against IBD, has strongly endorsed this legislation. In addition to CCFA, the following organizations have endorsed this bill: The North American Society for Pediatric Gastroenterology, Hepatology and Nutrition, the American Gastroenterological Association, the American Society for Gastrointestinal Endoscopy, the Digestive Disease National Coalition, the Society of Gastroenterology Nurses and Associates, and the Pennsylvania Society of Gastroenterology.

I urge all Senators to join Senator COCHRAN and me in this important cause by co-sponsoring the "Inflammatory Bowel Disease Research Act."

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1930

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Inflammatory Bowel Disease Research Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Crohn's disease and ulcerative colitis are serious inflammatory diseases of the gastrointestinal tract.

(2) Crohn's disease may occur in any section of the gastrointestinal tract but is predominately found in the lower part of the small intestine and the large intestine. Ulcerative colitis is characterized by inflammation and ulceration of the innermost lining of the colon. Complete removal of the colon in patients with ulcerative colitis can potentially alleviate and cure symptoms.

(3) Because Crohn's disease and ulcerative colitis behave similarly, they are collectively known as inflammatory bowel disease. Both diseases present a variety of symptoms, including severe diarrhea; abdominal pain with cramps; fever; and rectal bleeding. There is no known cause of inflammatory bowel disease, or medical cure.

(4) It is estimated that up to 1,400,000 people in the United States suffer from inflammatory bowel disease, 30 percent of whom are diagnosed during their childhood years.

(5) Children with inflammatory bowel disease miss school activities because of bloody diarrhea and abdominal pain, and many adults who had onset of inflammatory bowel disease as children had delayed puberty and impaired growth and have never reached their full genetic growth potential.

(6) Inflammatory bowel disease patients are at high risk for developing colorectal cancer.

(7) The total annual medical costs for inflammatory bowel disease patients is estimated at more than \$2,000,000,000.

SEC. 3. NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES; INFLAMMATORY BOWEL DISEASE RESEARCH EXPANSION.

(a) IN GENERAL.—The Director of the National Institute of Diabetes and Digestive and Kidney Diseases shall expand, intensify, and coordinate the activities of the Institute with respect to research on inflammatory bowel disease, with particular emphasis on the following areas:

(1) Genetic research on susceptibility for inflammatory bowel disease, including the interaction of genetic and environmental factors in the development of the disease.

(2) Research targeted to increase knowledge about the causes and complications of inflammatory bowel disease in children.

(3) Animal model research on inflammatory bowel disease, including genetics in animals.

(4) Clinical inflammatory bowel disease research, including clinical studies and treatment trials.

(5) Expansion of the Institute's Inflammatory Bowel Disease Centers program with a focus on pediatric research.

(6) Other research initiatives identified by the scientific document entitled "Challenges in Inflammatory Bowel Disease" and the research agenda for pediatric gastroenterology, hepatology and nutrition entitled "Chronic Inflammatory Bowel Disease".

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—For the purpose of carrying out subsection (a), there are authorized to be appropriated \$75,000,000 for fiscal year 2006, \$85,000,000 for fiscal year 2007, and \$100,000,000 for fiscal year 2008.

(2) RESERVATION.—Of the amounts authorized to be appropriated under paragraph (1), not more than 20 percent shall be reserved for the training of qualified health professionals in biomedical research focused on inflammatory bowel disease, including pediatric investigators.

SEC. 4. CENTERS FOR DISEASE CONTROL AND PREVENTION; NATIONAL INFLAMMATORY BOWEL DISEASE ACTION PLAN.

(a) IN GENERAL.—

(1) PREPARATION OF PLAN.—The Director of the Centers for Disease Control and Prevention, in consultation with the inflammatory bowel disease community, shall prepare a comprehensive plan to address the burden of inflammatory bowel disease in both adult and pediatric populations (which plan shall be designated by the Director as the “National Inflammatory Bowel Disease Action Plan”).

(2) REPORT TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act, the Director of the Centers for Disease Control and Prevention shall submit the Plan referred to in paragraph (1) to the Committee on Energy and Commerce and the Committee on Appropriations in the House of Representatives and to the Committee on Health, Education, Labor and Pensions and the Committee on Appropriations in the Senate.

(b) CONTENT.—

(1) IN GENERAL.—The National Inflammatory Bowel Disease Action Plan shall address strategies for determining the true prevalence of inflammatory bowel disease in the United States, and the unique demographic characteristics of the patient community through the expansion of appropriate epidemiological activities.

(2) CERTAIN REQUIREMENTS.—The Plan referred to in paragraph (1) shall—

(A) focus on strategies for increasing awareness about inflammatory bowel disease within the general public and the health care community in order to facilitate more timely and accurate diagnoses; and

(B) address mechanisms designed to prevent the progression of the disease and the development of complications, such as colorectal cancer, and other strategies and activities as deemed appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated such sums as may be necessary for fiscal year 2006.

By Mr. SPECTER (for himself,
Mr. BIDEN, Mr. BROWNBACK, Mr.
TALENT, Mr. DEWINE, Mr.
CORZINE, Mr. BINGAMAN, Mr.
KYL, Mr. SANTORUM, and Mr.
OBAMA):

S. 1934. A bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to introduce, along with Senators BIDEN and BROWNBACK, the Second Chance Act of 2005: Community Safety through Recidivism Pre-

vention. This legislation is designed to reduce recidivism among adult and juvenile ex-offenders. Never before in our history have so many individuals been released from prison and never before in our history have so many ex-offenders been prepared to reenter their communities. Each year, more than 650,000 individuals are released, which roughly equates to about 1,700 individuals returning communities each day. This number is expected to grow in the near future as more inmates complete their prison terms. For most offenders, the transition back into their communities is difficult because many lack the necessary skill to ensure a successful reentry. Many suffer from serious substance abuse addictions and mental health issues. Many have difficulty securing a job or adequate housing and often find themselves lured back to a life of crime. A study conducted by the Bureau of Justice Statistics reported that over two-thirds of released prisoners were rearrested within three years and one-half of those rearrested were convicted and re-incarcerated. This high rate of recidivism devastates our towns and communities and puts an enormous strain on state and local budgets.

The Second Chance Act reauthorizes the Adult and Juvenile Offender Reentry Demonstration projects, authorizing the Attorney General to make grants to States and local governments to establish offender reentry projects, with an enhanced focus on job training, housing, substance abuse and mental health treatment, and working with children and families. It also creates a new grant program available to nonprofit organizations for the purpose of providing mentoring and other transitional services essential to reintegrating ex-offenders. The Second Chance Act encourages new community partnerships to help educate, train, and employ these individuals who might otherwise return to a life of crime.

Many ex-offenders are often stigmatized by their incarceration, and must face the reality that many employers are reluctant to hire them. A National Adult Literacy Study determined that a majority of prisoners are either illiterate or have marginal reading, writing, and math skills. Following the repeal of Pell Grant eligibility for incarcerated individuals, I worked to create the Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders program. This program is aimed at providing post-secondary education, employment counseling, and workplace and community transition training for incarcerated youth offenders while in prison, which continue for up to one year after the individual is released. The current program limits expenditures per youth offender to \$1,500 for tuition and books, and only allows an additional \$300 for other related services. The Second Chance Act builds upon my earlier efforts by in-

creasing State's flexibility and accountability within the grant program. It removes the cap and raises the allowable expenditure permitted for each youth offender to the maximum level of Pell Grants. One of the keys to preventing recidivism is access to education and in recognizing the impact that education and job training can have on incarcerated offenders. It is my sincere hope that this legislation will encourage incarcerated individuals to achieve their independence and to gain the necessary skills to become productive members of society.

Another crisis that well face is the growing populations of prisoners who are parents. More than half of those currently incarcerated are parents of minor children. Female incarceration rates are increasing faster than those men, totaling 7 percent of the prison population. Of those incarcerated, 80 percent are mothers with, on average two dependent children. What is most troubling is that two-thirds of their children are younger than the age of 10. The incarceration of a parent can have a tremendous impact on childhood development. Prison presents a unique opportunity to improve a prisoner's ability to become a better parent once they are released. Unfortunately, many of our prisons do not employ such programs, due to fiscal constraints as well as a shift in priorities. The Second Chance Act of 2005 encourages the creating of programs that facilitate visitation, if it is in the best interest of the child. It also directs the Secretary of Health and Human Services to establish services to help preserve family units, with special attention paid to the impact on the child of an incarcerated parent.

There is ample evidence that well-designed reentry programs reduce recidivism. Programs such as aftercare for substance abusers and adult vocational education have shown to reduce recidivism up to 15 percent. These programs pay for themselves by reducing future correction costs associated with rehousing these individuals upon their return back into the institution. The revolving door of prisons not only hurts those who are caught up in the process, but hurts their families and our communities. If we fail to address this problem, we are burdening our communities not only with greater expenditures, but in the risk of increased crime and unsafe neighborhoods. The more we can do to prepare these individuals when they return home, the better off we will all be. I urge my colleagues to join me in cosponsoring this legislation, and urge its swift adoption.

Mr. BIDEN. Mr. President, Senator SPECTER, Senator BROWNBACK, and I introduce today the Second Chance Act of 2005, which takes direct aim at reducing recidivism rates for our nation's ex-offenders and improving the transition for these offenders from prison back into the community.

All too often we think about today, but not tomorrow. We look to short-

term solutions for long-term problems. We need to have a change in thinking and approach. It's time we face the dire situation of prisoners reentering our communities with insufficient monitoring, little nor no job skills, inadequate drug treatment, insufficient housing, lack of positive influences, a paucity of basic physical and mental health services, and deficient basic life skills.

The bill we introduce today is about providing a second chance for these ex-offenders, and the children and families that depend on them. It's about strengthening communities and ensuring safe neighborhoods.

Since my 1994 Crime Bill passed, we've had great success in cutting down on crime rates in this country. Under the Community Oriented Policing Services, COPS, program, we've funded over 100,000 officers all across the country. And our crime rate has plummeted.

But there's a record number of people currently serving time in our country—over 2 million in our federal and state prisons; with millions more in local jails. And 95 percent of all prisoners we lock up today will eventually get out. That equals nearly 650,000 being released from federal or state prisons to communities each year.

If we are going to continue the downward trend of crime rates, we simply have to make strong, concerted, and common-sense efforts now to help ex-prisoners successfully reenter and reintegrate to their communities.

And right now, we're not doing a good enough job. A staggering two-thirds of released State prisoners are expected to be rearrested for a felony or serious misdemeanor within 3 years of release. Two out of every three. You're talking about hundreds of thousands of reoffending, ex-offenders each year and hundreds of thousands of serious crimes being committed by people who have already served time in jail.

And, unfortunately, it's too difficult to see why such a huge portion of our released prisoners recommit serious crimes. Up to 60 percent of former inmates are not employed; 15-27 percent of prisoners expect to go to homeless shelters upon release; and 57 percent of federal and 70 percent of state inmates used drugs regularly before prison, with some estimates of involvement with drugs or alcohol around the time of the offense as high as 84 percent.

These huge numbers of released prisoners each year and the out-of-control recidivism rates are a recipe for disaster—leading to untold damage, hardship, and death for victims; ruined futures and lost potential for re-offenders; and a huge drain on society at large. One particularly vulnerable group is the children of these offenders. We simply cannot be resigned to allowing generation after generation entering and reentering our prisons. This pernicious cycle must come to an end.

My 1994 Crime Bill recognized these extraordinarily high rates of recidi-

vism as a real problem. My bill, for example, created innovative drug treatment programs for State and Federal inmates to help them kick their habit.

But this is only one piece of the puzzle. I introduced a bill in 2000 that would have built on my 1994 Crime Bill—the "Offender Reentry and Community Safety Act of 2000" (S. 2908). This bill would have created demonstration reentry programs for Federal, State, and local prisoners. These programs were designed to assist high-risk, high-need offenders who served their prison sentences, but who posed the greatest risk of reoffending upon release because they lacked the education, job skills, stable family or living arrangements, and the health services they needed to successfully reintegrate into society.

While we have made some progress on offender reentry efforts since 1994, much more needs to be done. In the current session of Congress, I am pleased that colleagues of mine—from both sides of Capitol Hill and from both sides of the aisle—are also focusing their attention and this vital issue.

Senators SPECTER and BROWBACK have been dedicated and tireless leaders on crime and public safety issues throughout their careers, and I am proud to join efforts with them today. Other Senators have also taken a leadership role on these issues, including Senators LEAHY, KENNEDY, BROWBACK, HATCH, SPECTER, GRASSLEY, FEINSTEIN, DEWINE, SANTORUM, LANDRIEU, BINGAMAN, COBURN, DURBIN, and OBAMA.

The Second Chance Act of 2005 provides a competitive grant program to promote innovative programs to this out a variety of methods aimed at reducing recidivism rates. Efforts would be focus on post-release housing, education and job training, substance abuse and mental health services, and mentoring programs, just to name a few.

Because the scope of the problem is so large—with 650,000 prisoners being released from state and federal prisons each year—our bill provides \$100 million per year in competitive grant funding. This isn't being wasteful with our scarce federal resources, it's just an acknowledgement of the scope of the problem we're faced with.

A relatively modest investment in offender reentry efforts compares very well with the alternative, building more and more prisons for these ex-offenders to return to if they are unable to successfully reenter their communities and instead are rearrested and reconvicted of more crimes. We must remember that the average cost of incarcerating each prisoner exceeds 20,000 per year, with expenditures on corrections alone having increased from \$9 billion in 1982 to \$60 billion in 2002. We simply can't be penny-wise but pound-foolish.

The Second Chance Act of 2005 also requires that federal departments with a role in offender reentry efforts coordinate and work together; to make

sure there aren't duplicative efforts or funding gaps; and to coordinate reentry research. Our bill would raise the profile of this issue within the executive branch and secure the sustained and coordinated federal attention offender reentry efforts deserve.

We also need to examine existing Federal and State reentry barriers—laws, regulations, rules, and practices that make it more difficult for former inmates to successfully reintegrate back into their communities; laws that confine ex-offenders to society's margins, making it even more likely that they will recommit serious crimes and return to prison.

Turning over a new leaf and going from a life of crime to becoming a productive member of society is tough enough. We shouldn't have Federal and State laws on the books that make this even more challenging. That's not say that we don't want to restrict former drug addicts from working in pharmacies, for example, or to bar sex offenders from working in day care centers. But many communities across the country currently exclude ex-prisoners from virtually every occupation requiring a state license, like chiropractic care, engineering, and real estate. Lifting these senselessly punitive bans would make it easier for ex-offenders to stay out of prison.

Our bill provides for a robust analysis of these federal and state barriers with recommendations on what next steps we need to take. And these reviews are mandated to take place out in the open under public scrutiny.

The Second Chance Act also spurs state-of-the-art research and study on offender reentry issues. We need to know who is most likely to recommit crimes when they are released, to better target our limited resources where they can do the most good. We need to study why some ex-offenders who seem to have the entire deck stacked against them are able to become successful and productive members of our society. We need to know what, works and how we can replicate what works for others.

Our bill also provides a whole slew of common-sense proposals in the areas of job training, employment, education, post-release housing, substance abuse, and prisoner mentoring—efforts and changes in law that we can do now.

Our Second Chance Act is a next, natural step in our campaign against crime. Making a dent in recidivism rate is an enormous undertaking; one that requires action now and continued focus in the future. I commit to vigorously pushing this legislation as well as keeping an eye on what steps we need to take in the future. We need to realize that the problems facing ex-offenders are enormous and will need sustained focus. The safety of our neighbors, our children, and our communities depends on it.

I am proud today to join with Senator SPECTER and Senator BROWBACK in introducing the Second Chance Act and ask our colleagues to join with us in this vital effort.

Mr. BROWNBACK. Mr. President, I am please to join with Chairman SPENCER and Senator BIDEN today as we introduce a bill that will have a dramatic and positive effect in the lives of individuals re-entering society after incarceration. The Second Chance Act: Community Safety Through Recidivism Prevention is a bill that will not only protect our Nation's citizens but will more importantly help to reduce recidivism in our Nation.

A hallmark of any just society lies in its ability to protect the interest of all its citizens and I am proud that the United States is a leader in this regard. Yet, while we continue to strive toward this lofty goal, we must realize that there are areas in which we, as a society and as government, must do more to improve. No where is that more apparent than in our Nation's pension system.

Today, we have challenges within the prison system that range from high recidivism rates to budgetary and safety concerns. With this bill, we will be able to address this pressing problem within our society. Already we have seen innovative and model programs within the states and the faith community, and I am proud to say that Kansas is a leader in this regard, as well as such faith organizations as Prison Fellowship Ministries, Catholic Charities U.S.A., and the Salvation Army. However, we must stimulate innovation in this area on a national level and that is what this bill will accomplish. It is paramount that we ensure the safety of our communities and ensure that those incarcerated have the tools necessary to succeed after they rejoin society.

With this bill, we will be able to combat the extremely high recidivism rates plaguing the prison system, currently as high as 70 percent, as well as address the financial burdens that hinder many of our state penitentiaries. State prison operating expenditures totaled \$28.4 billion in fiscal year 2001, or a nationwide average annual operating cost of \$22,650 per inmate. Today, it is more likely than ever that a person released from prison will be rearrested—two-thirds of state prisoners are rearrested within 3 years of release. Depending on the expert consulted, between one-third and two-thirds of all prison re-admissions are related to probation or parole violations and at least half of those violations are technical.

We must stop subsidizing programs that do not work and that lead, in turn, to negative behavior.

I am confident that the bill we are putting forward today will indeed take the much needed steps to reduce the recidivism rate in this Nation, which will in turn help those incarcerated make positive changes within their lives so that when they do rejoin society, they will be able to do so with the confidence of knowing that they can contribute to society in a positive manner. As an added incentive to recidivism reduction, each grant application sub-

mitted under this program must have as its strategic plan a goal to reduce recidivism by 50 percent in 5 years and in order to receive continued funding under this program, each grantee must show a reduction in the recidivism rate of participants by 10 percent over 2 years.

