

radiation? Were people exposed to that radiation? Were there health consequences to that exposure? And while the Senate struggled with these questions, Americans that were affected waited. As my colleagues expressed 20 years ago, time is not on our side in this matter, and all too often justice delayed is quite literally justice denied.

When Congress passed RECA in 1990, the extent of the damage done from this radiation was not fully understood. New studies, by the National Cancer Institute and the National Academy of Sciences, decades in the making, have shown that for many Americans, like those in Montana, justice has been denied. They live in the most affected regions of the country, and yet they find the door of justice closed to them by lines on a map. For some of these people, it is too late. The clock is ticking, and many have not survived long enough for their Government to do the right thing.

That is why I stand adamant that the time to act is now. We did the right thing in 1990. It is time to do the right thing today.

#### LABOR—HHS APPROPRIATIONS

Mrs. FEINSTEIN. Mr. President, I rise today to oppose the fiscal year 2006 Labor, HHS, Education and related agencies conference report.

As my colleagues know, this is the second conference report to come out of the Labor-HHS-Education Subcommittee this year. This bill, which passed the House yesterday by two votes, represents a failure by the leadership of this Congress to adequately fund health, education, and workforce programs.

The first conference report—the one defeated by the House—contained drastic cuts to existing programs like the title VII health professions programs and No Child Left Behind.

So what is different between the bill before us today and the one that failed? Does the second conference report restore the harmful cuts to health and education that were supported by the Republican leadership in the House and Senate? Does the bill contain even one dollar more than the bill that was defeated by the House?

The answer to those questions is no.

The first conference report included \$201 million worth of cuts to rural health programs identified by the National Rural Health Association. The bill before us restores a few of these programs but it still retains \$137 million, or 68 percent, worth of those cuts.

The bill before us restores a provision costing \$90 million that would have prohibited Medicare and Medicaid from covering prescription drugs for erectile dysfunction.

And how does this bill pay for these provisions? It is not with new money but, rather, with \$120 million that was designated for the Public Health and Social Services Emergency Fund for

pandemic flu preparedness and \$60 million that was supposed to go to the Centers for Medicare and Medicaid Services' administrative account for implementation of the new Medicare prescription drug benefit.

At a time when seniors are struggling to understand and sign up for the new Medicare drug benefit, this bill cuts the account needed to run Medicare's 1-800 help line, run its Website Medicare.gov, conduct outreach and provide technical assistance to millions confused seniors.

And at a time when public health experts across the globe are warning countries to act now to prepare for a pandemic influenza, this bill cuts \$120 million in pandemic flu preparedness funding.

In total, this bill cuts health funding by \$466 million.

That includes a cut of \$185 million for the Bureau of Health Professions title VII programs, making it harder to recruit and retain qualified health professionals, and the elimination of nine vital health programs including trauma care, rural emergency medical services, the geriatric education centers, health education training centers, and the health community access program.

In California, the elimination of the geriatric education program will eliminate funding for the Northern California Geriatric Education Center at the University of California San Francisco, the only source of Federal funding for geriatric education from the Bay Area to Oregon.

It provides a less than 1 percent increase in funding the National Institutes of Health, the smallest percentage increase to NIH since 1970. This bill cuts the number of new research grants that NIH can fund by 355, from 9,612 to 9,257.

Last September, 91 of my colleagues joined me in sending a letter to President Bush supporting the administration's goal of eliminating cancer death and suffering by 2015. The wholly inadequate funding for NIH in this bill dims the hope of reaching this 2015 goal.

The conference report harms all working American families.

First, the conference report slashes the Office of Disability Employment Policy to \$20 million, close to half of the funding in fiscal year 2005. The disabled community will no longer have the training, employment, and education needed to earn a decent wage. This is a community that already faces a 68 percent unemployment rate.

Second, reducing job training programs, dislocated worker assistance, and employment services by \$530 million will make it close to impossible for dislocated workers to re-enter the workforce. This is particularly appalling given the recent bankruptcy and layoff announcements by Delta, Northwest, and General Motors, just to name a few.

Lastly, the reduction in trade adjustment assistance will leave workers to fend for themselves when industries

change and jobs shift overseas. This is vital to the Nation's economic stability. The fast-moving pace of innovation requires that we have a flexible workforce provided with the training needed to transition to the next opportunity. Reducing this type of program will leave American workers behind.

