

which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to pay the salaries or expenses of any officer or employee of the Department of Health and Human Services to provide payments under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to a physician, practitioner (as described in section 1842(b)(18)(C) of such Act (42 U.S.C. 1395u(b)(18)(C)), or other individual who charges their patients membership or similar fees, or who requires the purchase of services not covered under Medicare, as a condition for the provision of covered services under such title.

**SA 2203.** Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_.(a) Notwithstanding any other provision of law, \$125,000,000 shall be available and shall remain available until expended to replace the funds appropriated but not expended under chapter 8 of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117), and of such amount, \$50,000,000 shall be made available for payment to the New York State Uninsured Employers Fund for reimbursement of claims related to the terrorist attacks of September 11, 2001 and for reimbursement of claims related to the first response emergency services personnel who were injured, were disabled, or died due to such terrorist attacks, and \$75,000,000 shall be made available to the Centers for Disease Control and Prevention upon enactment of this Act, and shall remain available until expended, for purposes related to the September 11, 2001 terrorist attacks. In expending such funds, the Director of the Centers for Disease Control and Prevention shall give first priority to the existing programs coordinated by the Mount Sinai Center for Occupational and Environmental Medicine, the Fire Department of New York City Bureau of Health Services and Counseling Services Unit, the New York City Police Foundation's Project COPE, Police Organization Providing Peer Assistance, and the New York City Department of Health and Mental Hygiene World Trade Center Health Registry that administer baseline and follow-up screening, clinical examinations, or long-term medical health monitoring, analysis, or treatment for emergency services personnel or rescue and recovery personnel, and shall give secondary priority to similar programs coordinated by other entities working with the State of New York and New York City.

(b) The amount provided under subsection (a) is designated as an emergency request, pursuant to section 402 of H. Con. Res. 95 (109th Congress).

**SA 2204.** Ms. CANTWELL 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:

On page 112, strike lines 17 and 18, insert the following:

Workforce Investment Act of 1998; \$2,790,806,000 plus reimbursements, of which \$1,791,518,000 (plus an additional amount of \$3,000,000 for workforce investment activities for adults under chapter 5 of subtitle B of such Act) is available for obli- \* \* \*

**SA 2205.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. Amounts appropriated in this title for the preventive health and health services block grant program under part A of title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) shall be increased to \$132,000,000.

**SA 2206.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. Amounts appropriated in this title for the global disease detection program at the Centers for Disease Control and Prevention shall be increased so that such program receives \$45,000,000.

**SA 2207.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. Amounts appropriated in this title for national immunization programs under section 317 of the Public Health Service Act (42 U.S.C. 247b) at the Centers for Disease Control and Prevention shall be increased so that such programs receives \$748,000,000.

**SA 2208.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 517. Notwithstanding clause (A) of the flush language immediately following section 1905(a)(28) of the Social Security Act, none of the funds made available in this Act may be used by the Secretary of Health and

Human Services to withhold, suspend, disallow, or otherwise deny Federal financial participation under section 1903(a) of such Act to a State for the provision of items and services described in section 1905(a) of such Act to children who are receiving inpatient psychiatric hospital services for individuals under age 21 under the State Medicaid plan that are provided consistent with the requirements of title XIX of the Social Security Act and such plan.

**SA 2209.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. Amounts made available under this title for bioterrorism activities at the Centers for Disease Control and Prevention shall be increased by \$129,900,000, to be used to restore amounts available for grants for State and local capacity to the level provided for such grants for fiscal year 2005.

**SA 2210.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. \_\_\_\_\_. No amounts appropriated under this title for the Office of the Secretary of Health and Human Services shall be expended after January 1, 2006 unless the Secretary has prepared and publicly issued a national pandemic preparedness plan that—

- (1) designates a single official as being responsible for Federal planning and response related to a national pandemic;
- (2) describes global and domestic pandemic surveillance activities;
- (3) describes efforts to build domestic production capacity to ensure a sufficient stockpile of vaccines and antivirals;
- (4) addresses potential demands for or shortages of medical equipment and supplies such as antibiotics, ventilators, masks, gloves, and ongoing medical treatment needs for chronically ill individuals;
- (5) addresses surge capacity and support to State and local governments;
- (6) addresses the potential effectiveness of measures such as quarantine and the use of masks;
- (6) addresses the plan of the Secretary for educating the public in advance of a pandemic;
- (7) describes how the Secretary will coordinate with relevant government agencies to provide guidance to the medical and business communities regarding travel, transportation, the economy, business operations, and schools; and
- (8) includes specific levels of funding for each element of the plan.

#### PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that the following Finance Committee fellows and interns be allowed the privilege of the floor

during consideration of the Labor-HHS appropriations bill: Richard Litsey, Jorlie Cruz, and James Reavis.

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

#### ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN IN DEVELOPING COUNTRIES

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1409, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

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

There being no objection, the Senate proceeded to consider the bill.

Mr. LUGAR. Mr. President, I rise to comment on H.R. 1409, a companion bill to S. 350, the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2005, which I introduced earlier this year. Prior to its passage, I want to address a concern that the administration has raised about the bill.