Specifically, this bill facilitates change within our current correctional system, and promotes coordination with the Federal Government to better assist those returning to our communities after incarceration their children. The bill reauthorizes the Re-Entry Demonstration Project with an enhanced focus on jobs, housing, substance abuse treatment, mental health, and the children and families of those incarcerated. The bill authorizes \$200 million over a period of two years to fund these demonstration programs and creates performance outcome standards and deliverables. It will also encourage states to enhance their re-entry services and systems with grants to fund the creation or enhancement of state re-entry councils for strategic planning and review the state barriers and resources that exist.

Additionally, the bill creates a Federal interagency taskforce to facilitate collaboration and identify innovative programs initiatives. The taskforce will review and report to Congress on the Federal barriers that exist to successful re-entry.

Furthermore, the bill create a \$50 million 2 year mentoring program geared toward reducing recidivism and the societal costs of recidivism. This mentoring program will help ex-offenders re-integrate into their communities. This initiative will specifically harness the resources and experience of community-based organizations in helping returning ex-offender.

Finally, the bill amends the Workplace and Community Transition Training for Incarcerated Youth Offenders Act by improving the existing grants to States under this program and provides \$60 million for the administration of the program. This youth program calls for expanding the eligibility age from 25 to 35 years, increases accountability by requiring State correctional education agencies to track specific and quantified student outcomes referenced to non-program participants, and increases the allowable expenditure per youth offender up to the level of the maximum Federal Pell Grant award for tuition, books and essential materials; and related services, such as career development.

We have an incredible opportunity to re-shape the way in which this nation's prison systems operate. Much like welfare reform in the mid 1990s, we have a chance to make real and effective change in an area where change is sorely needed. I look forward to pushing this legislation forward.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 289—EXPRESSING THE SENSE OF THE SENATE THAT JOSEPH JEFFERSON "SHOELESS JOE" JACKSON SHOULD BE APPROPRIATELY HONORED FOR HIS OUTSTANDING BASEBALL ACCOMPLISHMENTS

Mr. DeMINT (for himself, Mr. HARKIN, Mr. GRAHAM, and Mr. FEINGOLD) submitted the following resolution; which was considered and agreed to:

S. RES. 289

Whereas Joseph Jefferson "Shoeless Joe" Jackson, a native of Greenville, South Carolina, and a local legend, began his professional career and received his nickname while playing baseball for the Greenville Spinners in 1908;

Whereas "Shoeless Joe" Jackson moved to the Philadelphia Athletics for his major league debut in 1908, to the Cleveland Naps in 1910, and to the Chicago White Sox in 1915;

Whereas "Shoeless Joe" Jackson's accomplishments throughout his 13-year career in professional baseball were outstanding—he was 1 of only 7 Major League Baseball players to ever top the coveted mark of a .400 batting average for a season, and he earned a lifetime batting average of .356, the third highest of all time;

Whereas "Shoeless Joe" Jackson's career record makes him one of our Nation's top baseball players of all time;

Whereas in 1919, the infamous "Black Sox" scandal erupted when an employee of a New York gambler allegedly bribed 8 players of the Chicago White Sox, including Joseph Jefferson "Shoeless Joe" Jackson, to lose the first and second games of the 1919 World Series to the Cincinnati Reds;

Whereas in September 1920, a criminal court acquitted "Shoeless Joe" Jackson of the charge that he conspired to lose the 1919 World Series;

Whereas despite the acquittal, Judge Kenesaw Mountain Landis, baseball's first commissioner, banned "Shoeless Joe" Jackson from playing Major League Baseball for life without conducting any investigation of Jackson's alleged activities, issuing a summary punishment that fell far short of due process standards;

Whereas the evidence shows that Jackson did not deliberately misplay during the 1919 World Series in an attempt to make his team lose the World Series;

Whereas during the 1919 World Series, Jackson's play was outstanding—his batting average was .375 (the highest of any player from either team), he set a World Series record with 12 hits, he committed no errors, and he hit the only home run of the series;

Whereas because of his lifetime ban from Major League Baseball, "Shoeless Joe" Jackson has been excluded from consideration for admission to the Major League Baseball Hall of Fame;

Whereas "Shoeless Joe" Jackson died in 1951, after fully serving his lifetime ban from baseball, and 85 years have elapsed since the 1919 World Series scandal erupted;

Whereas Major League Baseball Commissioner Bud Selig took an important first step toward restoring the reputation of "Shoeless Joe" Jackson by agreeing to investigate whether he was involved in a conspiracy to alter the outcome of the 1919 World Series and whether he should be eligible for inclusion in the Major League Baseball Hall of Fame;

Whereas it has been 6 years since Commissioner Selig initiated his investigation of

"Shoeless Joe", but there has been no resolution;

Whereas the Chicago White Sox are the 2005 American League Champions, and will compete in the World Series for the first time since 1959;

Whereas "Shoeless Joe" Jackson helped lead the Chicago White Sox to their last World Series Championship in 1917; and

Whereas it is appropriate for Major League Baseball to remove the taint upon the memory of "Shoeless Joe" Jackson and honor his outstanding baseball accomplishments: Now, therefore, be it

Resolved, That it is the sense of the Senate that Joseph Jefferson "Shoeless Joe" Jackson should be appropriately honored for his outstanding baseball accomplishments.

SENATE RESOLUTION 290—HONORING THE LIFE AND EXPRESSING THE DEEPEST CONDOLENCES OF CONGRESS ON THE PASSING OF EDWARD ROYBAL, FORMER UNITED STATES CONGRESSMAN

Mr. SALAZAR (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. KERRY, Mr. LIEBERMAN, Mr. OBAMA, Mr. REID, Mrs. BOXER, Mr. PRYOR, Mr. DURBIN, and Mr. REED) submitted the following resolution; which was considered and agreed to:

S. RES. 290

Whereas Edward Roybal was born on February 10, 1916, in Albuquerque, New Mexico, and moved at the age of 6 with his family to the Boyle Heights barrio of Los Angeles;

Whereas his pioneering efforts in the Congress for civil rights and social justice on behalf of the elderly, Hispanics, and others has inspired generations of Americans;

Whereas Edward Roybal attended public schools, graduating from Roosevelt High School in 1934, and subsequently studying at the University of California in Los Angeles and Southwestern University;

Whereas Edward Roybal is a distinguished veteran who served in the United States Army during World War II;

Whereas Edward Roybal worked as a public health educator for the California Tuberculosis Association, and eventually served as Director of Health Education for the Los Angeles County Tuberculosis and Health Association until 1949;

Whereas Edward Roybal founded the Community Service Organization in 1947 with Fred Ross and a group of Mexican Americans forging a partnership between the Mexican-American and Jewish communities of East Los Angeles, and as the President of the organization, fought against discrimination in housing, employment, voting rights, and education;

Whereas Edward Roybal was elected to the Los Angeles City Council in 1949 and, as the first Hispanic to serve on the city council in more than a century, served for 13 years;

Whereas on November 6, 1962, Edward Roybal became the first Hispanic elected from California to serve in the House of Representatives since 1879, and served for 30 years;

Whereas during his 3 decades of service in the House of Representatives, Roybal worked to protect the rights of minorities, the elderly, and the physically-challenged;

Whereas during his tenure in the House of Representatives, Congressman Roybal served on several important congressional committees, including the Committee on the Post Office and Civil Service, the Committee on Foreign Affairs, the Committee on Veterans'

Affairs, and as the Chair of the Select Committee on Aging;

Whereas in 1971, Congressman Roybal was selected to serve on the Committee on Appropriations, where he remained for the rest of his tenure in the House of Representatives and eventually chaired the Subcommittee on Treasury, Postal Service, and General Government in 1981;

Whereas, while serving as a member of the Committee on Appropriations, Edward Roybal was a powerful advocate for the funding of education, civil rights, and health programs and was 1 of the first members of Congress to press for and obtain funding for HIV and AIDS research;

Whereas Congressman Roybal was committed to providing opportunities for Spanish-speaking Americans, helped establish a Cabinet Committee on Opportunities for Spanish-speaking people in 1968 with the goal of improving education, housing, and employment opportunities for Spanish-speaking Americans, and authored the first education bill to provide local school districts with assistance with special bilingual teaching programs;

Whereas in 1976, the County of Los Angeles opened the Edward R. Roybal Clinic in East Los Angeles;

Whereas in 1976, Congressman Roybal was 1 of the founding members and became the first chair of the Congressional Hispanic Caucus, a legislative service organization of the House of Representatives that today is comprised of 21 Representatives;

Whereas Congressman Roybal was instrumental in the establishment of several national nonprofit organizations dedicated to advancing and promoting a new generation of Latino leaders, such as the Congressional Hispanic Caucus Institute and the National Association of Latino Elected and Appointed Officials; and

Whereas Congressman Roybal received numerous honors and awards, including two honorary doctor of law degrees from Pacific States University and from Claremont Graduate School, as well as the prestigious Presidential Citizens Medal of Honor from President William Jefferson Clinton; Now, therefore, be it

Resolved, That the United States Congress honors the trail-blazing life and pioneering accomplishments of Congressman Edward Roybal and expresses its condolences on his passing.

SENATE RESOLUTION 291—TO CONGRATULATE THE CHICAGO WHITE SOX ON WINNING THE 2005 WORLD SERIES CHAMPIONSHIP

Mr. OBAMA (for himself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 291

Whereas, on October 26, 2005, the Chicago White Sox baseball club won the 2005 World Series;

Whereas this is the first championship for the White Sox since 1917, when Woodrow Wilson was president and the United States was fighting in World War I;

Whereas this is the first World Series appearance for the White Sox since 1959;

Whereas the White Sox posted a regular season record of 99-63 and dominated their opponents during the playoffs, compiling 11 wins and only 1 loss, and finishing with an 8-game win streak that included a sweep in the Fall Classic;

Whereas the White Sox joined the 1990 Cincinnati Reds and the legendary 1927 New York Yankees as the only teams who have

swept a World Series after playing every game of the regular season while in first place;

Whereas the White Sox pitching staff tied a Major League playoff record of 4 straight complete game wins and did not allow a single run in the last 15 innings of the World Series;

Whereas Manager Ozzie Guillen, General Manager Kenny Williams, and owners Jerry Reinsdorf and Eddie Einhorn have put together and led a great organization;

Whereas all 25 players on the playoff squad, whose sole goal was winning the World Series rather than chasing individual glory, contributed to the victory, including World Series Most Valuable Player, Jermaine Dye, as well as Scott Podsednik, Tadahito Iguchi, Joe Crede, Aaron Rowand, Paul Konerko, Juan Uribe, A.J. Pierzynski, Carl Everett, Freddy Garcia, Geoff Blum, Willie Harris, Timo Perez, Chris Widger, Pablo Ozuna, Mark Buehrle, Jose Contreras, Neal Cotts, Jon Garland, Dustin Hermanson, Orlando Hernandez, Bobby Jenks, Damaso Marte, Cliff Politte, and Luis Vizcaino;

Whereas other players, such as Frank Thomas and Brandon McCarthy, made important contributions to get the White Sox to the playoffs, but were unable to be placed on the playoff roster;

Whereas this current group of White Sox players follows in the giant footsteps of the great players in White Sox history who have had their numbers retired, players such as Nellie Fox (#2), Harold Baines (#3), Luke Appling (#4), Minnie Minoso (#9), Luis Aparicio (#11), Ted Lyons (#16), Billy Pierce (#19), and Carlton Fisk (#72);

Whereas the city of Chicago and White Sox fans have faithfully stuck by their team during the decades it spent in baseball's wilderness;

Whereas a new generation of young fans in Chicago and around Illinois are discovering the joy of world championship baseball; and

Whereas the Boston Red Sox, the Los Angeles Angels of Anaheim, and the Houston Astros proved worthy and honorable adversaries and also deserve recognition, and: Now, therefore, be it

Resolved, that the Senate—

(1) congratulates the Chicago White Sox on winning the 2005 World Series Championship;

(2) commends the fans, players, and management of the Houston Astros for allowing the Chicago White Sox and their many supporters to celebrate their first World Series title in 88 years at Minute Maid Park, the home field of the Houston Astros; and

(3) respectfully directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2005 Chicago White Sox baseball club;

(B) White Sox owners, Jerry Reinsdorf and Eddie Einhorn.

SENATE RESOLUTION 292—CALLING ON THE PRESIDENT TO CONDEMN THE ANTI-ISRAEL SENTIMENTS EXPRESSED BY THE PRESIDENT OF IRAN, MAHMOUD AHMADINEJAD, ON OCTOBER 26, 2005.

Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. DODD, Mrs. DOLE, Mr. NELSON of Florida, Mr. CORZINE, Mr. SALAZAR, Mr. FEINGOLD, Mr. LEVIN, Mrs. CLINTON, Mr. COLEMAN, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 292

Whereas, on October 26, 2005, the President of Iran, Mahmoud Ahmadinejad, said that Israel must be “wiped off the map” and that “[a]nybody who recognizes Israel will burn in the fire of the Islamic nations’ fury”;

Whereas the Department of State has designated Iran as a state sponsor of terrorism that has repeatedly provided support for acts of international terror;

Whereas the Government of Iran sponsors terrorist organizations such as Hezbollah, Hamas, Islamic Jihad, the al-Aqsa Martyrs Brigades, and PFLP-GC by providing funding, training, weapons, and safe haven to such organizations; and

Whereas the outrageous statements of Mr. Ahmadinejad are not in accord with the expressions of the Palestinian leadership in the peace process: Now, therefore, be it

Resolved, That the Senate—

(1) thoroughly repudiates the anti-Israel sentiments expressed by the President of Iran, Mahmoud Ahmadinejad, on October 26, 2005; and

(2) calls on the President, on behalf of the United States, to thoroughly repudiate, in the strongest terms possible, the statement by Mr. Ahmadinejad.

SENATE RESOLUTION 293—CALLING FOR A FREE AND FAIR PRESIDENTIAL ELECTION IN THE REPUBLIC OF KAZAKHSTAN

Mr. MCCAIN (for himself, Mr. BIDEN, Mr. SUNUNU, Mr. BAYH, Mr. LEAHY, Mr. SMITH, Mr. GRAHAM, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 293

Whereas the Republic of Kazakhstan is scheduled to hold a presidential election on December 4, 2005;

Whereas Kazakhstan freely accepted commitments on democracy, human rights, the rule of law, and other fundamental freedoms and rights when it joined the Organization for Security and Cooperation in Europe (OSCE) as a participating state in 1992;

Whereas the United States supports the promotion of democracy and transparent, free, and fair elections in Kazakhstan, consistent with that country’s OSCE commitments;

Whereas the OSCE declared that, while the 2004 parliamentary elections in Kazakhstan reflected improvement over past parliamentary elections, the election process “fell short of OSCE commitments and other international standards for democratic elections in many respects”;

Whereas the OSCE election monitoring mission documented a number of shortcomings in the parliamentary elections in Kazakhstan, including the government’s barring of 2 opposition leaders from running, a lack of transparency in the work of the Central Election Commission, discrepancies in voter lists, a lack of political balance in the composition of election commissions, a strong media bias in favor of pro-presidential parties, pressure placed on voters to support pro-presidential parties by local government officials and workplace supervisors, and other shortcomings;

Whereas in April 2005, Kazakhstan amended its election law to ban political demonstrations in the period between the end of election campaigns and the announcement of official election results;

Whereas on September 9, 2005, President Nursultan Nazarbaev issued a decree directing state authorities to undertake actions,

which, if fully implemented, could improve on many of the shortcomings found in previous elections;

Whereas other elements of Kazakhstan’s stated commitments to OSCE principles and to fulfilling the goals of democracy remain unfulfilled;

Whereas there is currently no representation of the opposition in either the Majilis or the Senate, the lower and upper houses of the Kazakh Parliament, respectively;

Whereas some independent media exists in Kazakhstan, but self-censorship is common due to fears of official reprisal;

Whereas the Department of State concluded in its Country Reports on Human Rights Practices for 2004 that “the [Kazakhstan] Government’s human rights record remained poor, and it continued to commit numerous abuses”;

Whereas a transparent, free, and fair presidential election process in Kazakhstan would mark an important step in that country’s progress toward its integration into the democratic community of nations;

Whereas a genuinely free and fair election requires that citizens be guaranteed the right and opportunity to exercise their civil and political rights, free from intimidation, undue influence, threats of political retribution, or other forms of coercion by national or local authorities or others; and

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the Government of Kazakhstan to hold an orderly, peaceful, free, and fair presidential election in December 2005, in accordance with all Organization for Security and Cooperation in Europe (OSCE) guidelines;

(2) calls upon the Government of Kazakhstan to guarantee the full participation of opposition figures and parties in the upcoming election, and to permit the return of political exiles;

(3) believes that it is vital that the December election be viewed by the people of Kazakhstan as fully free and fair, and that all sides refrain from violence or intimidation before, during, or after election day;

(4) calls upon the Government of Kazakhstan to guarantee unimpeded access to all aspects of the election process for election monitors from the Office for Democratic Institutions and Human Rights of the OSCE, Kazakh political parties, representatives of candidates, nongovernmental organizations, and other private institutions and organizations, both foreign and domestic;

(5) urges the international community and domestic nongovernmental organizations to provide a sufficient number of election observers to ensure credible monitoring and reporting of the December presidential election;

(6) calls upon the Government of Kazakhstan to guarantee freedom of speech and assembly; and

(7) calls upon the Government of Kazakhstan to meet all of its freely accepted OSCE commitments on democracy, human rights, and the rule of law.

SENATE CONCURRENT RESOLUTION 61—AUTHORIZING THE REMAINS OF ROSA PARKS TO LIE IN HONOR IN THE ROTUNDA OF THE CAPITOL

Mr. FRIST (for himself, Mr. REID, Mr. DODD, Mr. DEWINE, Mr. LEVIN, Mr. BROWNBACK, Ms. STABENOW, Mr. SANTORUM, Mr. OBAMA, Mr. TALENT, Mrs. CLINTON, Mr. ALLEN, Mr. KENNEDY, Mr. HARKIN, Mr. BIDEN, Mrs. BOXER, Mr. PRYOR, Mr. JEFFORDS, Mr. FEINGOLD, Mr. LAUTENBERG, Mr. SCHUMER, Mr. CORZINE, Mr. DORGAN, Mr. ROCKEFELLER, Mr. BAYH, Mr. LIEBERMAN, Mr. LEAHY, Mr. DURBIN, and Mr. AKAKA) submitted the following concurrent resolution; which was considered and agreed to:

Resolved by the Senate (the House of Representatives concurring), That, in recognition of the historic contributions of Rosa Parks, her remains be permitted to lie in honor in the rotunda of the Capitol from October 30 to October 31, 2005, so that the citizens of the United States may pay their last respects to this great American. The Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2335. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 2280 proposed by Mr. HARKIN to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 2336. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2234 proposed by Mr. COBURN to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2337. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2285 submitted by Mrs. MURRAY to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2338. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2319 submitted by Mrs. CLINTON and intended to be proposed to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2339. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3010, supra; which was ordered to lie on the table.