The ability to work is the path to financial independence, economic stability, and the key to earning a better life. This conference report shamefully denies that opportunity to dislocated and disabled workers wanting to earn a better life.

And finally, this bill hurts our Nation's schools, educators, and students.

It cuts total Federal education funding by \$59 million for the first time in over a decade.

Within education, No Child Left Behind is significantly cut by \$779 million or 3 percent that will ultimately result in an estimated \$3 million loss for California schools.

Furthermore, this bill shortchanges the authorized funding level for No Child Left Behind programs by \$13.1 billion.

This major cut and underfunding is being done when the required math and reading performance levels under the law are increasing for school districts and schools are struggling to find the funds necessary to meet the law's requirements.

This bill also fails to provide any increase to the Pell grant student aid award of \$4,050 for the fourth year in a row, even though a \$100 increase was promised in the budget resolution.

Federal Pell grants are the cornerstone of our need-based financial aid system ensuring that all students have access to higher education.

Pell grants help over 5.3 million low- and middle-income students attend college, over 500,000 of them in California.

There could not be a worse time for freezing student's financial grant aid as the costs of attending a 4-year public college or private college have dramatically increased both nationwide and in California.

According to the College Board, the average cost nationwide of attending a public university for 1 year has increased 66 percent to \$5,132 within the last 10 years, and yet Pell grant aid continues to remain stagnant.

This bill also drastically cuts other important education programs, such as Even Start literacy programs that help disadvantaged children and their parents increase their English skills are cut by 56 percent, from \$200 million to \$100 million; education technology State grants are cut by 45 percent, from \$496 million to \$275 million; and State grants for keeping schools safe and drug free are cut by 20 percent, from \$437 million to \$350 million.

The bill before us shortchanges American families, and I believe America can do better. The cuts in this bill for vital health, education, and workforce programs are a direct result of the agenda of this administration and

the leadership in Congress: to pass tax cuts and reconciliation bills that actually worsen the deficit, all the while doing nothing to address the long-term fiscal picture of entitlement spending.

As an appropriator, I recognize that tough decisions have to be made. However, the policy choices of this administration have put Members of this body in the position of having to vote on the elimination of health programs for the poorest and sickest of Americans and for cuts to education programs for low-income students. I reject that choice and believe we must rebalance our priorities.

The choice we should be making today is to improve our healthcare safety net, to fully fund our schools, and to help American workers find the path to financial independence and economic stability.

This conference report fails Americans on all those fronts, and I urge my colleagues to reject it.

• Mrs. BOXER. Mr. President, I strongly oppose the fiscal year 2006 Labor-HHS appropriations conference report because it undermines many of our Nation's highest priorities and jeopardizes our most vulnerable citizens and communities.

We have all heard the dire warnings about the avian flu pandemic. We know that we need to invest adequate resources to develop vaccines, stockpile medicines, and better prepare at the local, State, and Federal levels. That is why the Senate passed Senator HARKIN's amendment. Yet this conference report left out those vital funds and, in doing so, left us far less equipped to deal with a pandemic.

We know we must invest in the critical research that uncovers the secrets behind our greatest killers, saving the health and lives of our citizens. Yet this bill increases funding for the National Institutes of Health, NIH, by less than one percent, the smallest increase since 1970. Make no mistake: this will lead to cuts in the number of new research grants funded by NIH.

We know we have to invest in the education of our children at every level of schooling. We know our school districts, and our children, are being asked to meet tougher standards. Yet this conference report cuts education for the first time in a decade. No Child Left Behind, NCLB, programs have been cut 3 percent, now leaving them \$13 billion below the authorized level. Fewer children will be served by after-school programs, which keep our children safe after school and improve their academic performance. At a time when the costs of college are skyrocketing, this bill once again freezes Pell grants, which help low-income students afford a college education.

Now, this bill doesn't just cut critical funds; it also adds provisions that endanger our neediest citizens. None is more troubling to me than the Weldon amendment. I am extremely disappointed that the conference report rejected the real conscience clause in

the Senate bill and instead included the House bill's sweeping and dangerous refusal clause.