I want to clarify that this legislation is in no way intended to undercut the existing authority of the Global AIDS Coordinator over all U.S. Government resources and programs relating to international HIV/AIDS. The Office of the Global AIDS Coordinator has made tremendous progress in bringing together U.S. Government resources in addressing orphans and vulnerable children as part of the President's Emergency Plan for AIDS Relief. In accordance with section 102 of Public Law 108-25, the U.S. Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, the Global AIDS Coordinator has primary responsibility for programming and directing funds for all international HIV/AIDS activities carried out by the U.S. Government.

This legislation is not intended to create new or separate authorities in programming or funding under the emergency plan regarding orphans and vulnerable children and HIV/AIDS programs, but rather provides for an advisory position to ensure that the best approaches to addressing the needs of this population are employed in our foreign HIV/AIDS programs. I would expect that the position created by this new legislation would work within the processes developed by the Office of the Global AIDS Coordinator to ensure that planning and implementation of any orphans and vulnerable children programs relating to international HIV/AIDS are consistent with the goals of the emergency plan. In fact, it is possible that this position may indeed be within the Office of the Global AIDS Coordinator, at the discretion of the Secretary of State, because of the close

relationship of HIV/AIDS and its effect on orphans and vulnerable children.

The AIDS orphan crisis in sub-Saharan Africa has implications for political stability, development, and human welfare that extend far beyond the region, affecting governments and people worldwide. Every 14 seconds another child is orphaned by AIDS. Turning the tide on this crisis will require a coordinated, comprehensive, and swift response. I am hopeful that Senators will join me in backing this important legislation.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (H.R. 1409) was read the third time and passed.

#### CONVEYANCE OF LAND FOR THE BENEFIT OF THE PUYALLUP INDIAN TRIBE

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 162, S. 1382.

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 (S. 1382) to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1382) was read the third time and passed, as follows:

S. 1382

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PUYALLUP INDIAN TRIBE LAND CLAIMS SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) accept the conveyance of the parcels of land within the Puyallup Reservation described in subsection (b); and

(2) hold the land in trust for the benefit of the Puyallup Indian tribe.

(b) LAND DESCRIPTION.—The parcels of land referred to in subsection (a) are as follows:

(1) PARCEL A.—Lot B, boundary line adjustment 9508150496, as depicted on the map dated August 15, 1995, held in the records of the Pierce County Auditor, situated in the city of Fife, county of Pierce, State of Washington.

(2) PARCEL B.—

(A) IN GENERAL.—Parcel B shall be comprised of land situated in the city of Fife, county of Pierce, State of Washington, more particularly described as follows:

(i) Lots 3 and 4, Pierce County Short Plat No. 8908020412, as depicted on the map dated

August 2, 1989, held in the records of the Pierce County Auditor, together with portion of SR 5 abutting lot 4, conveyed by the deed recorded under Recording No. 9309070433, described as follows:

(I) That portion of Government lot 1, sec. 07, T. 20 N., R. 4 E., of the Willamette Meridian, described as commencing at Highway Engineer's Station AL 26 6+38.0 P.O.T. on the AL26 line survey of SR 5, Tacoma to King County line.

(II) Thence S88°54'30" E., along the north line of said lot 1 a distance of 95 feet to the true point of beginning.

(III) Thence S01°05'30" W87.4' feet.

(IV) Thence westerly to a point opposite Highway Engineer's Station AL26 5+50.6 P.O.T. on said AL26 line survey and 75 feet easterly therefrom.

(V) Thence northwesterly to a point opposite AL26 5+80.6 on said AL26 line survey and 55 feet easterly therefrom.

(VI) Thence northerly parallel with said line survey to the north line of said lot 1.

(VII) Thence N88°54'30" E., to the true point of beginning.

(i) Chicago Title Insurance Company Order No. 4293514 lot A boundary line adjustment recorded under Recording No. 9508150496, as depicted on the map dated August 15, 1995, held in the records of the Pierce County Auditor.

(B) EXCLUSION.—Excluded from Parcel B shall be that portion of lot 4 conveyed to the State of Washington to be recorded under recording number 9308100165 and more particularly described as follows:

(i) Commencing at the northeast corner of said lot 4.

(ii) Thence N89°53'30" W., along the north line of said lot 4 a distance of 147.44 feet to the true point of beginning and a point of curvature.

(iii) Thence southwesterly along a curve to the left, the center of which bears S0°06'30" W., 55.00 feet distance, through a central angle of 89°01'00", an arc distance of 85.45 feet.

(iv) Thence S01°05'30" W., 59.43 feet.

(v) Thence N88°54'30" W., 20.00 feet to a point on the westerly line of said lot 4.

(vi) Thence N0°57'10" E., along said westerly line 113.15 feet to the northwest corner of said lot 4.

(vii) Thence S89°53'30" east along said north line, a distance of 74.34 feet to the true point of beginning.

(3) ADDITIONAL LOTS.—Any lots acquired by the Puyallup Indian tribe located in block 7846, 7850, 7945, 7946, 7949, 7950, 8045, or 8049 in the Indian Addition to the city of Tacoma, State of Washington.

#### ORDERS FOR TUESDAY, OCTOBER 25, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Tuesday, October 25. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period for morning business for up to 30 minutes, equally divided between the two leaders or their designees, with the first 15 minutes under majority control; provided further that the Senate then resume consideration of H.R. 3010, the Labor-HHS appropriations bill. I further ask unanimous consent that at 10:30 the Senate proceed to a vote in relation to the Specter amendment No.