SA 2340. Mr. MARTINEZ (for Ms. COLLINS (for herself, Mr. MARTINEZ, Mr. LOTT, and Mr. NELSON, of Florida)) proposed an amendment to the bill S. 939, to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes.

SA 2341. Mr. MARTINEZ proposed an amendment to the bill S. 939, supra.

SA 2342. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2283 proposed by Mr. HARKIN (for himself Mr. KENNEDY, Mr. REID, Mr. DURBIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. MIKULSKI, Mrs. CLINTON, Mr. JOHNSON, and Mr. DAYTON) to the bill H.R. 3010, making appropriations for the Departments of Labor,

Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 2343. Mr. MCCONNELL (for Ms. SNOWE (for herself, Ms. CANTWELL, Mr. STEVENS, and Mr. INOUE)) proposed an amendment to the bill S. 1280, to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes.

SA 2344. Mr. MCCONNELL (for Mr. INOUE) proposed an amendment to the bill S. 1280, supra.

TEXT OF AMENDMENTS

SA 2335. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 2280 proposed by Mr. HARKIN to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 222. (a) 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) 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).”.

(b) Section 1310.12(a) of the Code of Federal Regulations shall be effective beginning on the date that is 120 days after the first reauthorization of the Head Start Act occurring after the date of enactment of this Act.

SA 2336. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2234 proposed by Mr. COBURN to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ . 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.

(c) FAILURE TO REPORT.—If the Secretary of Health and Human Services, in the case of a program specified in subsection (a)(1), or the Secretary of Education, in the case of the program specified in subsection (a)(2), fails to report to Congress on specific actions taken to estimate improper payments under such a program by the date described in subsection (b), none of the funds made available in this Act for that program shall be obligated or expended after such date until a report regarding the program that contains the information specified in subsection (b) is submitted to Congress.

SA 2337. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2285 proposed by Mrs. MURRAY to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 5 of the amendment, strike the period and insert “, and a review of the approval process under section 314.510 of title 21, Code of Federal Regulations, of the drug known as RU-486.”.

SA 2338. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2319 submitted by Mrs. CLINTON to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 3 of the amendment, between lines 5 and 6, insert the following:

(c) CONSCIENCE PROTECTION.—Nothing in this section shall be construed to require any hospital that receives Federal funds or any individual to offer, provide, refer for or administer any treatment that has as its effect the destruction or interference with the implantation of a newly conceived human embryo if the offering, provision, referral or administering of such treatment is contrary to the religious beliefs or moral convictions of such hospital or individual.

SA 2339. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30,

2006, and for other purposes; which was ordered to lie on the table; as follows:

In the amendment strike all after the first word and insert the following:

____. SURVIVORS OF SEXUAL ASSAULT; PROVISION BY HOSPITALS OF EMERGENCY CONTRACEPTIVES.

(a) IN GENERAL.—No Federal funds appropriated in this Act may be provided to a hospital under any health-related program, unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual assault, or is accompanied by someone who states she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) ASSISTANCE FOR VICTIMS.—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency contraception, including information explaining that—

(A) emergency contraception does not cause an abortion; and

(B) emergency contraception is effective in most cases in preventing pregnancy after unprotected sex.

(2) The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her on her request.

(3) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(4) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman or her family to pay for the services.

(c) DEFINITIONS.—For purposes of this section:

(1) The term “emergency contraception” means a drug, drug regimen, or device that—

(A) is used postcoitally;

(B) prevents pregnancy by delaying ovulation, preventing fertilization of an egg, or preventing implantation of an egg in a uterus; and

(C) is approved by the Food and Drug Administration.

(2) The term “hospital” has the meanings given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title.

(3) The term “Secretary” means the Secretary of Health and Human Services.

(4) The term “sexual assault” means coitus in which the woman involved does not consent or lacks the legal capacity to consent.

(d) EFFECTIVE DATE; AGENCY CRITERIA.—This section takes effect upon the expiration of the 180-day period beginning on the date of enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary shall publish in the Federal Register criteria for carrying out this section.

SA 2340. Mr. MARTINEZ (for Ms. COLLINS (for herself, Mr. MARTINEZ, Mr. LOTT, and Mr. NELSON of Florida)) proposed an amendment to the bill S. 939, to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance

Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Debris Removal Act of 2005”.

SEC. 2. EXPEDITED PAYMENTS.

(a) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 407 of that Act (42 U.S.C. 5173).

(b) DATE OF PAYMENT.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term “emergency access road” means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) REIMBURSEMENT AUTHORIZED.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris may include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (ii) the following:

“(iii) the removal of debris and wreckage resulting from a major disaster from owner occupied private residential property, utilities, and residential infrastructure (such as a private access route) as necessary for a safe and sanitary living or functioning condition.”.

SEC. 5. COST SHARE.

For a period of not less than 180 days after the date of declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) during the period beginning on August 25, 2005 through December 31, 2005, the Federal share of assistance provided to eligible applicants for debris removal under section 407 of that Act (42 U.S.C. 5173) shall be 100 percent.

SEC. 6. GUIDELINES FOR REIMBURSEMENT.

In light of concerns regarding inconsistent policy memoranda and guidelines issued to counties and communities affected by the 2004 hurricane season, the Secretary of Homeland Security, acting through the

Under Secretary for Emergency Preparedness and Response, shall provide clear, concise, and uniform guidelines for the reimbursement to any county or government entity affected by a hurricane of the costs of hurricane debris removal.

SEC. 7. APPLICABILITY; TERMINATION OF AUTHORITY.

This Act and the authority provided by this Act (including by any amendment made by this Act) shall—

(1) apply to each major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(2) terminate on the date that is 1 year after the date of enactment of this Act.

SA 2341. Mr. MARTINEZ proposed an amendment to the bill S. 939, to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes; as follows:

Amend the title so as to read: “To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes.”.

SA 2342. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 2283 proposed by Mr. HARKIN (for himself, Mr. KENNEDY, Mr. REID, Mr. DURBIN, Mr. OBAMA, Mr. BAYH, Mr. KOHL, Ms. MIKULSKI, Mrs. CLINTON, Mr. JOHNSON, and Mr. DAYTON) to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, strike “\$183,589,000: Provided, That \$120,000,000 of amounts available for influenza preparedness” and replace with “\$8,158,589,000: Provided, That \$8,095,000,000 of amounts available for influenza 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”

SA 2343. Mr. MCCONNELL (for Ms. SNOWE (for herself, Ms. CANTWELL, Mr. STEVENS, and Mr. INOUE)) proposed an amendment to the bill S. 1280, to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes; as follows:

On page 2, strike the item relating to section 211 and insert the following:

Sec. 211. Undocumented Maine fish tenders.

On page 2, after the item relating to section 217, insert the following:

Sec. 218. Distant water tuna fleet.

Sec. 219. Automatic identification system.

On page 3, after the item relating to section 410, insert the following:

Sec. 411. Conveyance of decommissioned Coast Guard Cutter MACKINAW.

On page 8, line 17, strike “2006.” and insert “2006 and as of September 30, 2007.”.

On page 8, beginning in line 18, strike “fiscal year 2006,” and insert “each of fiscal years 2006 and 2007.”.

On page 9, beginning in line 3, strike “fiscal year 2006” and insert “each of fiscal years 2006 and 2007.”.

On page 18, strike lines 6 through 24 and insert the following:

SEC. 211. UNDOCUMENTED MAINE FISH TENDERS.

Notwithstanding any other provision of law, a vessel that is ineligible for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons, may transport fish or shellfish within the coastal waters of the State of Maine if—

(1) the vessel transported fish or shellfish pursuant to a valid wholesale seafood license, issued under the authority of section 6851 of title 12 of the Maine Revised Statutes prior to December 31, 2004; and

(2) the vessel is owned by an individual or entity meeting the citizenship requirements necessary to document a vessel under section 12106 of title 46, United States Code.

On page 19, line 18, insert “(a) IN GENERAL.—” before “The”.

On page 20, after line 25, insert the following:

(b) INDEPENDENT ANALYSIS OF REVISED DEEP WATER PLAN.—Within 180 days after the date of enactment of this Act, the Commandant of the Coast Guard may execute a contract with an independent entity—

(1) to conduct an analysis of the Coast Guard’s revised Deepwater Plan; and

(2) to assess whether—

(A) the mix of assets and capabilities selected as part of that plan will meet the Coast Guard’s criteria of—

(i) performance; and

(ii) minimizing total ownership costs; or

(B) additional or different assets should be considered as part of the plan.

On page 22, strike lines 13 through 18, and insert the following:

“(c)(1) No vessel without a registry endorsement may engage in—

“(A) the setting or movement of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))) whether or not attached to the outer Continental Shelf; or

“(B) the movement of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is—

“(i) not attached to the seabed; or

“(ii) attached to the seabed on the outer Continental Shelf but not exploring for oil and gas resources from the outer Continental Shelf.

“(2) Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12106 of this title.”.

On page 22, between lines 18 and 19, insert the following:

SEC. 218. DISTANT WATER TUNA FLEET.

(a) MANNING REQUIREMENTS.—United States purse seine fishing vessels transiting to or from, or fishing exclusively for highly migratory species in, the Treaty area under a fishing license issued pursuant to the 1987 Treaty of Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America may utilize non-United States licensed and documented personnel to meet manning requirements for the 48 month period beginning on the date of enactment of this Act if, after timely notice of a vacancy, no United States-licensed and documented personnel are readily available.

(b) LIMITATION.—Subsection (a) applies only to vessels operating in and out of American Samoa.

(c) WAIVER.—The citizenship requirements of sections 8103(a) and 12110 of title 46, United States Code, are waived for vessels to which subsection (a) applies during the 48-month period.

SEC. 219. AUTOMATIC IDENTIFICATION SYSTEM.

(a) PREVENTION OF HARMFUL INTERFERENCE.—The Secretary of the Department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may, within 60 days of the enactment of this Act, transfer \$1,000,000 to the National Telecommunications and Information Administration of the Department of Commerce for the purposes of awarding, within 120 days after the date of enactment of this Act a competitive grant to design, develop, and prototype a device that integrates a Class B Automatic Identification System transponder (International Electrotechnical Commission standard 62287) with an FCC-approved wireless maritime data device with channel throughput greater than 19.2 kilobits per second to enable such wireless maritime data device to provide wireless maritime data services, concurrent with the operation of such Automatic Identification System transponder, on frequency channels adjacent to the frequency channels on which the Automatic Identification System transponder operates, while minimizing or eliminating the harmful interference between such Automatic Identification System transponder and such wireless maritime data device. The design of such device shall be available for public use.

(b) IMPLEMENTATION OF AIS.—It is the Sense of the Senate that the Federal Communications Commission should resolve within 60 days after the date of enactment of this Act the disposition of its rulemaking on the Automatic Information System and license use of frequency bands 157.1875-157.4375 MHz and 161.7875-162.0375 MHz (RM-10821, WT Docket Number 04-344). The implementation of this section shall not delay the implementation of an Automatic Identification System as required by the Maritime Transportation Security Act of 2002 and international convention.

On page 30, line 5, strike “ ‘Members’; ” and insert “ ‘The’; ”.

On page 30, line 7, insert “(1)” before “The”.

On page 30, line 12, strike the closing quotation marks and the second period.

On page 30, between lines 12 and 13, insert the following:

“(2) Any motorized vehicle placed at the disposition of the Coast Guard and utilized to carry out its functions under paragraph (1) shall be considered to be a ‘motorized vehicle utilized under section 826(b)’ as that term is used in section 830.”.

On page 35, between lines 4 and 5, insert the following:

SEC. 411. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the City and County of Cheboygan, Michigan, without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of a museum;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least \$700,000; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area, in its present condition, on or about June 10, 2006, and no later than June 30, 2006. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a museum.

SA 2344. Mr. MCCONNELL (for Mr. INOUE) proposed an amendment to the bill S. 1280, to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes; as follows:

On page 3, after the item relating to section 601, insert the following:

TITLE VII—HURRICANE KATRINA

Sec. 701. Sense of the Senate on Coast Guard response to Hurricane Katrina.

Sec. 702. Supplemental authorization of appropriations.

Sec. 703. Report on the use of vessels.

Sec. 704. Use of maritime safety and security teams.

Sec. 705. Temporary authority to extend duration of merchant mariner licenses and documents.

Sec. 706. Temporary authority to extend duration of vessel certificates of inspection.

Sec. 707. Preservation of leave lost due to Hurricane Katrina operations.

Sec. 708. Reports on impacts to Coast Guard.

Sec. 709. Reports on impacts on navigable waterways.

On page 44, after line 10, add the following:

TITLE VII—HURRICANE KATRINA

SEC. 701. SENSE OF SENATE ON COAST GUARD RESPONSE TO HURRICANE KATRINA.

(a) FINDINGS.—The Senate makes the following findings:

(1) The response of the Coast Guard to Hurricane Katrina was exemplary.

(2) The Coast Guard strategically positioned its aircraft, vessels, and personnel the day before Hurricane Katrina made landfall and launched search and rescue teams within hours after Hurricane Katrina struck.

(3) The impacts of Hurricane Katrina were unprecedented, and the Coast Guard rose to meet the challenges presented by such impacts.

(4) The Coast Guard moved its operations in areas threatened by Hurricane Katrina to higher ground and mobilized cutters, small

boats, and aircraft from all around the United States to help in the response to Hurricane Katrina.

(5) The Coast Guard rescued more than 33,000 people affected by Hurricane Katrina through the air and by water, including evacuations of hospitals, and has been at the center of efforts to restore commerce to areas affected by Hurricane Katrina by clearing shipping channels, replacing aids to navigation, and securing uprooted oil rigs.

(6) The Coast Guard has been at the forefront of the Federal response to the numerous oil and chemical spills in the area affected by Hurricane Katrina.

(7) As an indication of the effectiveness of the Coast Guard in a time of emergency, the Chief of Staff of the Coast Guard was placed in charge of coordinating all response operations relating to Hurricane Katrina.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Coast Guard should play a major role in the event of any future national emergency or disaster caused by a natural event in the United States in a coastal or offshore area.

SEC. 702. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts provided to the Coast Guard from another Federal agency for reimbursement of expenditures for Hurricane Katrina, there are authorized to be appropriated for fiscal year 2005 to the Secretary of the department in which the Coast Guard is operating the following amounts for non-reimbursed expenditures:

(1) For the operation and maintenance of the Coast Guard in responding to Hurricane Katrina, including, but not limited to, search and rescue efforts, clearing channels, and emergency response to oil and chemical spills, and for increased costs of operation and maintenance of the Coast Guard due to higher than expected fuel costs, \$200,000,000.

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, and vessels and aircraft, including equipment related thereto, related to damage caused by Hurricane Katrina, \$300,000,000.

(b) CONSTRUCTION WITH OTHER FUNDING.—The amounts authorized to be appropriated by subsection (a) are in addition to any other amounts authorized to be appropriated for fiscal year 2005 to the Secretary of the department in which the Coast Guard is operating under any other provision of law.

(c) AVAILABILITY.—The amounts authorized to be appropriated by subsection (a) shall remain available until expended.

SEC. 703. REPORT ON THE USE OF VESSELS.

(a) IN GENERAL.—The Inspector General of the Department of Homeland Security shall review any contract valued at \$10,000,000 or more entered into by or on behalf of the United States Government with an owner, charterer, managing operator, agent or person in charge of a vessel in response to Hurricane Katrina to determine whether—

(1) the contract price, as modified, was appropriate and reasonable, and based on current, accurate, and complete cost and pricing data;

(2) information other than certified cost or pricing data was relied upon;

(3) applicable procurement laws and regulations were followed to the extent practicable throughout the award and contract administration process; and

(4) there were any irregularities or deviations in the award and subsequent oversight and administration of the contract.

(b) REPORT.—No later than 9 months after the date of enactment of this Act, the Inspector General shall transmit a report of results of the review with findings and recommendations, including possible legislative

or regulatory changes, or improvements to the contracting process immediately following a disaster, to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 704. USE OF MARITIME SAFETY AND SECURITY TEAMS.

Section 70106 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(d) IMPLEMENTATION OF COAST GUARD MISSIONS.—The Secretary may also use maritime safety and security teams to implement any other mission of the Coast Guard.”.

SEC. 705. TEMPORARY AUTHORITY TO EXTEND DURATION OF MERCHANT MARINER LICENSES AND DOCUMENTS.

(a) MERCHANT MARINER LICENSES.—The Secretary of the department in which the Coast Guard is operating may temporarily extend the expiration date of any merchant mariner license issued pursuant to chapter 71 of title 46, United States Code, when such action is deemed appropriate and necessary.

(b) MERCHANT MARINER DOCUMENTS.—The Secretary of the department in which the Coast Guard is operating may temporarily extend the expiration date of any merchant mariner's document issued pursuant to chapter 73 of title 46, United States Code, when such action is deemed appropriate and necessary.

(c) SCOPE OF AUTHORITY.—Any extension under subsection (a) or (b) may be granted to individual mariners or to specifically identified groups of mariners.

(d) EXPIRATION OF AUTHORITY.—The authorities provided in this section shall expire on September 30, 2007.

SEC. 706. TEMPORARY AUTHORITY TO EXTEND DURATION OF VESSEL CERTIFICATES OF INSPECTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating may temporarily extend the expiration date or validity of any Certificate of Inspection or Certificate of Compliance issued pursuant to subtitle II of title 46, United States Code.

(b) EXPIRATION OF AUTHORITY.—The authority provided in this section shall expire on September 30, 2007.

SEC. 707. PRESERVATION OF LEAVE LOST DUE TO HURRICANE KATRINA OPERATIONS.