Unlike the Senate language authored by Senator SPECTER and Senator HARKIN, the provision in this conference report is not a conscience clause. It never mentions religion or morals. It forces States to choose between losing billions of dollars in funding or enforcing Federal and State laws ensuring reproductive health information and services for women. And it could have devastating consequences, including further endangering women in emergency situations, allowing doctors to be gagged, hurting victims of rape and incest, and seriously undermining state sovereignty.

Mr. President, if we want to really meet the great challenges we face in our country, we must reject this bill. The American people deserve better and we, as Senators, can certainly do better.●

#### ADDITIONAL STATEMENTS

##### HONORING CARL W. SMITH

• Mr. ALLEN. Today I would like to honor a great man, Mr. Carl W. Smith, a native of Wise, VA, and a resident of Charlottesville, VA, who, sadly, passed away earlier this week.

Carl Smith was a truly wonderful leader for Virginia, and my wife Susan and I were deeply saddened to learn of the passing of our friend. His lovely wife Hunter and his children Carl, Stuart, and Hunter, will remain in our thoughts and prayers, as will their loved ones during this time of great sorrow.

Throughout his life, Carl was a truly special, invigorating friend and remarkable, insightful leader who was always a lap ahead of everyone else. I will always appreciate his discreet advice, his impressive perspective and his strong support. And I will be forever grateful for his trusted friendship that helped me win elections to become a Delegate and, later, Governor of Virginia.

Like me, Carl attended the University of Virginia, when he played football. After graduating, he served in the U.S. Army and worked as an investment banker. Just last year, Carl retired as head of AMVEST Corporation, a diversified energy and finance corporation based in Charlottesville that he founded in 1961. Throughout his successful career, Carl was the best, most loyal fan of the University of Virginia Cavaliers, and his generosity to his beloved alma mater and all those in his life was boundless. He donated millions of dollars to advance Virginia's academic, athletic and arts programs, and to support the construction and preservation of its facilities. He also served on the Board of Visitors for 8 years. Carl was known for his business savvy but also for his loyalty, his kindness and his sense of humor.

Susan and I grieve with Carl's dear wife Hunter and their family over this heart-aching loss. May God continue to bless Virginia and America with people of Carl W. Smith's unflinching character.●

##### REMEMBERING CLIFFORD BROWN AND LARUE BROWN WATSON

• Mr. BIDEN. Mr. President, October 30, 2005, marked the 75th birthday of Clifford Benjamin Brown, one of this Nation's great jazz musicians. Born into a large, middle-class, African-American family in Wilmington, DE, Clifford Brown was the youngest of eight children and inherited his love and passion for music from his father, Joe Brown. He began to show interest in the trumpet at a young age, and by the time he turned 12, he was engaged in private lessons. He attended Howard High School in Wilmington, where he was encouraged to play music by ear. He studied math at the University of Delaware and music at Maryland State College.

His career as a jazz trumpeter was monumental. He performed alongside such music legends as Miles Davis and Fats Navarro, while combining his sounds and style with those of Art Farmer, Dizzy Gillespie and Dinah Washington. Clifford played in Chris Powell's Blue Flames Band and the Brown-Roach Quintet. Sadly, Clifford Brown's promising and extraordinary career was tragically cut short when a car accident took his life on June 26, 1956. He was only 25 years old.

But the legacy of Clifford Brown extended far beyond his years through the efforts of his wife LaRue, whom he had married in 1954. LaRue helped to launch the Los Angeles Jazz Heritage Foundation's program which served underprivileged children, and founded the Clifford Brown Jazz Foundation.

LaRue Brown Watson passed away on Sunday, October 2, 2005 at the age of 72. She is survived by her children, Clifford Brown, Jr., Adrienne Traywick and Brian Watson, her son-in-law Clarence Traywick, and many grandchildren, cousins, nieces, nephews and friends.

Today, I stand and lead the Senate in paying tribute to the life of the great Clifford Brown and in lamenting the passing of his widow, LaRue Brown Watson.●

##### TRIBUTE TO SERGEANT MAJOR FRANK YOAKUM

• Mr. BOND. Mr. President, I rise to honor SGM Frank Yoakum, who serves as the enlisted congressional, liaison for the Chief, National Guard Bureau. Sergeant Major Yoakum is the only enlisted legislative liaison in the Army, facilitating communication flow between the Army National Guard, National Guard Bureau, and elected officials on Capitol Hill, as well as their staffs and professional committee staff. He is on the personal staff of the Chief, National Guard Bureau.