(a) PRESERVATION OF LEAVE.—Notwithstanding section 701(b) of title 10, United States Code, any member of the Coast Guard who serves on active duty for a continuous period of 30 days, who is assigned to duty or otherwise detailed in support of units or operations in the Eighth Coast Guard District area of responsibility for activities to mitigate the consequences of, or assist in the recovery from, Hurricane Katrina, during the period beginning on August 28, 2005, and ending on January 1, 2006, and who would otherwise lose any accumulated leave in excess of 60 days as a consequence of such assignment, is authorized to retain an accumulated total of up to 90 days of leave.

(b) EXCESS LEAVE.—Leave in excess of 60 days accumulated under subsection (a) shall be lost unless used by the member before the commencement of the second fiscal year following the fiscal year in which the assignment commences, in the case of a Reserve members, the year in which the period of active service is completed.

SEC. 708. REPORTS ON IMPACTS TO COAST GUARD.

(a) REPORTS REQUIRED.—

(1) INTERIM REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to

the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an interim report on the impacts of Hurricane Katrina and the response of the Coast Guard to such impacts.

(2) FINAL REPORT.—Not later than 180 days after the date of the date of the submittal of the report required by paragraph (1), the Secretary of the department in which the Coast Guard is operating shall submit to the committees of Congress referred to in that paragraph a final report on the impacts of Hurricane Katrina and the response of the Coast Guard to such impacts.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) A discussion and assessment of the impacts of Hurricane Katrina on the facilities, aircraft, vessels, and other assets of the Coast Guard, including an assessment of such impacts on pending or proposed replacements or upgrades of facilities, aircraft, vessels, or other assets of the Coast Guard.

(2) A discussion and assessment of the impact of Hurricane Katrina on Coast Guard operations and strategic goals.

(3) A statement of the number of emergency drills held by the Coast Guard during the five-year period ending on the date of the report with respect to natural disasters and with respect to security incidents.

(4) A description and assessment of the lines of communication and reporting within the Coast Guard, and between the Coast Guard and other departments and agencies of the Federal Government and State and local governments, as well as the interoperability of such communications, during the response to Hurricane Katrina.

(5) A discussion and assessment of the financial impact on Coast Guard operations during fiscal years 2005 and 2006 of unbudgeted increases in prices of fuel.

SEC. 709. REPORTS ON IMPACTS ON NAVIGABLE WATERWAYS.

(a) REPORTS REQUIRED.—

(1) INTERIM REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall, in consultation with the Secretary of Commerce, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the impacts of Hurricane Katrina on navigable waterways and the response of the Coast Guard to such impacts.

(2) FINAL REPORT.—Not later than 180 days after the date of the submittal of the report required by paragraph (1), the Secretary of the department in which the Coast Guard is operating shall, in consultation with the Secretary of Commerce, submit to the committees of Congress referred to in that paragraph a report on the impacts of Hurricane Katrina on navigable waterways with respect to missions within the jurisdiction of the Coast Guard and the response of the Coast Guard to such impacts.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) A discussion and assessment of the impacts, and associated costs, of Hurricane Katrina on—

(A) the navigable waterways of the United States;

(B) facilities located in or on such waterways;

(C) aids to navigation to maintain the safety of such waterways; and

(D) any other equipment located in or on such waterways related to a mission of the Coast Guard.

(2) An estimate of the costs to the Coast Guard of restoring the resources described in

paragraph (1) and an assessment of the vulnerability of such resources to natural disasters in the future.

(3) A discussion and assessment of the environmental impacts in areas within the Coast Guard's jurisdiction of Hurricane Katrina, with a particular emphasis on any releases of oil or hazardous chemicals into the navigable waterways of the United States.

(4) A discussion and assessment of the response of the Coast Guard to the impacts described in paragraph (3), including an assessment of environmental vulnerabilities in natural disasters in the future and an estimate of the costs of addressing such vulnerabilities.

(c) NAVIGABLE WATERWAYS OF THE UNITED STATES.—In this section, the term “navigable waterways of the United States” includes waters of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information 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 on October 31, 2005, entitled “Corruption in the United Nations Oil-for-Food Program: Reaching a Consensus on UN Reform.”

The October 31 hearing will be the fourth hearing the Permanent Subcommittee on Investigations has held on the United Nations' Oil-for-Food Program (“OFF Program”). The Subcommittee's first hearing on the OFF Program laid the foundation for future hearings by describing how the OFF Program was exploited by Saddam Hussein. A second hearing examined the operations of the independent inspection agents retained by the United Nations in the OFF Program and examined issues related to inadequate management, audit, and procurement oversight. The hearing also examined issues related to why the U.S. and U.N. did not interfere with Iraq's open exports of oil to Jordan and Turkey, in violation of U.N. sanctions. The Subcommittee's third hearing detailed how Saddam Hussein manipulated the OFF Program to win influence and reward friends in order to undermine sanctions. In particular, the hearing presented evidence detailing how Saddam rewarded foreign officials with lucrative oil allocations that could be converted to money. The hearing also examined the illegal surcharges paid on Iraqi oil sales, using examples involving the recently indicted U.S. company, Bayoil. In addition, more detailed information was provided on the nature and extent of the 2003 Khor al-Amaya incident in which oil tankers loaded a large amount of Iraqi oil circumventing U.N. sanctions.

The Subcommittee's October 31 hearing will address: 1. the findings of the Subcommittee's October 25, 2005, Oil-for-Food Program Report covering illegal payments to individuals; 2. the

findings of the October 27, 2005 final report of the Volker Independent Inquiry Committee (IIC) on the United Nations Oil-for-Food Program; 3. a Government Accountability Office (GAO) status report on two Subcommittees requested investigations of the United Nations Office of Internal Oversight Services (OIOS) and the United Nations Procurement System; 4. the findings of a supplemental Minority report on Bayoil oil diversions; and 5. progress toward implementing United Nations management reforms resulting from the September 2005 UN Summit on Reform. The hearing will also examine the oversight by the U.S. Office of Foreign Assets Control (OFAC) to stop misconduct by U.S. persons doing business under the OFF Program.

The Subcommittee hearing is scheduled for Monday, October 31, 2005, at 1:00 p.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.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on October 27, 2005, at 9:30 a.m., in closed session to mark up S. 1803, the Intelligence Authorization Act for fiscal year 2006.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 27, 2005, at 10 a.m., to conduct a hearing on "Issues Regarding the Sending of Remittances and the Role of Financial Institutions."

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, October 27 at 10 a.m. The purpose of this hearing is to receive testimony from the administration on hurricane recovery efforts related to energy and to discuss energy policy.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, October 27, 2005, at 9:30 a.m. in room 485 of the Russell

Senate Office Building to conduct a business meeting on the following bills:

(1) S. 1057, the Indian Health Care Improvement Act amendments of 2005.

(2) S. 1003, The Navajo-Hopi Land Settlement amendments of 2005.

(3) S. 692, A bill to provide for the conveyance of certain public land in northwestern New Mexico by resolving a dispute associated with coal preference right lease interests on the land.

(4) S. _____, A bill to extend the statute of limitations for breach of trust claims.

(5) S. 1219, A bill to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc.

Those wishing additional information may contact the Indian Affairs Committee.

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

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 27, 2005 at 9:30 a.m. in Senate Dirksen Office Building room 226.

Agenda:

I. Nominations:

Wan Kim, to be an Assistant Attorney General, Civil Rights Division; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; Sue Ellen Wooldridge, to be an Assistant Attorney General, Environment and Natural Resources Division; and Thomas O. Barnett, to be an Assistant Attorney General, Antitrust Division.

II. Bills:

S. 1088, Streamlined Procedures Act of 2005, Kyl, Cornyn, Grassley, Hatch;

S. 1789, Personal Data Privacy and Security Act of 2005, Specter, Leahy, Feinstein, Feingold;

S. 751, Notification of Risk to Personal Data Act, Feinstein, Kyl;

S. 1699, Stop Counterfeiting in Manufactured Goods Act, Specter, Leahy, Hatch, DeWine, Cornyn, Brownback, Feingold, Durbin;

S. 1095, Protecting American Goods and Services Act of 2005, Cornyn, Leahy;

H.R. 683, Trademark Dilution Revision Act of 2005, Smith—TX;

S. 1787, Relief to Victims of Hurricane Katrina and Other Natural Disasters Act of 2005, Vitter, Grassley, Cornyn, DeWine;

S. 1647, Hurricane Katrina Bankruptcy Relief and Community Protection Act of 2005, Feingold, Leahy, Durbin, Kennedy, Feinstein; and

S.J. Res. 1, Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, October 27, 2005, for a committee hearing titled "The Rising Number of Disabled Veterans Deemed Unemployable: Is the System Failing? A Closer Look at VA's Individual Unemployment Benefit." The hearing will take place in room 418 of the Russell Senate Office Building at 2 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 27, 2005 at 2:30 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation, and Rural Revitalization be authorized to conduct a hearing during the session of the Senate on Thursday, October 27, 2005, at 10 a.m. in room 328A, Senate Russell Office Building. The purpose of this subcommittee hearing will be to conduct oversight of the Forest and Rangeland Research Program of the USDA Forest Service.

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

SUBCOMMITTEE ON TRADE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Trade be authorized to meet during the session on Thursday, October 27, 2005, at 2 p.m., to hear testimony on "The Status of World Trade Organization Negotiations."

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

PRIVILEGE OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Tec Chapman be allowed to be on the floor during the remainder of this bill.

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

REENROLLMENT OF H.R. 3765

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 276, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 276) requesting the President to return to the House of Representatives the enrollment of H.R. 3765 so that the Clerk of the House may reenroll the bill in accordance with the action of the two Houses.

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

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 276) was agreed to.

DEBRIS REMOVAL ACT OF 2005

Mr. MARTINEZ. Mr. President, I ask unanimous consent to proceed to immediate consideration of S. 939.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 939) to expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to direct the Secretary of Homeland Security to exercise certain authority provided under that Act.

There being no objection, the Senate proceeded to consider the bill to which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments.

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 939

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

[SECTION 1. SHORT TITLE.]

[This Act may be cited as the "Disaster Recovery Act of 2005".]

[SEC. 2. EXPEDITED PAYMENTS OF FEDERAL ASSISTANCE FOR DEBRIS REMOVAL AND EMERGENCY PROTECTIVE MEASURES.]

[(a) DEFINITIONS.—In this section:

[(1) ELIGIBLE APPLICANT.—The term "eligible applicant" means—

[(A) a State government;

[(B) a local government;

[(C) a private nonprofit organization or institution that owns or operates any private nonprofit educational, utility, emergency, medical, or custodial care facility, including a facility for the aged or disabled, or any other facility providing essential governmental services to the general public, and such facilities on Indian reservations; and

[(D) an Indian tribe or authorized tribal organization, or an Alaska Native village or organization (other than an Alaska Native Corporation), the ownership of which is vested in a private individual.

[(2) ELIGIBLE CLAIM FOR ASSISTANCE.—The term "eligible claim for assistance" means—

[(A) a claim for the clearance, removal, or disposal of debris (such as trees, sand, gravel, building components, wreckage, vehicles, and personal property), if the debris is the result of an emergency or major disaster and the clearance, removal, or disposal is necessary—

[(i) to eliminate an immediate threat, as determined by the Secretary of Homeland Security, to human life, public health, or safety;

[(ii) to eliminate an immediate threat, as determined by the Secretary, of significant damage to public or private property;

[(iii) to ensure the economic recovery of the community affected by the emergency or major disaster to the benefit of the community and any other community, as determined by the Secretary; or

[(iv) to ensure the provision of temporary public transportation service in the community affected by the emergency or major disaster pursuant to section 419 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5186);

[(B) an action taken by an applicant before, during, or after an emergency or major disaster that is necessary—

[(i) to eliminate or reduce an immediate threat, as determined by the Secretary of Homeland Security, to human life, public health, or safety; or

[(ii) to eliminate or reduce an immediate hazard, as determined by the Secretary, that threatens significant damage to public or private property; or

[(C) any other claim that the Secretary of Homeland Security determines to be appropriate.

[(3) EMERGENCY.—The term "emergency" has the meaning given the term in section 102 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5122).

[(4) MAJOR DISASTER.—The term "major disaster" has the meaning given the term in section 102 of the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5122).

[(b) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (c), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 403(b), 407(d), or 503 of that Act (42 U.S.C. 5170b(b), 5173(d), 5193).

[(c) DATE OF PAYMENT.—A claim described in subsection (b) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

[SEC. 3. REQUIREMENT TO ENSURE DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.]

[(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term "emergency access road" means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

[(b) REQUIREMENT.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris shall include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

[SEC. 4. INCLUSION OF DEBRIS REMOVAL FROM PRIVATE LAND AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.]

[Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

[(1) in clause (i), by striking "and" at the end;

[(2) in clause (ii), by striking the period at the end and inserting "; and"; and

[(3) by inserting after clause (ii) the following:

["(iii) the removal, clearance, and disposal of debris from private property that is the result of an emergency or major disaster."].

SECTION 1. SHORT TITLE.

This Act may be cited as the "Debris Removal Act of 2005".

SEC. 2. EXPEDITED PAYMENTS.

(a) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 407 of that Act (42 U.S.C. 5173).

(b) DATE OF PAYMENT.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term "emergency access road" means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) REIMBURSEMENT AUTHORIZED.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris may include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by inserting after clause (ii) the following: "(iii) the removal of debris and wreckage resulting from a major disaster from owner occupied private residential property, utilities, and residential infrastructure (such as a private access route) as necessary for a safe and sanitary living or functioning condition.".

SEC. 5. APPLICABILITY; TERMINATION OF AUTHORITY.

This Act and the authority provided by this Act (including by any amendment made by this Act) shall—

(1) apply to each major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(2) terminate on the date that is 1 year after the date of enactment of this Act.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, the title amendment be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2340) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Debris Removal Act of 2005”.

SEC. 2. EXPEDITED PAYMENTS.

(a) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 407 of that Act (42 U.S.C. 5173).

(b) DATE OF PAYMENT.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term “emergency access road” means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) REIMBURSEMENT AUTHORIZED.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris may include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (ii) the following:

“(iii) the removal of debris and wreckage resulting from a major disaster from owner occupied private residential property, utilities, and residential infrastructure (such as a private access route) as necessary for a safe and sanitary living or functioning condition.”.

SEC. 5. COST SHARE.

For a period of not less than 180 days after the date of declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) during the period beginning on August 25, 2005 through December 31, 2005, the Federal share of assistance provided to eligible applicants for debris removal under section 407 of that Act (42 U.S.C. 5173) shall be 100 percent.

SEC. 6. GUIDELINES FOR REIMBURSEMENT.

In light of concerns regarding inconsistent policy memoranda and guidelines issued to counties and communities affected by the 2004 hurricane season, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Prepared-

ness and Response, shall provide clear, concise, and uniform guidelines for the reimbursement to any county or government entity affected by a hurricane of the costs of hurricane debris removal.

SEC. 7. APPLICABILITY; TERMINATION OF AUTHORITY.

This Act and the authority provided by this Act (including by any amendment made by this Act) shall—

(1) apply to each major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(2) terminate on the date that is 1 year after the date of enactment of this Act.

The committee amendment in the nature of a substitute, as amended, was agreed to. The amendment (No. 2341) was agreed to, as follows:

Amend the title so as to read: “To expedite payments of certain Federal emergency assistance authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize the reimbursement under that Act of certain expenditures, and for other purposes.”.

The bill (S. 939), as amended, was read the third time and passed.

Mr. LOTT. Mr. President, I know that the distinguished chairman and the ranking member want to move forward on this legislation. I do not want to delay their proceedings, but I will take just a moment. I will take advantage of the opportunity to put a statement in the RECORD.

I think it is important that we acknowledge the importance of this relatively small bill as we try to recover from the hurricanes we are dealing with.

I think we must give credit to the chairman of the Governmental Affairs and Homeland Security Committee, Senator COLLINS from Maine, the ranking member, Senator LIEBERMAN from Connecticut, to the leadership of the distinguished Senator from Florida, and Senator MARTINEZ, who knows full well the things we are dealing with in the recovery from these disasters. His own State has been hit once again. Mother Nature can be a very devastating vixen when you don't anticipate the kind of damage you wind up with.

Also, I thank the Democrats and their leadership for helping clear this legislation.

I thank and acknowledge Senator VITTER's and Senator LANDRIEU's involvement in all these efforts.

It is hard to get anything done in the Senate these days. It is the way our body functions. And we all question everything, legitimately. But we got it done.

I would like to give credit to both sides and to all of those involved.

This just has four or five important things. They are important. People are hurting, and this will help us get through this recovery period.

Thank you very much for allowing me this moment to comment.

S. 939

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Debris Removal Act of 2005”.

SEC. 2. EXPEDITED PAYMENTS.

(a) EXPEDITED PAYMENTS AUTHORIZED.—Notwithstanding the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (including any regulation promulgated pursuant to that Act), the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, shall pay to an eligible applicant, in accordance with subsection (b), 50 percent of the Federal share of assistance that the applicant is eligible to receive under section 407 of that Act (42 U.S.C. 5173).

(b) DATE OF PAYMENT.—A claim described in subsection (a) shall be paid not later than 60 days after the date on which the applicant files an eligible claim for assistance.

SEC. 3. DEBRIS CLEARANCE, REMOVAL, AND DISPOSAL FROM EMERGENCY ACCESS ROADS.

(a) DEFINITION OF EMERGENCY ACCESS ROAD.—In this section, the term “emergency access road” means a road that requires access by emergency personnel, including firefighters, police, emergency medical personnel, or any other entity identified by the Secretary of Homeland Security that provides an emergency service after a declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

(b) REIMBURSEMENT AUTHORIZED.—Any reimbursement authorized under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for clearing and removing debris may include reimbursement for clearing, removing, and disposing of debris from any emergency access road.

SEC. 4. INCLUSION OF DEBRIS REMOVAL AS ELIGIBLE CLAIM FOR FEDERAL ASSISTANCE.

Section 408(c)(2)(A) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)(A)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (ii) the following:

“(iii) the removal of debris and wreckage resulting from a major disaster from owner occupied private residential property, utilities, and residential infrastructure (such as a private access route) as necessary for a safe and sanitary living or functioning condition.”.

SEC. 5. COST SHARE.

For a period of not less than 180 days after the date of declaration of an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) during the period beginning on August 25, 2005 through December 31, 2005, the Federal share of assistance provided to eligible applicants for debris removal under section 407 of that Act (42 U.S.C. 5173) shall be 100 percent.

SEC. 6. GUIDELINES FOR REIMBURSEMENT.

In light of concerns regarding inconsistent policy memoranda and guidelines issued to counties and communities affected by the 2004 hurricane season, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall provide clear, concise, and uniform guidelines for the reimbursement to any county or government entity affected by a hurricane of the costs of hurricane debris removal.

SEC. 7. APPLICABILITY; TERMINATION OF AUTHORITY.

This Act and the authority provided by this Act (including by any amendment made by this Act) shall—

(1) apply to each major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during calendar year 2005; and

(2) terminate on the date that is 1 year after the date of enactment of this Act.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 109-5 AND 109-6

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on October 27, 2005, by the President of the United States: the Tax Convention with Bangladesh, Treaty Document No. 109-5; and the U.N. Convention Against Corruption, Treaty Document No. 109-6. I further ask unanimous consent that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith for the advice and consent of the Senate to ratification a Convention Between the Government of the United States of America and the Government of Bangladesh for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Dhaka on September 26, 2004 (the "Convention"). An exchange of notes is enclosed, and the report of the Department of State with respect to the Convention is transmitted for the information of the Senate.

This Convention, which is similar to tax treaties between the United States and other developing nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for the resolution of disputes and sets forth rules making its benefits unavailable to those who are engaged in treaty forum shopping.

I recommend that the Senate give early and favorable consideration to this Convention and that the Senate give its advice and consent to ratification.

GEORGE W. BUSH.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the United Nations Convention Against Corruption (the "Corruption Convention"), which was adopted by the United Nations General Assembly on October 31,

2003. I also transmit, for the information of the Senate, the report of the Secretary of State with respect to the Corruption Convention, with an enclosure.

The international fight against corruption is an important foreign policy priority for the United States. Corruption hinders sustainable development, erodes confidence in democratic institutions, and facilitates transnational crime and terrorism. The Convention will be an effective tool to assist in the growing global effort to combat corruption.

The U.N. Corruption Convention is the first global multilateral treaty to comprehensively address the problems relating to corruption. It provides for a broad range of cooperation, including extradition and mutual legal assistance, and commits governments to take measures that will prevent corruption from happening in the first place. The Corruption Convention includes provisions to criminalize and prevent corruption and provides procedures for governments to recover assets that have been illicitly acquired by corrupt officials.

The provisions of the Corruption Convention are explained in the accompanying report of the Department of State. The report also sets forth proposed reservations that would be deposited by the United States with its instrument of ratification. With these reservations, the Convention will not require implementing and consent to its ratification, subject to the reservations, understandings, and declarations described in the accompanying report of the Department of State.

I recommend that the Senate give early and favorable consideration to the Corruption Convention and give its advice and consent to its ratification, subject to the reservations, understandings, and declarations described in the accompanying report of the Department of State.

GEORGE W. BUSH.

AUTHORIZING THE REMAINS OF ROSA PARKS TO LIE IN HONOR IN THE ROTUNDA OF THE CAPITOL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 61, submitted early today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 61) authorizing the remains of Rosa Parks to lie in honor in the rotunda of the Capitol.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, on Monday, this Nation lost a great American humanitarian, public servant, and true modern day civil rights hero, Mrs. Rosa

Parks. The powerful and nonviolent act of defiance of this single, extraordinary lady changed the course of human history in this Nation, and around the world. By her respectful refusal to give up her seat to a white man and move to a seat in the back of a Montgomery, AL, city bus 50 years ago, Rosa Parks spoke to the fundamental truth of our democracy: that all men are created equal. None of us living today, nor the future generations of an eternity of tomorrows, will ever be the same because of the act of this brave woman. By her solitary action, Rosa Parks proved that one person can make a difference. And she did.

Rosa Parks is not just a national hero, she is the embodiment of our social and human conscience and the spark that lit the flame of liberty and equality for African Americans and minority groups in this country and around the globe. Nelson Mandela, the former President of South Africa, once called her "the David who challenged Goliath" and his inspiration during his long imprisonment prior to taking office.

It is altogether fitting and proper that this Nation honor the memory and gentle spirit of this great American and her legacy by providing an opportunity for the ordinary citizens of this Nation to pay their last respects to Mrs. Rosa Parks.

Therefore, I proposed to the Senate leadership that we adopt a resolution authorizing such, and I am grateful to them for sponsoring the resolution that I authored to authorize the use of the Capitol Rotunda for the remains of Mrs. Rosa Parks to lie in honor beginning on Sunday, October 30.

It has been the longstanding tradition of the Congress to authorize this honor for not just Members of Congress and Presidents, but ordinary citizens whose extraordinary efforts and service distinguished them in the history of this Nation. Other great Americans who have been similarly honored date back to 1909 when Pierre Charles L'Enfant, planner of the Capital City of Washington, lay in state in the Rotunda. Others include Admiral George Dewey in 1917; General John Joseph Pershing in 1948; General Douglas MacArthur in 1964; Director of the FBI, J. Edgar Hoover in 1972; and most recently, Capitol Police Officers Jacob Joseph Chestnut and John Michael Gibson in 1998.

Congress recognized the need for the Nation to pay its respects to these honorable men and Congress should permit the Nation to pay its last respects to this honorable woman, Mrs. Rosa Louise Parks, as well.

I thank my colleagues for their assistance and support and urge the House to adopt this measure expeditiously so that America may properly honor this courageous lady and great America.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the

motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The concurrent resolution (S. Con. Res. 61) was agreed to, as follows:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That, in recognition of the historic contributions of Rosa Parks, her remains be permitted to lie in honor in the rotunda of the Capitol from October 30 to October 31, 2005, so that the citizens of the United States may pay their last respects to this great American. The Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

HONORING JOSEPH JEFFERSON "SHOELESS JOE" JACKSON FOR HIS OUTSTANDING BASEBALL ACCOMPLISHMENTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 289, which was submitted early today.

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

The legislative clerk read as follows:

A resolution (S. Res. 289) expressing the sense of the Senate that Joseph Jefferson "Shoeless Joe" Jackson should be appropriately honored for his outstanding baseball accomplishments.

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

Mr. MCCONNELL. Mr. President, I ask that the Senate now proceed to a voice vote on adoption of the resolution.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the resolution.

The resolution (S. Res. 289) was agreed to.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the preamble be agreed to and the motions to reconsider be laid upon the table.

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

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 289

Whereas Joseph Jefferson "Shoeless Joe" Jackson, a native of Greenville, South Carolina, and a local legend, began his professional career and received his nickname while playing baseball for the Greenville Spinners in 1908;

Whereas "Shoeless Joe" Jackson moved to the Philadelphia Athletics for his major league debut in 1908, to the Cleveland Naps in 1910, and to the Chicago White Sox in 1915;

Whereas "Shoeless Joe" Jackson's accomplishments throughout his 13-year career in professional baseball were outstanding—he was 1 of only 7 Major League Baseball players to ever top the coveted mark of a .400 batting average for a season, and he earned

a lifetime batting average of .356, the third highest of all time;

Whereas "Shoeless Joe" Jackson's career record makes him one of our Nation's top baseball players of all time;

Whereas in 1919, the infamous "Black Sox" scandal erupted when an employee of a New York gambler allegedly bribed 8 players of the Chicago White Sox, including Joseph Jefferson "Shoeless Joe" Jackson, to lose the first and second games of the 1919 World Series to the Cincinnati Reds;

Whereas in September 1920, a criminal court acquitted "Shoeless Joe" Jackson of the charge that he conspired to lose the 1919 World Series;

Whereas despite the acquittal, Judge Kenesaw Mountain Landis, baseball's first commissioner, banned "Shoeless Joe" Jackson from playing Major League Baseball for life without conducting any investigation of Jackson's alleged activities, issuing a summary punishment that fell far short of due process standards;

Whereas the evidence shows that Jackson did not deliberately misplay during the 1919 World Series in an attempt to make his team lose the World Series;

Whereas during the 1919 World Series, Jackson's play was outstanding—his batting average was .375 (the highest of any player from either team), he set a World Series record with 12 hits, he committed no errors, and he hit the only home run of the series;

Whereas because of his lifetime ban from Major League Baseball, "Shoeless Joe" Jackson has been excluded from consideration for admission to the Major League Baseball Hall of Fame;

Whereas "Shoeless Joe" Jackson died in 1951, after fully serving his lifetime ban from baseball, and 85 years have elapsed since the 1919 World Series scandal erupted;

Whereas Major League Baseball Commissioner Bud Selig took an important first step toward restoring the reputation of "Shoeless Joe" Jackson by agreeing to investigate whether he was involved in a conspiracy to alter the outcome of the 1919 World Series and whether he should be eligible for inclusion in the Major League Baseball Hall of Fame;

Whereas it has been 6 years since Commissioner Selig initiated his investigation of "Shoeless Joe", but there has been no resolution;

Whereas the Chicago White Sox are the 2005 American League Champions, and will compete in the World Series for the first time since 1959;

Whereas "Shoeless Joe" Jackson helped lead the Chicago White Sox to their last World Series Championship in 1917; and

Whereas it is appropriate for Major League Baseball to remove the taint upon the memory of "Shoeless Joe" Jackson and honor his outstanding baseball accomplishments: Now, therefore, be it

Resolved, That it is the sense of the Senate that Joseph Jefferson "Shoeless Joe" Jackson should be appropriately honored for his outstanding baseball accomplishments.

HONORING THE LIFE OF EDWARD ROYBAL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 290, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 290) honoring the life and expressing the deepest condolences of

Congress on the passing of Edward Roybal, former United States Congressman.

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

Mr. SALAZAR. Mr. President, I rise today to pay tribute to a trailblazing American and former Member of Congress, the Honorable Edward R. Roybal. It is an honor to speak about this incredible man, who on Monday passed away at the age of 89 and was an inspiration to me and to millions of Hispanics across our Nation.

First, I must offer my heartfelt condolences to the Honorable Roybal's wife, Lucile; his daughter, Congresswoman LUCILLE ROYBAL-ALLARD, who is in her seventh term representing California's 34th District; his other daughter, Lillian Roybal-Rose; and his son, Edward R. Roybal, Jr.

When elected to the House of Representatives in 1962, Congressman Roybal became the first Hispanic to serve in Congress in nearly 100 years.

He represented the people of California's 30th Congressional District and served on behalf of the public interest during a very difficult and tumultuous time in our Nation's history.

As a 5th generation product of rural Colorado, my childhood at Los Rincones, my family's ranch in the San Luis Valley, was a far cry from Congressman Roybal's on the streets of East Los Angeles.

Our family's house was small—in fact, my five of the eight siblings shared a small room and two beds. We did not have running water or electricity until 1981.

However, even though we did not have electricity, I, like many other Latinos across this Nation, knew who the Honorable Ed Roybal was.

It was people like Congressman Roybal, and Cesar Chavez who inspired me to dream of serving our country as Colorado's Attorney General and later here in the United States Senate.

As a Hispanic American, he provided a shining example of just what I could accomplish if I heeded my parent's advice to get my education and work hard in all my endeavors. Today, as I speak as one of 100 in the Senate, I firmly believe that I am standing on the shoulders of many giants, in particular, Congressman Roybal.

Congressman Roybal lived by the fundamental values that make this country the greatest country in the world and the place I am privileged to call home. He fought social injustice on the streets, in our classrooms, and in the halls of Congress.

Like my parents, he was a part of the American generation who grew up during the Great Depression and came of age during World War II. He served our country in the U.S. Army and defended our rights and privileges afforded under the Constitution in battle. I am certain that this experience served him well when he served on the House's Veteran Affairs Committee.

Throughout his life, he gave voice to the disenfranchised and offered hope to

the sick. When the tragic HIV/AIDS epidemic began to sweep our Nation, Congressman Roybal answered the call to duty and worked to provide funding for research and health services.

During a time when many of our Nation's laws and several in our Nation's leadership tolerated and enabled political disenfranchisement and unequal educational and employment opportunities, the Honorable Ed Roybal organized and inspired his community to insist on equality and to embrace their *ganas* to change society.

Mr. President, "*ganas*" means "to have a will to achieve." The Honorable Roybal had the *ganas* to right injustices in America because he believed that he had the obligation to make this country a better place for his children and my children when he left it.

I believe that he did accomplish his great goal. He did this by the work he did in Congress as well as the work he did when he was away from Washington, DC.

In 1976, Congressman Roybal joined with his colleagues Congressman "Kika" de la Garza and Congressman Baltasar Corrada, in establishing the Congressional Hispanic Caucus. The purpose of the CHC was and is to advocate on behalf of and represent the interests of Hispanic across the nation and in Puerto Rico. Representative Roybal was the Caucus's first chairman, and his the continued work of the Caucus, the first forum in the United States Congress for Latino elected Members to formulate a common collective legislative agenda, is a part of his legacy.

In addition to the Caucus, Congressman Roybal was instrumental in the founding of non-profit organizations like the Congressional Hispanic Caucus Institute and the National Association of Latino Elected and Appointed Officials. Through these organizations, the fruits of his efforts can still be felt throughout the country today.

As I reflect on the life and work of the late Representative Roybal, I am reminded of a prayer written by another civil and human rights leader, Cesar Chavez:

Show me the suffering of the most miserable;
So I will know my people's plight.
Free me to pray for others;
For you are present in every person.
Help me take responsibility for my own life;
So that I can be free at last.
Grant me courage to serve others;
For in service there is true life.
Give me honesty and patience;
So that the Spirit will be alive among us.
Let the Spirit flourish and grow;
So that we will never tire of the struggle.
Let us remember those who have died for justice;
For they have given us life.
Help us love even those who hate us;
So we can change the world.

I join with the thousands of Americans in mourning the loss of this trail-blazing leader.

Mr. McCONNELL. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion

to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 290) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 290

Whereas Edward Roybal was born on February 10, 1916, in Albuquerque, New Mexico, and moved at the age of 6 with his family to the Boyle Heights barrio of Los Angeles;

Whereas his pioneering efforts in the Congress for civil rights and social justice on behalf of the elderly, Hispanics, and others has inspired generations of Americans;

Whereas Edward Roybal attended public schools, graduating from Roosevelt High School in 1934, and subsequently the University of California in Los Angeles and Southwestern University;

Whereas Edward Roybal is a distinguished veteran who served in the United States Army during World War II;

Whereas Edward Roybal worked as a public health educator for the California Tuberculosis Association, and eventually served as Director of Health Education for the Los Angeles County Tuberculosis and Health Association until 1949;

Whereas Edward Roybal founded the Community Service Organization in 1947 with Fred Ross and a group of Mexican Americans forging a partnership between the Mexican-American and Jewish communities of East Los Angeles, and as the President of the organization, fought against discrimination in housing, employment, voting rights, and education;

Whereas Edward Roybal was elected to the Los Angeles City Council in 1949 and, as the first Hispanic to serve on the city council in more than a century, served for 13 years;

Whereas on November 6, 1962, Edward Roybal became the first Hispanic elected from California to serve in the House of Representatives since 1879, and served for 30 years;

Whereas during his 3 decades of service in the House of Representatives, Roybal worked to protect the rights of minorities, the elderly, and the physically-challenged;

Whereas during his tenure in the House of Representatives, Congressman Roybal served on several important congressional committees, including the Committee on the Post Office and Civil Service, the Committee on Foreign Affairs, the Committee on Veterans' Affairs, and as the Chair of the Select Committee on Aging;

Whereas in 1971, Congressman Roybal was selected to serve on the Committee on Appropriations, where he remained for the rest of his tenure in the House of Representatives and eventually chaired the Subcommittee on Treasury, Postal Service, and General Government in 1981;

Whereas, while serving as a member of the Committee on Appropriations, Edward Roybal was a powerful advocate for the funding of education, civil rights, and health programs and was 1 of the first members of Congress to press for and obtain funding for HIV and AIDS research;

Whereas Congressman Roybal was committed to providing opportunities for Spanish-speaking Americans, helped establish a Cabinet Committee on Opportunities for Spanish-speaking people in 1968 with the goal of improving education, housing, and employment opportunities for Spanish-speaking Americans, and authored the first

education bill to provide local school districts with assistance with special bilingual teaching programs;

Whereas in 1976, the County of Los Angeles opened the Edward R. Roybal Clinic in East Los Angeles;

Whereas in 1976, Congressman Roybal was 1 of the founding members and became the first chair of the Congressional Hispanic Caucus, a legislative service organization of the House of Representatives that today is comprised of 21 Representatives;

Whereas Congressman Roybal was instrumental in the establishment of several national nonprofit organizations dedicated to advancing and promoting a new generation of Latino leaders, such as the Congressional Hispanic Caucus Institute and the National Association of Latino Elected and Appointed Officials; and

Whereas Congressman Roybal received numerous honors and awards, including two honorary doctor of law degrees from Pacific States University and from Claremont Graduate School, as well as the prestigious Presidential Citizens Medal of Honor from President William Jefferson Clinton; Now, therefore, be it

Resolved, That the United States Congress honors the trail-blazing life and pioneering accomplishments of Congressman Edward Roybal and expresses its condolences on his passing.

CONGRATULATING THE CHICAGO WHITE SOX

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 291 submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 291) to congratulate the Chicago White Sox on winning the 2005 World Series Championship.

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

Mr. OBAMA. Mr. President, I rise today as a Senator, as an Illinoisan, and as a proud resident of the South Side of Chicago to congratulate the Chicago White Sox for winning the 2005 World Series. As my fellow South Siders know, it has been a long time coming.

A little bit of history: Founded in 1900 as the Chicago White Stockings, this year's team reached the World Series for the first time since 1959, and this is a '59-style cap that I have here with me. Over a century of White Sox fans have cheered for superstars such as Luke Appling, Nellie Fox, Carlton Fisk, Luis Aparicio, Harold Baines, and, of course, Big Frank Thomas. But we haven't savored the sweet taste of a World Series championship since 1917—until now.

Back in 1917, Woodrow Wilson was President, and the Great War was raging in Europe. The White Sox were a bright spot in tough times.

The Sox won last night the way they have won all season—by playing aggressively, scrapping for every base and every run. When Juan Uribe threw to Paul Konerko for the final out, it was

fitting that the ball beat the runner by only half a step. The four games against the Astros were decided by a total of six runs. Winning by the skin of your teeth has been our style. Win or die trying, that is our motto this year.

I congratulate my colleague from Texas. The Houston Astros were an outstanding team. But it just so happened that this year they ran into the buzz saw of the Chicago White Sox.

I congratulate Jermaine Dye, who is the World Series MVP. But I am sure he will be the first to say that everyone on this year's team deserves a part of that award. This is a team with so many great players but no undisputed leader on the field. I don't claim to be a baseball expert or particularly unbiased on this matter, but this is one of the most balanced and selfless teams any of us have seen. A team of unlikely heroes.

Scott Podsednik, who hadn't hit a home run all season, stepped up and hit two in the playoffs, including the walk-off winner in game two on Sunday. Willie Harris, who barely played in the playoffs, got a pinch hit to get on base and bring home the only run last night. Geoff Blum, a former Astro, who got a pinch hit homer in the 14th inning to give us the margin of victory in game three. And the pitching—four complete games to close out the American League Championship Series. An 11 and 1 record in the playoffs. 15 scoreless innings to finish the World Series.

Before the season started, the Sox were a consensus .500 team. Even as we built and maintained the best record in the American League all season, there were many doubters. Towards the end of the season, we hit a rough patch, and the doubters grew louder. They said Cleveland had more playoff experience. They said even if we held on to make the playoffs, we would get embarrassed in the first round. But during the stretch run, manager Ozzie Guillen and his "kids," as he calls them, were calm and relaxed. Even as Cleveland came on strong and our lead in the Central Division dwindled, Ozzie's kids continued to play pranks on each other in the clubhouse, and continued to run hard on the basepaths.

Once the playoffs started, there was no looking back. That difficult September was gone in an instant. We silenced the doubters by sweeping the World Champion Boston Red Sox. We silenced the Angels during the ALCS in five games. And we swept the Astros in four games.

I had the privilege of attending game one of the World Series on Saturday, and the fans in and around the park were a cross-section of the city. There were plenty of folks old enough to remember the '59 team. Almost everyone remembered the 2000 team that made the playoffs. A few were even alive in 1917.

I don't want to belabor this issue. I know those of you who had to listen to Red Sox fans last year may have got-

ten a little weary of those of us who have all this pent-up energy when we finally win the championship.

But I do want to say that the entire city of Chicago and the entire State of Illinois are extraordinarily proud.

I congratulate the entire White Sox organization, in particular Jerry Reinsdorf, Kenny Williams, and Ozzie Guillen. We will be celebrating this victory for a long time on the South Side, around the city of Chicago, and around the entire State of Illinois.

Let me make one last point. While we were watching the game the other night, in the drenching rain Sunday evening there was a sign held up by an elderly woman 92 years old. She said: I've been waiting for this for 88 years.

I think it gave you some sense of how much this means to the city of Chicago and to those blue-collar neighborhoods made up of Black, White, and Hispanic who were represented so ably by their team. It spoke to the diversity of this country and the fact that we work together in ways that make us all proud.

Senator DURBIN and myself will be introducing a resolution later today.

I want to turn it over to my senior colleague from the great State of Illinois to maybe add a few other remarks regarding this outstanding team.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank my colleague from the State of Illinois who is truly a White Sox fan from the South Side of Chicago. We have town meetings every Thursday morning, and from the beginning of this baseball season, he has been rooting for his White Sox. As his fellow Senator from Illinois, I want to congratulate him and the White Sox organization.

Say it is so, Joe.

Eighty-six years after the 1919 Black Sox scandal, and 88 years after they beat the New York Giants in the 1917 World Series, the Chicago White Sox are bringing the World Series crown home to Chicago. It is amazing. The ghost of Shoeless Joe Jackson can finally rest in peace.

Last night, the White Sox completed their magical World Series quest with a 1-0 win to complete a four-game sweep over the Houston Astros. But as Senator OBAMA has said, they were close games. Some of them broke records for their length and the hard battle that they brought to the mound and to the field.

White Sox fans from my home State of Illinois and all around the world are rejoicing as the White Sox nation will cherish this victory for decades to come.

The South Side of Chicago is the gladdest part of town. If you go down there, you better be aware that the White Sox won the World Series crown.

I congratulate the White Sox players, their manager, the valiant Venezuelan, Ozzie Guillen, pitching coach Don Cooper. What an amazing performance by the pitching staff, and so many White Sox stars turned coaches such as Tim

Raines, Greg Walker, Harold Baines, and Joey Cora; general manager Kenny Williams for putting together this magical team, himself a former Sox player who made key moves not only in the off season but during the season, such as adding closer Bobby Jenks, just 24 years old, pitching in double A's just a few months ago. And there he stood on the mound last night pitching those 99- and 100-mile-an-hour fast balls. But during the season, general manager Kenny Williams also added game 3 hero Geoff Blum. To the owners and my friends, Eddie Einhorn and Jerry Reinsdorf, congratulations for 25 years of dedication to their great moment of victory. Everyone in the White Sox organization richly deserves this World Series victory.

The Sox organization has made citizens of Chicago and the State of Illinois proud by bringing home this crown. And to those generations of White Sox fans who stayed faithful to their team even in the darkest days, I say rejoice. The Chicago White Sox are world champions.

I yield the floor.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

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

The resolution (S. Res. 291) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 291

Whereas, on October 26, 2005, the Chicago White Sox baseball club won the 2005 World Series;

Whereas this is the first championship for the White Sox since 1917, when Woodrow Wilson was president and the United States was fighting in World War I;

Whereas this is the first World Series appearance for the White Sox since 1959;

Whereas the White Sox posted a regular season record of 99-63 and dominated their opponents during the playoffs, compiling 11 wins and only 1 loss, and finishing with an 8-game win streak that included a sweep in the Fall Classic;

Whereas the White Sox joined the 1990 Cincinnati Reds and the legendary 1927 New York Yankees as the only teams who have swept a World Series after playing every game of the regular season while in first place;

Whereas the White Sox pitching staff tied a Major League playoff record of 4 straight complete game wins and did not allow a single run in the last 15 innings of the World Series;

Whereas Manager Ozzie Guillen, General Manager Kenny Williams, and owners Jerry Reinsdorf and Eddie Einhorn have put together and led a great organization;

Whereas all 25 players on the playoff squad, whose sole goal was winning the World Series rather than chasing individual glory, contributed to the victory, including World Series Most Valuable Player, Jermaine Dye, as well as Scott Podsednik, Tadahito Iguchi, Joe Crede, Aaron Rowand, Paul Konerko, Juan Uribe, A.J. Pierzynski,

Carl Everett, Freddy Garcia, Geoff Blum, Willie Harris, Timo Perez, Chris Widger, Pablo Ozuna, Mark Buehrle, Jose Contreras, Neal Cotts, Jon Garland, Dustin Hermanson, Orlando Hernandez, Bobby Jenks, Damaso Marte, Cliff Politte, and Luis Vizcaino;

Whereas other players, such as Frank Thomas and Brandon McCarthy, made important contributions to get the White Sox to the playoffs, but were unable to be placed on the playoff roster;

Whereas this current group of White Sox players follows in the giant footsteps of the great players in White Sox history who have had their numbers retired, players such as Nellie Fox (#2), Harold Baines (#3), Luke Appling (#4), Minnie Minoso (#9), Luis Aparicio (#11), Ted Lyons (#16), Billy Pierce (#19), and Carlton Fisk (#72);

Whereas the city of Chicago and White Sox fans have faithfully stuck by their team during the decades it spent in baseball's wilderness;

Whereas a new generation of young fans in Chicago and around Illinois are discovering the joy of world championship baseball; and

Whereas the Boston Red Sox, the Los Angeles Angels of Anaheim, and the Houston Astros proved worthy and honorable adversaries and also deserve recognition, and: Now, therefore, be it

Resolved, that the Senate—

(1) congratulates the Chicago White Sox on winning the 2005 World Series Championship;

(2) commends the fans, players, and management of the Houston Astros for allowing the Chicago White Sox and their many supporters to celebrate their first World Series title in 88 years at Minute Maid Park, the home field of the Houston Astros; and

(3) respectfully directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the 2005 Chicago White Sox baseball club;

(B) White Sox owners, Jerry Reinsdorf and Eddie Einhorn.

CONDEMNING ANTI-ISRAEL SENTIMENTS OF THE PRESIDENT OF IRAN

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 292 which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 292) calling on the President to condemn the anti-Israel sentiments expressed by the President of Iran on October 26, 2005.

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

Mr. LAUTENBERG. Mr. President, yesterday, Iranian President Mahmoud Ahmadinejad, citing the words of the founder of Iran's Islamic revolution, the late Ayatollah Ruhollah Khomeini, said "Israel must be wiped off the map."

He then went on to call Israel a "disgraceful blot."

He rejected the two-state solution to the Middle East crisis as a defeat for the Islamic world, adding that the "roadmap" would be short-lived. He said "If we put it behind us successfully, God willing, it will pave the way for the destruction and the downfall of the Zionist regime."

The Iranian President also criticized his neighbors by warning "Anybody who recognizes Israel will burn in the fire of the Islamic nations' fury."

He made these despicable comments to 4,000 students attending a "World without Zionism" conference.

This was just hours before a Palestinian suicide bomber from Islamic Jihad blew himself up in the small Israeli town of Hadera, killing 5 people and wounding more than 30.

It's important to note that Islamic Jihad's murderers are supported and trained by Iran.

Given the seriousness of President Ahmadinejad's hateful comments, I am submitting a resolution with Senator SMITH asking that this body repudiate them.

The resolution also calls on President Bush, on behalf of the United States, to condemn the remarks in the strongest terms possible.

This kind of incendiary rhetoric is what we have come to expect from Iran.

The Iranian President has been quite open about his views on Israel. He has been clear and consistent, echoing Iranian leader Ayatollah Khomeini, who called frequently for the destruction of Israel through the 1980s.

The words and ideas of the President of Iran are offensive to civilized people around the world. We will not tolerate anti-Israel or anti-Semitic rhetoric.

The Iranian President has spoken words that are certain to incite violence against the state of Israel. Too often, that translates into violence against Jews worldwide.

But what makes the comments especially chilling is the fact that Iranian officials announced earlier this year that they had completed development of solid fuel technology for missiles, a huge breakthrough that increases missile accuracy.

Iran has the Shahab-3 missile, which has a range of 810 miles to more than 1,200 miles. Jerusalem is 970 miles from Tehran.

The Shahab-3 is capable of delivering a nuclear warhead to Israel and to U.S. forces in the Middle East.

So when the Iranian President threatens to "wipe Israel off the map," we can't afford to take such a threat lightly. We have to take note of it and repudiate it.

I urge the Senate to adopt this resolution and go on record condemning the hateful words of the Iranian President. And I hope that President Bush himself will speak to this issue. It's that important.

I want to thank Senator SMITH for co-sponsoring this resolution with me. I urge its adoption.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 292) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 292

Whereas, on October 26, 2005, the President of Iran, Mahmoud Ahmadinejad, said that Israel must be "wiped off the map" and that "[a]nybody who recognizes Israel will burn in the fire of the Islamic nations' fury";

Whereas the Department of State has designated Iran as a state sponsor of terrorism that has repeatedly provided support for acts of international terror;

Whereas the Government of Iran sponsors terrorist organizations such as Hezbollah, Hamas, Islamic Jihad, the al-Aqsa Martyrs Brigades, and PFLP-GC by providing funding, training, weapons, and safe haven to such organizations; and

Whereas the outrageous statements of Mr. Ahmadinejad are not in accord with the expressions of the Palestinian leadership in the peace process: Now, therefore, be it

Resolved, That the Senate—

(1) thoroughly repudiates the anti-Israel sentiments expressed by the President of Iran, Mahmoud Ahmadinejad, on October 26, 2005; and

(2) calls on the President, on behalf of the United States, to thoroughly repudiate, in the strongest terms possible, the statement by Mr. Ahmadinejad.

COAST GUARD AUTHORIZATION ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 185, S. 1280, the Coast Guard authorization bill.

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

The assistant legislative clerk read as follows:

A bill (S. 1280) to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science and Transportation, with amendments.

S. 1280

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

Sec. 103. Web-based risk management data system.

TITLE II—HOMELAND SECURITY, MARINE SAFETY, FISHERIES, AND ENVIRONMENTAL PROTECTION

Sec. 201. Extension of Coast Guard vessel Anchorage and movement authority.

Sec. 202. Enhanced civil penalties for violations of the Maritime Transportation Security Act.

- Sec. 203. Icebreakers.
- Sec. 204. Cooperative agreements.
- Sec. 205. Pilot program for dockside no fault/no cost safety and survivability examinations for uninspected commercial fishing vessels.
- Sec. 206. Reports from mortgagees of vessels.
- Sec. 207. International training and technical assistance.
- Sec. 208. Reference to Trust Territory of the Pacific Islands.
- Sec. 209. Bio-diesel feasibility study.
- Sec. 210. Certification of vessel nationality in drug smuggling cases.
- Sec. 211. Jones Act waivers.
- Sec. 212. Deepwater oversight.
- Sec. 213. Deepwater report.
- Sec. 214. LORAN-C.
- Sec. 215. Long-range vessel tracking system.
- Sec. 216. Marine vessel and cold water safety education.
- Sec. 217. Suction anchors.

TITLE III—UNITED STATES OCEAN COMMISSION IMPLEMENTATION

- Sec. 301. Place of refuge.
- Sec. 302. Implementation of international agreements.
- Sec. 303. Voluntary measures for reducing pollution from recreational boats.
- Sec. 304. Integration of vessel monitoring system data.
- Sec. 305. Foreign fishing incursions.

TITLE IV—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

- Sec. 401. Reserve officer distribution.
- Sec. 402. Coast Guard band director.
- Sec. 403. Reserve recall authority.
- Sec. 404. Expansion of equipment used by auxiliary to support Coast Guard missions.
- Sec. 405. Authority for one-step turnkey design-build contracting.
- Sec. 406. Officer promotions.
- Sec. 407. Redesignation of Coast Guard law specialists as judge advocates.
- Sec. 408. Boating safety director.
- Sec. 409. Hangar at Coast Guard air station at Barbers Point.
- Sec. 410. Promotion of Coast Guard officers.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

- Sec. 501. Government organization.
- Sec. 502. War and national defense.
- Sec. 503. Financial management.
- Sec. 504. Public contracts.
- Sec. 505. Public printing and documents.
- Sec. 506. Shipping.
- Sec. 507. Transportation.
- Sec. 508. Mortgage insurance.
- Sec. 509. Arctic research.
- Sec. 510. Conservation.
- Sec. 511. Conforming amendment.
- Sec. 512. Anchorage grounds.
- Sec. 513. Bridges.
- Sec. 514. Lighthouses.
- Sec. 515. Oil pollution.
- Sec. 516. Medical care.
- Sec. 517. Conforming amendment to Social Security Act.
- Sec. 518. Shipping.
- Sec. 519. Nontank vessels.
- Sec. 520. Drug interdiction report.
- Sec. 521. Acts of terrorism report.

TITLE VI—EFFECTIVE DATES

- Sec. 601. Effective dates.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating the following amounts:

(1) For the operation and maintenance of the Coast Guard \$5,594,900,000, of which \$24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,424,852,000, to remain available until expended, of which—

(A) \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(B) \$1,100,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater Systems.

(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$24,000,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,014,080,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$17,400,000, of which \$2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration \$12,000,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.

(7) For operation and maintenance of the Coast Guard reserve program, \$119,000,000.

(b) There are authorized to be appropriated for fiscal year 2007 to the Secretary of the department in which the Coast Guard is operating the following amounts:

(1) For the operation and maintenance of the Coast Guard \$6,042,492,000, of which \$24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,538,840,160, to remain available until expended, of which—

(A) \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and

(B) \$1,188,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities

that constitute the Integrated Deepwater Systems.

(3) For the use of the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$25,920,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,095,206,400, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$18,792,000, of which \$2,500,000, to remain available until expended, may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

(6) For environmental compliance and restoration \$12,960,000, to remain available until expended for environmental compliance and restoration functions under chapter 19 of title 14, United States Code.

(7) For operation and maintenance of the Coast Guard reserve program, \$128,520,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2006.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2006, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

SEC. 103. WEB-BASED RISK MANAGEMENT DATA SYSTEM.

There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating \$1,000,000 to continue deployment of a web-based risk management system to help reduce accidents and fatalities.

TITLE II—HOMELAND SECURITY, MARINE SAFETY, FISHERIES, AND ENVIRONMENTAL PROTECTION

SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHORAGE AND MOVEMENT AUTHORITY.

Section 91 of title 14, United States Code, is amended by adding at the end the following:

“(d) As used in this section, the term ‘navigable waters of the United States’ includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.”.

SEC. 202. ENHANCED CIVIL PENALTIES FOR VIOLATIONS OF THE MARITIME TRANSPORTATION SECURITY ACT.

The second section enumerated 70119 of title 46, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “Any”; and

(2) by adding at the end the following:

“(b) CONTINUING VIOLATIONS.—Each day of a continuing violation shall constitute a separate violation, with a total fine per violation not to exceed—

“(1) for violations occurring during fiscal year 2006, \$50,000;

“(2) for violations occurring during fiscal year 2007, \$75,000; and

“(3) for violations occurring after fiscal year 2007, \$100,000.

“(c) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, and such other matters as justice may require.

“(d) COMPROMISE, MODIFICATION, AND REMITTAL.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.”.

SEC. 203. ICEBREAKERS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall take all necessary measures—

(1) to ensure that the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice-breaking in the Arctic and Antarctic regions, including the necessary funding for operation and maintenance of such vessels; and

(2) for the long-term recapitalization of these assets.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2006 to the Secretary of the department in which the Coast Guard is operating \$100,000,000 to carry out this section.

SEC. 204. COOPERATIVE AGREEMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on opportunities for and the feasibility of co-locating Coast Guard assets and personnel at facilities of other Armed Services branches throughout the United States. The report shall—

(1) identify the locations of possible sites;

(2) identify opportunities for cooperative agreements that may be established between the Coast Guard and such facilities with respect to maritime security and other Coast Guard missions; and

(3) analyze anticipated costs and benefits associated with each site and such agreements.

SEC. 205. PILOT PROGRAM FOR DOCKSIDE NO FAULT/NO COST SAFETY AND SURVIVABILITY EXAMINATIONS FOR UNINSPECTED COMMERCIAL FISHING VESSELS.

(a) PILOT PROGRAM.—The Secretary shall conduct a pilot program to determine the effectiveness of mandatory dockside crew survivability examinations of uninspected United States commercial fishing vessels in reducing the number of fatalities and amount of property losses in the United States commercial fishing industry.

(b) DEFINITIONS.—In this section:

(1) DOCKSIDE CREW SURVIVABILITY EXAMINATION.—The term “dockside crew survivability examination” means an examination by a Coast Guard representative of an uninspected fishing vessel and its crew at the dock or pier that includes—

(A) identification and examination of safety and survival equipment required by law for that vessel;

(B) identification and examination of the vessel stability standards applicable by law to that vessel; and

(C) identification and observation of—

(i) proper crew training on the vessel’s safety and survival equipment; and

(ii) the crew’s familiarity with vessel stability and emergency procedures designed to save life at sea and avoid loss or damage to the vessel.

(2) COAST GUARD REPRESENTATIVE.—The term “Coast Guard representative” means a Coast Guard member, civilian employee, Coast Guard Auxiliarist, or person employed by an organization accepted or approved by the Coast Guard to examine commercial fishing industry vessels.

(3) UNINSPECTED FISHING VESSEL.—The term “uninspected fishing vessel” means a vessel, not including fish processing vessels or fish tender vessels (as defined in section 2101 of title 46, United States Code), that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

(c) SCOPE OF PILOT PROGRAM.—The pilot program shall be conducted—

(1) in at least 5, but no more than 10, major United States fishing ports where Coast Guard statistics reveal a high number of fatalities on uninspected fishing vessels within the 4 fiscal year period beginning with fiscal year 2000, but shall not be conducted in Coast Guard districts where a fishing vessel safety program already exists;

(2) for a period of 5 calendar years following the date of the enactment of this Act;

(3) in consultation with those organizations and persons identified by the Secretary as directly affected by the pilot program;

(4) as a non-fee service to those persons identified in paragraph (3) above;

(5) without a civil penalty for any discrepancies identified during the dockside crew survivability examination; and

(6) to gather data identified by the Secretary as necessary to conclude whether dockside crew survivability examinations reduce fatalities and property losses in the fishing industry.

(d) REPORT.—Not later than 180 days after end of the third year of the pilot program, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the pilot program. The report shall include—

(1) an assessment of the costs and benefits of the pilot program including costs to the industry and lives and property saved as a result of the pilot program;

(2) an assessment of the costs and benefits to the United States Government of the pilot program including operational savings such as personnel, maintenance, etc., from reduced search and rescue or other operations; and

(3) any other findings and conclusions of the Secretary with respect to the pilot program.

SEC. 206. REPORTS FROM MORTGAGEES OF VESSELS.

Section 12120 of title 46, United States Code, is amended by striking “owners, masters, and charterers” and inserting “owners, masters, charterers, and mortgagees”.

SEC. 207. INTERNATIONAL TRAINING AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Section 149 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

“§ 149. Assistance to foreign governments and maritime authorities”;

(2) by inserting “(a) DETAIL OF MEMBERS TO ASSIST FOREIGN GOVERNMENTS.—” before “The President”; and

(3) by adding at the end the following:

“(b) TECHNICAL ASSISTANCE TO FOREIGN MARITIME AUTHORITIES.—The Commandant, in coordination with the Secretary of State, may, in conjunction with regular Coast Guard operations, provide technical assistance, including law enforcement and maritime safety and security training, to foreign navies, coast guards, and other maritime authorities.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 7 of title 14, United States Code, is amended by striking the item relating to section 149 and inserting the following:

“149. Assistance to Foreign Governments and Maritime Authorities.”.

SEC. 208. REFERENCE TO TRUST TERRITORY OF THE PACIFIC ISLANDS.

Section 2102(a) of title 46, United States Code, is amended—

(1) by striking “37, 43, 51, and 123” and inserting “43, 51, 61, and 123”; and

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 209. BIO-DIESEL FEASIBILITY STUDY.

(a) STUDY.—The Secretary of the department in which the Coast Guard is operating shall conduct a study that examines the technical feasibility, costs, and potential cost savings of using bio-diesel fuel in new and existing Coast Guard vehicles and vessels, and which focuses on the use of bio-diesel fuel in ports which have a high-density of vessel traffic, including ports for which vessel traffic systems have been established.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall transmit a report containing the findings, conclusions, and recommendations (if any) from the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 210. CERTIFICATION OF VESSEL NATIONALITY IN DRUG SMUGGLING CASES.

Section 3(c)(2) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(c)(2)) is amended by striking the last sentence and inserting “The response of a foreign nation to a claim of registry under subparagraph (A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is conclusively proved by certification of the Secretary of State or the Secretary’s designee.”.

SEC. 211. JONES ACT WAIVERS.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), a vessel that was not built in the United States may transport fish or shellfish within the coastal waters of the State of Maine if the vessel—

(1) meets the other requirements of section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883) and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802) for engaging in the coastwise trade;

(2) is ineligible for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons;

(3) has transported fish or shellfish within the coastal waters of the State of Maine prior to December 31, 2004; and

(4) has not undergone a transfer of ownership after December 31, 2004.

SEC. 212. DEEPWATER OVERSIGHT.

No later than 90 days after the date of enactment of this Act, the Coast Guard, in consultation with Government Accountability

Office, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on—

(1) the status of the Coast Guard's implementation of Government Accountability Office's recommendations in its report, GAO-04-380, "Coast Guard Deepwater Program Needs Increased Attention to Management and Contractor Oversight"; and

(2) the dates by which the Coast Guard plans to fully implement such recommendations if any remain open as of the date the report is transmitted to the Committees.

SEC. 213. DEEPWATER REPORT.

The Secretary of Homeland Security shall submit to the Congress, in conjunction with the transmittal by the President of the Budget of the United States for Fiscal Year 2007, a revised Deepwater baseline that includes—

(1) a justification for the projected number and capabilities of each asset (including the ability of each asset to meet service performance goals);

(2) an accelerated acquisition timeline that reflects project completion in 10 years and 15 years (included in this timeline shall be the amount of assets procured during each year of the accelerated program);

(3) the required funding for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(4) anticipated costs associated with legacy asset sustainment for each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(5) anticipated mission deficiencies, if any, associated with the continued degradation of legacy assets in combination with the procurement of new assets within each accelerated acquisition timeline that reflects project completion in 10 years and 15 years;

(6) a comparison of the amount of required assets in the current baseline to the amount of required assets according to the Coast Guard's Performance Gap Analysis Study; and

(7) an evaluation of the overall feasibility of achieving each accelerated acquisition timeline (including contractor capacity, national shipbuilding capacity, asset integration into Coast Guard facilities, required personnel, training infrastructure capacity on technology associated with new assets).

SEC. 214. LORAN-C.

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, \$25,000,000 for fiscal year 2006 and \$25,000,000 for fiscal year 2007. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 215. LONG-RANGE VESSEL TRACKING SYSTEM.

(a) **PILOT PROJECT.**—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall conduct a pilot program for long range tracking of up to 2,000 vessels using satellite systems with an existing nonprofit maritime organization that has a demonstrated capability of operating a variety of satellite communications systems providing data to vessel tracking software and hardware that provides long range vessel information to the Coast Guard to aid maritime security and response to maritime emergencies.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to

the Secretary of the department in which the Coast Guard is operating \$4,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out subsection (a).

SEC. 216. MARINE VESSEL AND COLD WATER SAFETY EDUCATION.

The Coast Guard shall continue cooperative agreements and partnerships with organizations in effect on the date of enactment of this Act that provide marine vessel safety training and cold water immersion education and outreach programs for fishermen and children.

SEC. 217. SUCTION ANCHORS.

Section 12105 of title 46, United States Code, is amended by adding at the end the following:

"(c) No vessel without a registry or coastwise endorsement may engage in the movement of anchors or other mooring equipment from one point over or on the United States outer Continental Shelf to another such point in connection with exploring for, developing, or producing resources from the outer Continental Shelf."

TITLE III—UNITED STATES OCEAN COMMISSION IMPLEMENTATION

SEC. 301. PLACE OF REFUGE.

(a) **IN GENERAL.**—Within 12 months after the date of enactment of this Act, the United States Coast Guard, working with hazardous spill response agencies, marine salvage companies, State and local law enforcement and marine agencies, and other Federal agencies including the National Oceanic and Atmospheric Administration and the Environmental Protection Agency, shall, in accordance with the recommendations of the United States Commission on Ocean Policy in its final report, develop a comprehensive and effective process for determining whether and under what circumstances damaged vessels may seek a place of refuge in the United States suitable to the specific nature of distress each vessel is experiencing.

(b) **REPORT.**—The Commandant of the Coast Guard shall transmit a report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the process established and any cases in which a vessel was provided with a place of refuge in the preceding year.

(c) **PLACE OF REFUGE DEFINED.**—In this section, the term "place of refuge" means a place where a ship in need of assistance can take action to enable it to stabilize its condition and reduce the hazards to navigation and to protect human life and the environment.

SEC. 302. IMPLEMENTATION OF INTERNATIONAL AGREEMENTS.

The Secretary of the department in which the Coast Guard is operating shall, in consultation with appropriate Federal agencies, work with the responsible officials and agencies of other Nations to accelerate efforts at the International Maritime Organization to enhance flag State oversight and enforcement of security, environmental, and other agreements adopted within the International Maritime Organization, including implementation of—

(1) a code outlining flag State responsibilities and obligations;

(2) an audit regime for evaluating flag State performance;

(3) measures to ensure that responsible organizations, acting on behalf of flag States, meet established performance standards; and

(4) cooperative arrangements to improve enforcement on a bilateral, regional or international basis.

SEC. 303. VOLUNTARY MEASURES FOR REDUCING POLLUTION FROM RECREATIONAL BOATS.

The Secretary of the department in which the Coast Guard is operating shall, in con-

sultation with appropriate Federal, State, and local government agencies, undertake outreach programs for educating the owners and operators of boats using two-stroke engines about the pollution associated with such engines, and shall support voluntary programs to reduce such pollution and that encourage the early replacement of older two-stroke engines.

SEC. 304. INTEGRATION OF VESSEL MONITORING SYSTEM DATA.

The Secretary of the department in which the Coast Guard is operating shall integrate vessel monitoring system data into its maritime operations databases for the purpose of improving monitoring and enforcement of Federal fisheries laws, and shall work with the Undersecretary of Commerce for Oceans and Atmosphere to ensure effective use of such data for monitoring and enforcement.

SEC. 305. FOREIGN FISHING INCURSIONS.

(a) **IN GENERAL.**—No later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on steps that the Coast Guard will take to significantly improve the Coast Guard's detection and interdiction of illegal incursions into the United States exclusive economic zone by foreign fishing vessels.

(b) **SPECIFIC ISSUES TO BE ADDRESSED.**—The report shall—

(1) focus on areas in the exclusive economic zone where the Coast Guard has failed to detect or interdict such incursions in the 4 fiscal year period beginning with fiscal year 2000, including the Western/Central Pacific; and

(2) include an evaluation of the potential use of unmanned aircraft and offshore platforms for detecting or interdicting such incursions.

(c) **BIENNIAL UPDATES.**—The Secretary shall provide biannual reports updating the Coast Guard's progress in detecting or interdicting such incursions to the Senate Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

TITLE IV—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT

SEC. 401. RESERVE OFFICER DISTRIBUTION.

Section 724 of title 14, United States Code, is amended—

(1) by inserting "Reserve officers on an Active-duty list shall not be counted as part of the authorized number of officers in the Reserve." after "5,000." in subsection (a); and

(2) by striking so much of subsection (b) as precedes paragraph (2) and inserting the following:

"(b)(1) The Secretary shall, at least once a year, make a computation to determine the number of Reserve officers in an active status authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving in an active status on the date the computation is made. The number of Reserve officers in an active status below the grade of rear admiral (lower half) shall be distributed by pay grade so as not to exceed percentages of commissioned officers authorized by section 42(b) of this title. When the actual number of Reserve officers in an active status in a particular pay grade is less than the maximum percentage authorized, the difference may be applied to the number in the next lower grade. A Reserve officer may not be reduced in rank or grade solely because of a reduction in an authorized number as provided for

in this subsection, or because an excess results directly from the operation of law.”.

SEC. 402. COAST GUARD BAND DIRECTOR.

(a) BAND DIRECTOR APPOINTMENT AND GRADE.—Section 336 of title 14, United States Code, is amended—

(1) by striking the first sentence of subsection (b) and inserting “The Secretary may designate as the director any individual determined by the Secretary to possess the necessary qualifications.”;

(2) by striking “a member so designated” in the second sentence of subsection (b) and inserting “an individual so designated”;

(3) by striking “of a member” in subsection (c) and inserting “of an individual”;

(4) by striking “of lieutenant (junior grade) or lieutenant.” in subsection (c) and inserting “determined by the Secretary to be most appropriate to the qualifications and experience of the appointed individual.”;

(5) by striking “A member” in subsection (d) and inserting “An individual”;

(6) by striking “When a member’s designation is revoked.” in subsection (e) and inserting “When an individual’s designation is revoked.”.

(b) CURRENT DIRECTOR.—The incumbent Coast Guard Band Director on the date of enactment of this Act may be immediately promoted to a commissioned grade, not to exceed captain, determined by the Secretary of the department in which the Coast Guard is operating to be most appropriate to the qualifications and experience of that individual.

SEC. 403. RESERVE RECALL AUTHORITY.

Section 712 of title 14, United States Code, is amended—

(1) by striking “during” in subsection (a) and inserting “during, or to aid in prevention of an imminent.”;

(2) by striking “or catastrophe,” in subsection (a) and inserting “catastrophe, act of terrorism (as defined in section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))), or transportation security incident as defined in section 70101 of title 46, United States Code.”;

(3) by striking “thirty days in any four month period” in subsection (a) and inserting “60 days in any 4-month period”;

(4) by striking “sixty days in any two-year period” in subsection (a) and inserting “120 days in any 2-year period”;

(5) by adding at the end the following:

“(e) For purposes of calculating the duration of active duty allowed pursuant to subsection (a), each period of active duty shall begin on the first day that a member reports to active duty, including for purposes of training.”.

SEC. 404. EXPANSION OF EQUIPMENT USED BY AUXILIARY TO SUPPORT COAST GUARD MISSIONS.

(a) MOTORIZED VEHICLE AS FACILITY.—Section 826 of title 14, United States Code, is amended—

(1) by inserting “(a)” before “Members”;

(2) adding at the end the following:

“(b) The Coast Guard may utilize to carry out its functions and duties as authorized by the Secretary any motorized vehicle placed at its disposition by any member of the auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof to tow government property.”.

(b) APPROPRIATIONS FOR FACILITIES.—Section 830(a) of title 14, United States Code, is amended by striking “or radio station” each place it appears and inserting “radio station, or motorized vehicle utilized under section 826(b)”.

SEC. 405. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-BUILD CONTRACTING.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

“§ 677. Turn-key selection procedures

“(a) AUTHORITY TO USE.—The Secretary may use one-step turn-key selection procedures for the purpose of entering into contracts for construction projects.

“(b) DEFINITIONS.—In this section—

“(1) ONE-STEP TURN-KEY SELECTION PROCEDURES.—The term ‘one-step turn-key selection procedures’ means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary.

“(2) CONSTRUCTION.—The term ‘construction’ includes the construction, procurement, development, conversion, or extension, of any facility.

“(3) FACILITY.—The term ‘facility’ means a building, structure, or other improvement to real property.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 676 the following:

“677. Turn-key selection procedures.”.

SEC. 406. OFFICER PROMOTION.

Section 257 of title 14, United States Code, is amended by adding at the end the following:

“(f) The Secretary of the Department in which the Coast Guard is operating may waive subsection (a) of this section to the extent necessary to allow officers described therein to have at least 2 opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.”.

SEC. 407. REDESIGNATION OF COAST GUARD LAW SPECIALISTS AS JUDGE ADVOCATES.

(a) Section 801 of title 10, United States Code, is amended—

(1) by striking “The term ‘law specialist’” in paragraph (11) and inserting “The term ‘judge advocate’, in the Coast Guard.”;

(2) by striking “advocate; or” in paragraph (13) and inserting “advocate.”;

(3) by striking subparagraph (C) of paragraph (13).

(b) Section 727 of title 14, United States Code, is amended by striking “law specialist” and inserting “judge advocate”.

(c) Section 465(a)(2) of the Social Security Act (42 U.S.C. 665(a)(2)) is amended by striking “law specialist” and inserting “judge advocate”.

SEC. 408. BOATING SAFETY DIRECTOR.

(a) IN GENERAL.—Subchapter A of chapter 11 of title 14, United States Code, is amended by adding at the end the following:

“§ 337. Director, Office of Boating Safety

“The initial appointment of the Director of the Boating Safety Office shall be in the grade of Captain.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 336 the following:

“337. Director, Office of Boating Safety.”.

SEC. 409. HANGAR AT COAST GUARD AIR STATION BARBERS POINT.

No later than 180 days after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall provide the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on

Transportation and Infrastructure with a proposal and cost analysis for constructing an enclosed hangar at Air Station Barbers Point. The proposal should ensure that the hangar has the capacity to shelter current aircraft assets and those projected to be located at the station over the next 20 years.

SEC. 410. PROMOTION OF COAST GUARD OFFICERS.

(a) IN GENERAL.—Section 211(a) of title 14, United States Code, is amended to read as follows:

“(a)(1) The President may appoint permanent commissioned officers in the Regular Coast Guard in grades appropriate to their qualification, experience, and length of service, as the needs of the Coast Guard may require, from among the following categories:

“(A) Graduates of the Coast Guard Academy.

“(B) Commissioned warrant officers, warrant officers, and enlisted members of the Regular Coast Guard.

“(C) Members of the Coast Guard Reserve who have served at least 2 years as such.

“(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer.

“(2) Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate.

“(3) Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.”.

(b) WARTIME TEMPORARY SERVICE PROMOTION.—Section 275(f) of title 14, United States Code, is amended by striking the second and third sentences and inserting “Original appointments under this section in the grades of lieutenant commander and above shall be made by the President by and with the advice and consent of the Senate. Original appointments under this section in the grades of ensign through lieutenant shall be made by the President alone.”.

TITLE V—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 501. GOVERNMENT ORGANIZATION.

Title 5, United States Code, is amended—

(1) by inserting “The Department of Homeland Security.” after “The Department of Veterans Affairs.” in section 101;

(2) by inserting “the Secretary of Homeland Security,” in section 2902(b) after “Secretary of the Interior.”;

(3) in sections 5520a(k)(3), 5595(h)(5), 6308(b), and 9001(10), by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

SEC. 502. WAR AND NATIONAL DEFENSE.

The Soldiers’ and Sailors’ Civil Relief Act of 1940 (Public Law 76-861, 56 Stat. 1178, 50 U.S.C. App. 501 et seq.) is amended—

(1) by striking “Secretary of Transportation” each place it appears in section 515 and inserting “Secretary of Homeland Security”;

(2) by striking “Secretary of Transportation” in section 530(d) and inserting “Secretary of Homeland Security”.

SEC. 503. FINANCIAL MANAGEMENT.

Title 31, United States Code, is amended—

(1) by striking “of Transportation” in section 3321(c) and inserting “of Homeland Security.”;

(2) by striking “of Transportation” in section 3325(b) and inserting “of Homeland Security”;

(3) by striking “of Transportation” each place it appears in section 3527(b)(1) and inserting “of Homeland Security”;

(4) by striking “of Transportation” in section 3711(f) and inserting “of Homeland Security”.

SEC. 504. PUBLIC CONTRACTS.

Section 11 of title 41, United States Code, is amended by striking “of Transportation”

each place it appears and inserting “of Homeland Security”.

SEC. 505. PUBLIC PRINTING AND DOCUMENTS.

Sections 1308 and 1309 of title 44, United States Code, are amended by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

SEC. 506. SHIPPING.

Title 46, United States Code, is amended—

(1) by striking “a Coast Guard or” in section 2109;

(2) by striking the second sentence of section 6308(a) and inserting “Any employee of the Department of Transportation, and any member of the Coast Guard, investigating a marine casualty pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify in such proceedings relevant to a marine casualty investigation, without the permission of the Secretary of Transportation for Department of Transportation employees or the Secretary of Homeland Security for military members or civilian employees of the Coast Guard.”; and

(3) by striking “of Transportation” in section 13106(c) and inserting “of Homeland Security”.

SEC. 507. TRANSPORTATION; ORGANIZATION.

Section 324 of title 49, United States Code, is amended by striking subsection (b); and redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 508. MORTGAGE INSURANCE.

Section 222 of the National Housing Act of 1934 (12 U.S.C. 1715m) is amended by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

SEC. 509. ARCTIC RESEARCH.

Section 107(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4106(b)(2)) is amended—

(1) by striking “and” after the semicolon in subparagraph (J);

(2) by redesignating subparagraph (K) as subparagraph (L); and

(3) by inserting after subparagraph (J) the following new subparagraph:

“(K) The Department of Homeland Security; and”.

SEC. 510. CONSERVATION.

(a) Section 1029(e)(2)(B) of the Bisti/De-Nazin Wilderness Expansion and Fossil Protection Act of 1996 (16 U.S.C. 460kkk(e)) is amended by striking “of Transportation” and inserting “of Homeland Security”.

(b) Section 312(a)(2)(C) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2441(c)) is amended by striking “of Transportation” and inserting “of Homeland Security”.

SEC. 511. CONFORMING AMENDMENT.

Section 3122 of the Internal Revenue Code of 1986 is amended by striking “Secretary of Transportation” each place it appears and inserting “Secretary of the Department in which the Coast Guard is operating”.

SEC. 512. ANCHORAGE GROUNDS.

Section 7 of the Rivers and Harbors Act of 1915 (33 U.S.C. 471) is amended by striking “of Transportation” and inserting “of Homeland Security”.

SEC. 513. BRIDGES.

Section 4 of the General Bridge Act of 1906 (33 U.S.C. 491) is amended by striking “of Transportation” and inserting “of Homeland Security”.

SEC. 514. LIGHTHOUSES.

(a) Section 1 of Public Law 70-803 (33 U.S.C. 747b) is amended by striking “of Transportation” and inserting “of Homeland Security”.

(b) Section 2 of Public Law 65-174 (33 U.S.C. 748) is amended by striking “of Transportation” and inserting “of Homeland Security”.

(c) Sections 1 and 2 of Public Law 75-515 (33 U.S.C. 745a, 748a) are amended by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

SEC. 515. OIL POLLUTION.

The Oil Pollution Act of 1990 (33 U.S.C. 2701 et. seq.) is amended—

(1) by inserting “Homeland Security,” in section 5001(c)(1)(B) (33 U.S.C. 2731(c)(1)(B)) after “the Interior.”;

(2) by striking “of Transportation.” in section 5002(m)(4) (33 U.S.C. 2732(m)(4)) and inserting “of Homeland Security.”;

(3) by striking section 7001(a)(3) (33 U.S.C. 2761(a)(3)) and inserting the following:

“(3) MEMBERSHIP.—

“(A) The Interagency Committee shall include representatives from the Department of Commerce (including the National Oceanic and Atmospheric Administration and the National Institute of Standards and Technology), the Department of Energy, the Department of the Interior (including the Minerals Management Service and the United States Fish and Wildlife Service), the Department of Transportation (including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration), the Department of Defense (including the Army Corps of Engineers and the Navy), the Department of Homeland Security (including the United States Coast Guard and the United States Fire Administration in the Federal Emergency Management Agency), the Environmental Protection Agency, and the National Aeronautics and Space Administration, as well as such other Federal agencies the President may designate.

“(B) A representative of the Department of Transportation shall serve as Chairman.”; and

(4) by striking “other” in section 7001(c)(6) (33 U.S.C. 2761(c)(6)) before “such agencies”.

SEC. 516. MEDICAL CARE.

Section 1(g)(4)(B) of the Medical Care Recovery Act of 1962 (42 U.S.C. 2651(g)(4)(B)) is amended by striking “of Transportation,” and inserting “of Homeland Security.”.

SEC. 517. CONFORMING AMENDMENT TO SOCIAL SECURITY ACT.

Section 201(p)(3) of the Social Security Act (42 U.S.C. 405(p)(3)) is amended by striking “of Transportation” each place it appears and inserting “of Homeland Security”.

SEC. 518. SHIPPING.

Section 27 of the Merchant Marine Act of 1920 (46 U.S.C. App. 883) is amended by striking “Satisfactory inspection shall be certified in writing by the Secretary of Transportation” and inserting “Satisfactory inspection shall be certified in writing by the Secretary of Homeland Security.”.

SEC. 519. NONTANK VESSELS.

Section 311(a)(26) of the Federal Water Pollution Control Act (33 U.S.C. 1321(A)(26)) is amended to read as follows:

“(26) ‘nontank vessel’ means a self-propelled vessel—

“(A) of at least 400 gross tons as measured under section 14302 of title 46, United States Code, or, for vessels not measured under that section, as measured under section 14502 of that title;

“(B) other than a tank vessel;

“(C) that carries oil of any kind as fuel for main propulsion; and

“(D) that is a vessel of the United States or that operates on the navigable waters of the United States including all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.”.

SEC. 520. DRUG INTERDICTION REPORT.

(a) IN GENERAL.—Section 89 of title 14, United States Code, is amended by adding at the end the following:

“(d) QUARTERLY REPORTS ON DRUG INTERDICTION.—Not later than 30 days after the end of each fiscal year quarter, the Secretary of Homeland Security shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report on all expenditures related to drug interdiction activities of the Coast Guard on an annual basis.”.

(b) CONFORMING AMENDMENT.—Section 103 of the Coast Guard Authorization Act of 1996 (14 U.S.C. 89 note) is repealed.

SEC. 521. ACTS OF TERRORISM REPORT.

Section 905 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (46 U.S.C. App. 1802) is amended—

(1) by striking “Not later than February 28, 1987, and annually thereafter, the Secretary of Transportation shall report” and inserting “The Secretary of Homeland Security shall report annually”; and

(2) by inserting “Beginning with the first report submitted under this section after the date of enactment of the Maritime Transportation Security Act of 2002, the Secretary shall include a description of activities undertaken under title I of that Act and an analysis of the effect of those activities on port security against acts of terrorism.” after “ports.”.

TITLE VI—EFFECTIVE DATES

SEC. 601. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment.

(b) EXCEPTION.—Sections 501 through 518 of this Act and the amendments made by those sections shall take effect on March 1, 2003.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to and the amendments at the desk be agreed to.

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

The committee amendments were agreed to.

The amendment (No. 2343) was agreed to, as follows:

On page 2, strike the item relating to section 211 and insert the following:

Sec. 211. Undocumented Maine fish tenders.

On page 2, after the item relating to section 217, insert the following:

Sec. 218. Distant water tuna fleet.

Sec. 219. Automatic identification system.

On page 3, after the item relating to section 410, insert the following:

Sec. 411. Conveyance of decommissioned Coast Guard Cutter MACKINAW.

On page 8, line 17, strike “2006.” and insert “2006 and as of September 30, 2007.”.

On page 8, beginning in line 18, strike “fiscal year 2006,” and insert “each of fiscal years 2006 and 2007.”.

On page 9, beginning in line 3, strike “fiscal year 2006” and insert “each of fiscal years 2006 and 2007.”.

On page 18, strike lines 6 through 24 and insert the following:

SEC. 211. UNDOCUMENTED MAINE FISH TENDERS.

Notwithstanding any other provision of law, a vessel that is ineligible for documentation under chapter 121 of title 46, United States Code, because it measures less than 5 net tons, may transport fish or shellfish within the coastal waters of the State of Maine if—

(1) the vessel transported fish or shellfish pursuant to a valid wholesale seafood license, issued under the authority of section

6851 of title 12 of the Maine Revised Statutes prior to December 31, 2004; and

(2) the vessel is owned by an individual or entity meeting the citizenship requirements necessary to document a vessel under section 12106 of title 46, United States Code.

On page 19, line 18, insert “(a) IN GENERAL.—” before “The”.

On page 20, after line 25, insert the following:

(b) INDEPENDENT ANALYSIS OF REVISED DEEP WATER PLAN.—Within 180 days after the date of enactment of this Act, the Commandant of the Coast Guard may execute a contract with an independent entity—

(1) to conduct an analysis of the Coast Guard's revised Deepwater Plan; and

(2) to assess whether—

(A) the mix of assets and capabilities selected as part of that plan will meet the Coast Guard's criteria of—

(i) performance; and

(ii) minimizing total ownership costs; or

(B) additional or different assets should be considered as part of the plan.

On page 22, strike lines 13 through 18, and insert the following:

“(c)(1) No vessel without a registry endorsement may engage in—

“(A) the setting or movement of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))) whether or not attached to the outer Continental Shelf; or

“(B) the movement of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is—

“(i) not attached to the seabed; or

“(ii) attached to the seabed on the outer Continental Shelf but not exploring for oil and gas resources from the outer Continental Shelf.

“(2) Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12106 of this title.”.

On page 22, between lines 18 and 19, insert the following:

SEC. 218. DISTANT WATER TUNA FLEET.

(a) MANNING REQUIREMENTS.—United States purse seine fishing vessels transiting to or from, or fishing exclusively for highly migratory species in, the Treaty area under a fishing license issued pursuant to the 1987 Treaty of Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America may utilize non-United States licensed and documented personnel to meet manning requirements for the 48 month period beginning on the date of enactment of this Act if, after timely notice of a vacancy, no United States-licensed and documented personnel are readily available.

(b) LIMITATION.—Subsection (a) applies only to vessels operating in and out of American Samoa.

(c) WAIVER.—The citizenship requirements of sections 8103(a) and 12110 of title 46, United States Code, are waived for vessels to which subsection (a) applies during the 48-month period.

SEC. 219. AUTOMATIC IDENTIFICATION SYSTEM.

(a) PREVENTION OF HARMFUL INTERFERENCE.—The Secretary of the Department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may, within 60 days of the enactment of this Act, transfer \$1,000,000 to the National Telecommunications and Information Administration of the Department of Commerce for the purposes of awarding, within 120 days after the date of enactment of this

Act a competitive grant to design, develop, and prototype a device that integrates a Class B Automatic Identification System transponder (International Electrotechnical Commission standard 62287) with an FCC-approved wireless maritime data device with channel throughput greater than 19.2 kilobits per second to enable such wireless maritime data device to provide wireless maritime data services, concurrent with the operation of such Automatic Identification System transponder, on frequency channels adjacent to the frequency channels on which the Automatic Identification System transponder operates, while minimizing or eliminating the harmful interference between such Automatic Identification System transponder and such wireless maritime data device. The design of such device shall be available for public use.

(b) IMPLEMENTATION OF AIS.—It is the Sense of the Senate that the Federal Communications Commission should resolve within 60 days after the date of enactment of this Act the disposition of its rulemaking on the Automatic Information System and licensee use of frequency bands 157.1875-157.4375 MHz and 161.7875-162.0375 MHz (RM-10821, WT Docket Number 04-344). The implementation of this section shall not delay the implementation of an Automatic Identification System as required by the Maritime Transportation Security Act of 2002 and international convention.

On page 30, line 5, strike “ ‘Members’; ” and insert “ ‘The’; ”.

On page 30, line 7, insert “(1)” before “The”.

On page 30, line 12, strike the closing quotation marks and the second period.

On page 30, between lines 12 and 13, insert the following:

“(2) Any motorized vehicle placed at the disposition of the Coast Guard and utilized to carry out its functions under paragraph (1) shall be considered to be a ‘motorized vehicle’ utilized under section 826(b)’ as that term is used in section 830.”.

On page 35, between lines 4 and 5, insert the following:

SEC. 411. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER MACKINAW.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter MACKINAW, the Commandant of the Coast Guard shall convey all right, title, and interest of the United States in and to that vessel to the City and County of Cheboygan, Michigan, without consideration, if—

(1) the recipient agrees—

(A) to use the vessel for purposes of a museum;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls (PCBs), after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) the recipient has funds available that will be committed to operate and maintain the vessel conveyed in good working condition, in the form of cash, liquid assets, or a written loan commitment, and in an amount of at least \$700,000; and

(3) the recipient agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—Prior to conveyance of the vessel under this section, the Commandant shall, to the extent practical, and subject to other

Coast Guard mission requirements, make every effort to maintain the integrity of the vessel and its equipment until the time of delivery. If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area, in its present condition, on or about June 10, 2006, and no later than June 30, 2006. The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the vessel's operability and function for purposes of a museum.

The amendment (No. 2344) was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 889 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 889) to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and the text of S. 1280, as amended, be inserted in lieu thereof, that the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, the Senate insist upon its amendment, and the Chair be authorized to appoint conferees. I further ask that S. 1280 be returned to the calendar.

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

The bill (H.R. 889), as amended, was read the third time and passed.

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

The PRESIDING OFFICER appointed Mr. STEVENS, Ms. SNOWE, Mr. LOTT, Mr. SMITH, Mr. INOUE, Ms. CANTWELL, and Mr. LAUTENBERG conferees on the part of the Senate.

ORDERS FOR FRIDAY, OCTOBER 28, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Friday, October 28. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for morning business with Senators permitted to speak for up to 10 minutes.

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

PROGRAM

Mr. McCONNELL. Today, the Senate completed action on the Labor-HHS-Education appropriations bill, a splendid job by Senator SPECTER and Senator HARKIN in moving the bill along. That is the fastest I can recall that measure clearing the Senate, certainly in recent years.

As the majority leader announced earlier today, we will be in session tomorrow, but there will not be any votes. We will not have any votes during Monday's session. So Senators should expect a busy week as we consider the deficit reduction omnibus reconciliation bill.

In that regard, I ask unanimous consent that at 4 p.m. on Monday, October 31, the Senate proceed to S. 1932, the 2005 deficit reduction bill, and it be considered under the following statutory time agreement, with time divided as follows: The first hour on Monday under the control of the chairman of the Budget Committee; provided further that the Senate then resume the bill on Tuesday, November 1, at 9 a.m., with the time until 8 divided between the chairman and ranking member, with 4½ hours under the control of the chairman and 5½ hours under the control of the ranking member; provided further that the Senate recess from 12:30 to 2 for the weekly policy luncheons; provided that any votes ordered on Tuesday be postponed

to occur at a time determined by the leader after consultation with the Democratic leader.

I further ask consent that the Senate then resume the bill on Wednesday, November 2, with the time from 8:30 a.m. to 6 p.m. equally divided between the chairman and ranking member; provided further that at 6 p.m. on Wednesday all time be considered expired.

Before the Chair rules, it is my understanding that Senators GREGG and CONRAD have agreed that we will have 1 hour of debate on Monday. We will then resume the deficit reduction measure on Tuesday, with debate until 8. Any votes ordered on Tuesday would be stacked to occur at a later time. We would then resume the bill on Wednesday, with all time expired at 6 p.m.

The Budget Act allows for amendments to be offered and voted on beyond the statutory time limit, the so-called vote-arama that we look forward to every year. I would hope that we would not have a vote-arama, but understanding that Members will offer amendments after the expiration of time, we would begin those sequenced votes on Thursday.

We will proceed until complete, and we all hope that will be a short time thereafter.

In any event, we would stop in the late afternoon on Thursday and resume on Friday if, and only if, that becomes necessary.

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

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. McCONNELL. I believe that completes the business of the Senate. If there is no further business to come before the Senate, I ask unanimous consent that it stand in adjournment under the previous order.

There being no objection, the Senate, at 7:20 p.m., adjourned until Friday, October 28, 2005, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate October 27, 2005:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PETER W. CHIARELLI, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate: Thursday, October 27, 2005:

THE JUDICIARY

SUSAN BIEKE NEILSON, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

JOHN RICHARD SMOAK, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA.