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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, October 24, 2005, at noon.

Senate

FRIDAY, OCTOBER 21, 2005

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of mercy and love, we come to You to open ourselves to Your endless patience and power. You forgive us when we disappoint You and when we fail others. You refresh us for each day's challenges. You protect us from seen and unseen dangers and continue to shower our lives with blessings. Fill us with Your Spirit so that we will touch the lives of those who feel the winds of despair.

Use our Senators today as Your ambassadors of hope. Give them the power of unity and the gift of wisdom.

Empower us all to live lives worthy of Your goodness. We pray this in the name of Him who lives and reigns forever and ever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 21, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ISAKSON thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, we will begin consideration of the Labor-HHS appropriations bill, which is our final appropriations bill for the year. Chairman SPECTER will begin with an opening statement, and other Members are welcome to come to the floor to open the debate on the bill.

I mentioned last night that we would not have any votes today and that the next vote will begin at 5:30 p.m. on Monday. Senator SPECTER is eager to begin the bill, and we ask Senators who have amendments to contact the two managers. Amendments may be offered during Monday's session, and we expect Senators to come forward at that time with their amendments.

I also congratulate Senators BOND and MURRAY for their tremendous work on the Transportation-Treasury appropriations bill over this past week. That bill, which passed last night by a vote of 93 to 1, was completed this week because of the two managers' patience and persistence and determination.

We do not have many weeks left in this first session and, therefore, I remind Senators that we need to use each day wisely. I hope we will be able to move quickly next week on our final appropriations bill, as we wrap up our budget and appropriations process for the year.

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

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

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



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S11701

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

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the immediate 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.

Thereupon, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 3010

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, 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, namely:

[TITLE I—DEPARTMENT OF LABOR

[EMPLOYMENT AND TRAINING ADMINISTRATION

[TRAINING AND EMPLOYMENT SERVICES

[(INCLUDING RESCISIONS)]

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; \$2,658,792,000 (increased by \$58,000,000) plus reimbursements, of which \$1,708,792,000 is available for obligation for the period July 1, 2006, through June 30, 2007; except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of such Act shall be available from October 1, 2005, until expended; and of which \$950,000,000 is available for obligation for the period April 1, 2006, through June 30, 2007, to carry out chapter 4 of such Act: *Provided*, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of such Act of 1998, \$212,000,000 shall be for activities described in section 132(a)(2)(A) of such Act and \$1,193,264,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further*, That \$125,000,000 shall be available for Community-Based Job Training Grants: *Provided further*, That \$7,936,000 shall be for carrying out section 172 of such Act: *Provided further*, That, notwithstanding any other provision of law or related regulation, \$75,759,000 shall be for carrying out section 167 of such Act, including \$71,213,000 for formula grants, \$4,546,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and \$500,000 for other discretionary purposes: *Provided further*, That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: *Provided further*, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incum-

bent workers: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Act; \$2,463,000,000 plus reimbursements, of which \$2,363,000,000 is available for obligation for the period October 1, 2006, through June 30, 2007, and of which \$100,000,000 is available for the period October 1, 2006, through June 30, 2009, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

Of the funds provided under this heading in division G of Public Law 108-7 to carry out section 173(a)(4)(A) of the Workforce Investment Act of 1998, \$20,000,000 is rescinded.

Of the funds provided under this heading in division B of Public Law 107-117, \$5,000,000 is rescinded.

Of the funds provided under this heading in division F of Public Law 108-447 for Community-Based Job Training Grants, \$125,000,000 is rescinded.

The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998 until such time as legislation reauthorizing the Act is enacted.

[COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, \$436,678,000.

[FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I and section 246; and for training, allowances for job search and relocation, and related State administrative expenses under part II of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151 (b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107-210), \$966,400,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

[STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$130,985,000, together with not to exceed \$3,299,381,000 (including not to exceed \$1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980 and including \$10,000,000 which may be used to conduct in-person reemployment and eligibility assessments of unemployment insurance beneficiaries in one-stop career centers), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the

States through December 31, 2006, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2008; of which \$130,985,000, together with not to exceed \$672,700,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2006, through June 30, 2007, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2006 is projected by the Department of Labor to exceed 2,984,000, an additional \$28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87.

In addition to amounts made available above, and subject to the same terms and conditions, \$10,000,000 to conduct in-person reemployment and eligibility assessments of unemployment insurance beneficiaries in one-stop career centers, and \$30,000,000 to prevent and detect fraudulent unemployment benefits claims filed using personal information stolen from unsuspecting workers: *Provided*, That not later than 180 days following the end of fiscal year 2006, the Secretary shall provide a report to the Congress which includes:

(1) the amount spent for in-person reemployment and eligibility assessments of UI beneficiaries in One-Stop Career Centers, as well as funds made available and expended to prevent and detect fraudulent claims for unemployment benefits filed using workers' stolen personal information;

(2) the number of scheduled in-person reemployment and eligibility assessments, the number of individuals who failed to appear for scheduled assessments, actions taken as a result of individuals not appearing for an assessment (e.g., benefits terminated), results of assessments (e.g., referred to reemployment services, found in compliance with program requirements), estimated savings resulting from cessation of benefits, and estimated savings as a result of accelerated reemployment; and

(3) the estimated number of UI benefit claims filed using stolen identification that are discovered at the time of initial filing, with an estimate of the resulting savings; and the estimated number of ID theft-related continued claims stopped, with an estimate of the amount paid on such fraudulent claims and an estimate of the resulting savings from their termination.

[ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability

Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2007, \$465,000,000.

[In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2006, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

[PROGRAM ADMINISTRATION]

[For expenses of administering employment and training programs, \$118,123,000, together with not to exceed \$87,988,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That not to exceed \$3,000,000 shall be available for contracts that are not competitively bid.

[WORKERS COMPENSATION PROGRAMS]

[RESCISSION]

[Of the funds provided under this heading in the Emergency Supplemental Act, 2002 (Public Law 107-117, division B), \$120,000,000 is rescinded.

[EMPLOYEE BENEFITS SECURITY ADMINISTRATION]

[SALARIES AND EXPENSES]

[For necessary expenses for the Employee Benefits Security Administration, \$137,000,000.

[PENSION BENEFIT GUARANTY CORPORATION]

[PENSION BENEFIT GUARANTY CORPORATION FUND]

[The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2006, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2006 shall be available for obligations for administrative expenses in excess of \$296,977,728: *Provided further*, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate.

[EMPLOYMENT STANDARDS ADMINISTRATION]

[SALARIES AND EXPENSES]

[For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$414,284,000, together with \$2,048,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

[SPECIAL BENEFITS]

[INCLUDING TRANSFER OF FUNDS]

[For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, \$237,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2005, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2006: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$45,001,000 shall be made available to the Secretary as follows:

[1] for enhancement and maintenance of automated data processing systems and telecommunications systems, \$13,305,000;

[2] for automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, \$18,454,000;

[3] for periodic roll management and medical review, \$13,242,000; and

[4] the remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

[SPECIAL BENEFITS FOR DISABLED COAL MINERS]

[For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107-275, (the "Act"), \$232,250,000, to remain available until expended.

[For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

[For making benefit payments under title IV for the first quarter of fiscal year 2007, \$74,000,000, to remain available until expended.

[ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND]

[INCLUDING TRANSFER OF FUNDS]

[For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, \$96,081,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2006 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

[BLACK LUNG DISABILITY TRUST FUND]

[INCLUDING TRANSFER OF FUNDS]

[In fiscal year 2006 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d) (1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2006 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): \$33,050,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; \$24,239,000 for transfer to Departmental Management, "Salaries and Expenses"; \$344,000 for transfer to Departmental Management, "Office of Inspector General"; and \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

[OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION]

[SALARIES AND EXPENSES]

[For necessary expenses for the Occupational Safety and Health Administration, \$477,199,000, including not to exceed \$92,013,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2006, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this

paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

[(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

[(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

[(3) to take any action authorized by such Act with respect to imminent dangers;

[(4) to take any action authorized by such Act with respect to health hazards;

[(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

[(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That not less than \$3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2006, to September 30, 2007, provided that a grantee has demonstrated satisfactory performance: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to administer or enforce the provisions of 29 CFR 1910.134(f)(2) (General Industry Respiratory Protection Standard) to the extent that such provisions require the annual fit testing (after the initial fit testing) of respirators for occupational exposure to tuberculosis.

【MINE SAFETY AND HEALTH ADMINISTRATION

【SALARIES AND EXPENSES

【For necessary expenses for the Mine Safety and Health Administration, \$280,490,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation

with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

【BUREAU OF LABOR STATISTICS

【SALARIES AND EXPENSES

【For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$464,678,000, together with not to exceed \$77,845,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which \$5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2).

【OFFICE OF DISABILITY EMPLOYMENT POLICY

【SALARIES AND EXPENSES

【For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$27,934,000.

【DEPARTMENTAL MANAGEMENT

【SALARIES AND EXPENSES

【For necessary expenses for Departmental Management, including the hire of three sedans, \$244,112,000 of which \$6,944,000 to remain available until September 30, 2007, is for Frances Perkins Building Security Enhancements, and \$29,760,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed \$311,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

【VETERANS EMPLOYMENT AND TRAINING

【Not to exceed \$194,834,000 (increased by \$5,000,000) may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100-4113, 4211-4215, and 4321-4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 2006, of which \$1,984,000 (increased by \$500,000) is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), \$29,500,000 (increased by \$3,000,000), of which \$7,500,000 shall be available for obligation for the period July 1, 2006, through June 30, 2007.

【OFFICE OF INSPECTOR GENERAL

【For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$65,211,000, together with not to ex-

ceed \$5,608,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

【WORKING CAPITAL FUND

【For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, \$6,230,000.

【GENERAL PROVISIONS

【SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

【(TRANSFER OF FUNDS)

【SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

【SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

【SEC. 104. For purposes of 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), payments made by the New York Workers' Compensation Board to the New York Crime Victims Board and the New York State Insurance Fund before the date of the enactment of this Act shall be deemed to have been made for workers compensation programs.

【This title may be cited as the "Department of Labor Appropriations Act, 2006".

【TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

【HEALTH RESOURCES AND SERVICES ADMINISTRATION

【HEALTH RESOURCES AND SERVICES

【For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, as amended, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, \$6,446,357,000, of which \$39,180,000 from general revenues,

notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, \$222,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That \$26,000,000 of the funding provided for Health Centers shall be used for high-need counties, notwithstanding section 330(s)(2)(B) of the Public Health Service Act: *Provided further*, That no more than \$45,000,000 is available until expended for carrying out the provisions of Public Law 104-73: *Provided further*, That of the funds made available under this heading, \$285,963,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That \$797,521,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein, \$25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: *Provided further*, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed \$116,124,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act.

【HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

【Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, \$2,916,000.

【VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

【For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed \$3,500,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

【CENTERS FOR DISEASE CONTROL AND PREVENTION

【DISEASE CONTROL, RESEARCH, AND TRAINING

【To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, \$5,945,991,000, of which \$30,000,000 shall remain available until expended for equipment, and construction and renovation of facilities; of which \$30,000,000 of the amounts available for immunization activities shall remain available until expended; of which \$530,000,000 shall remain available until expended for the Strategic National Stockpile; and of which \$123,883,000 for international HIV/AIDS shall remain available until September 30, 2007. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act:

【(1) \$12,794,000 to carry out the National Immunization Surveys;

【(2) \$3,516,000 to carry out the National Center for Health Statistics surveys;

【(3) \$24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels;

【(4) \$463,000 for Health Marketing evaluations;

【(5) \$31,000,000 to carry out Public Health Research; and

【(6) \$87,071,000 to carry out research activities within the National Occupational Research Agenda:

Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That up to \$30,000,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed \$12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States, tribes, or tribal organizations: *Provided further*, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-Federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: *Provided further*, That of the funds appropriated, \$10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That employees of the Centers for Disease Control and Prevention or

the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

【NATIONAL INSTITUTES OF HEALTH

【NATIONAL CANCER INSTITUTE

【For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, \$4,841,774,000, of which up to \$8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

【NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

【For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$2,951,270,000.

【NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

【For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, \$393,269,000.

【NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

【For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, \$1,722,146,000.

【NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

【For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, \$1,550,260,000.

【NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

【For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$4,359,395,000: *Provided*, That up to \$30,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

【NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

【For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$1,955,170,000.

【NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

【For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$1,277,544,000.

【NATIONAL EYE INSTITUTE

【For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$673,491,000.

【NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

【For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, \$647,608,000.

【NATIONAL INSTITUTE ON AGING

【For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, \$1,057,203,000.

[NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES]

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, \$513,063,000.

[NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS]

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, \$397,432,000.

[NATIONAL INSTITUTE OF NURSING RESEARCH]

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, \$138,729,000.

[NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM]

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, \$440,333,000.

[NATIONAL INSTITUTE ON DRUG ABUSE]

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, \$1,010,130,000.

[NATIONAL INSTITUTE OF MENTAL HEALTH]

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, \$1,417,692,000.

[NATIONAL HUMAN GENOME RESEARCH INSTITUTE]

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$490,959,000.

[NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING]

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, \$299,808,000.

[NATIONAL CENTER FOR RESEARCH RESOURCES]

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$1,100,203,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

[NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE]

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, \$122,692,000.

[NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES]

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, \$197,379,000.

[JOHN E. FOGARTY INTERNATIONAL CENTER]

For carrying out the activities at the John E. Fogarty International Center, \$67,048,000.

[NATIONAL LIBRARY OF MEDICINE]

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, \$318,091,000, of which \$4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2006, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, \$8,200,000 shall be available from amounts available under section 241 of the Public

Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

[OFFICE OF THE DIRECTOR]

[(INCLUDING TRANSFER OF FUNDS)]

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, \$482,216,000, of which up to \$10,000,000 shall be used to carry out section 217 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to \$500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That in addition to the transfer authority provided above, a uniform percentage of the amounts appropriated in this Act to each Institute and Center may be transferred and utilized for the National Institutes of Health Roadmap for Medical Research: *Provided further*, That the amount utilized under the preceding proviso shall not exceed \$250,000,000 without prior notification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts transferred and utilized under the preceding two provisos shall be in addition to amounts made available for the Roadmap for Medical Research from the Director's Discretionary Fund and to any amounts allocated to activities related to the Roadmap through the normal research priority-setting process of individual Institutes and Centers: *Provided further*, That of the funds provided \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of NIH.

[BUILDINGS AND FACILITIES]

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, \$81,900,000, to remain available until expended.

[SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION]

[SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES]

For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, \$3,230,744,000: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act:

[(1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund

section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX;

[(2) \$21,803,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX;

[(3) \$16,000,000 to carry out national surveys on drug abuse; and

[(4) \$4,300,000 to evaluate substance abuse treatment programs.

[AGENCY FOR HEALTHCARE RESEARCH AND QUALITY]

[HEALTHCARE RESEARCH AND QUALITY]

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, \$318,695,000; and in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That no amount shall be made available pursuant to section 927(c) of the Public Health Service Act for fiscal year 2006.

[CENTERS FOR MEDICARE AND MEDICAID SERVICES]

[GRANTS TO STATES FOR MEDICAID]

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$156,954,419,000, to remain available until expended.

For making, after May 31, 2006, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2006 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2007, \$62,783,825,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

[PAYMENTS TO HEALTH CARE TRUST FUNDS]

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844, 1860D-16, and 1860D-31 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$177,742,200,000.

In addition, for making matching payments under section 1844, and benefit payments under 1860D-16 and 1860D-31 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

[PROGRAM MANAGEMENT]

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$3,180,284,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical

Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That \$24,205,000, to remain available until September 30, 2007, is for contract costs for CMS's Systems Revitalization Plan: *Provided further*, That \$79,934,000, to remain available until September 30, 2007, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2006 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

[HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND]

[For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2006, no commitments for direct loans or loan guarantees shall be made.

[ADMINISTRATION FOR CHILDREN AND FAMILIES]

[PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS]

[For making payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$2,121,643,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2007, \$1,200,000,000, to remain available until expended.

[For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV-A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

[For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for

the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

[LOW-INCOME HOME ENERGY ASSISTANCE]

[For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$1,984,799,000 (increased by \$22,000,000).

[REFUGEE AND ENTRANT ASSISTANCE]

[For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107-296), and for carrying out the Torture Victims Relief Act of 2003 (Public Law 108-179), \$560,919,000, of which up to \$9,915,000 shall be available to carry out the Trafficking Victims Protection Act of 2003 (Public Law 108-193): *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2006 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2008.

[PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT]

[For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), \$2,082,910,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That \$18,967,040 shall be available for child care resource and referral and school-aged child care activities, of which \$992,000 shall be for the Child Care Aware toll-free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, \$270,490,624 shall be reserved by the States for activities authorized under section 658G, of which \$99,200,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That \$9,920,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

[SOCIAL SERVICES BLOCK GRANT]

[For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

[CHILDREN AND FAMILIES SERVICES PROGRAMS]

[For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105-89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103-322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105-285, and for

necessary administrative expenses to carry out said Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, sections 40155, 40211, and 40241 of Public Law 103-322, and section 126 and titles IV and V of Public Law 100-485, \$8,688,707,000, of which \$31,846,000, to remain available until September 30, 2007, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670-679) and may be made for adoptions completed before September 30, 2006: *Provided*, That \$6,899,000,000 shall be for making payments under the Head Start Act, of which \$1,400,000,000 shall become available October 1, 2006, and remain available through September 30, 2007: *Provided further*, That \$384,672,000 shall be for making payments under the Community Services Block Grant Act: *Provided further*, That not less than \$7,242,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: *Provided further*, That in addition to amounts provided herein, \$8,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That \$75,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That \$14,879,000 shall be for activities authorized by the Help America Vote Act of 2002, of which \$9,919,000 shall be for payments to States to promote access for voters with disabilities, and of which \$4,960,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That \$110,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grant: *Provided further*, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall

not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: *Provided further*, That within amounts provided herein for abstinence education for adolescents, up to \$10,000,000 may be available for a national abstinence education campaign: *Provided further*, That in addition to amounts provided herein for abstinence education for adolescents, \$4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further*, That \$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

【PROMOTING SAFE AND STABLE FAMILIES】

【For carrying out section 436 of the Social Security Act, \$305,000,000 and for section 437, \$99,000,000.

【PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE】

【For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$4,852,800,000.

【For making payments to States or other non-Federal entities under title IV-E of the Act, for the first quarter of fiscal year 2007, \$1,730,000,000.

【For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV-E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

【ADMINISTRATION ON AGING】

【AGING SERVICES PROGRAMS】

【For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, \$1,376,217,000, of which \$5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

【OFFICE OF THE SECRETARY】

【GENERAL DEPARTMENTAL MANAGEMENT】

【For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act \$338,695,000, together with \$5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and \$39,552,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, \$13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, \$52,415,000 shall be for minority AIDS prevention and treatment activities; and \$5,952,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002.

【MEDICARE APPEALS】

【For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), \$60,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Funds.

【HEALTH INFORMATION TECHNOLOGY】

【For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, \$58,100,000 (reduced by \$12,000,000): *Provided*, That in addition to amounts provided herein, \$16,900,000 (increased by \$12,000,000) shall be available from amounts under section 241 of the Public Health Service Act to carry out health information technology network development.

【OFFICE OF INSPECTOR GENERAL】

【For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, \$39,813,000: *Provided*, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

【OFFICE FOR CIVIL RIGHTS】

【For expenses necessary for the Office for Civil Rights, \$31,682,000, together with not to exceed \$3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

【RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS】

【For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), such amounts as may be required during the current fiscal year.

【PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND】

【(INCLUDING TRANSFER OF FUNDS)】

【For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and to ensure a year-round influenza vaccine production capacity, the development and implementation of rapidly expandable influenza vaccine production technologies, and if determined necessary by the Secretary, the purchase of influenza vaccine, \$183,589,000: *Provided*, That \$120,000,000 of amounts available for influenza preparedness shall remain available until expended: *Provided further*, That, in addition to the amount above, \$8,589,000 shall be transferred from amounts appropriated under the head "Disease Control, Research, and Training" for activities authorized by section 319F-2(a) of the Public Health Service Act to be utilized consistent with section 319F-2(c)(7)(B)(ii) of such Act.

【GENERAL PROVISIONS】

【SEC. 201. Funds appropriated in this title shall be available for not to exceed \$50,000 for official reception and representation expenses when specifically approved by the Secretary.

【SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

【SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

【SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

【SEC. 205. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

【SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

【SEC. 207. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 1.3 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

【(TRANSFER OF FUNDS)】

【SEC. 208. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

【(TRANSFER OF FUNDS)】

【SEC. 209. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

【(TRANSFER OF FUNDS)】

【SEC. 210. Of the amounts made available in this Act for the National Institutes of

Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

[SEC. 211. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

[SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

[SEC. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

[SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services by May 1, 2006, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

[(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

[(c) The State is to maintain State expenditures in fiscal year 2006 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2005, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2005 State expenditures and all fiscal year 2006 obligations for tobacco prevention and compliance activities by program activity by July 31, 2006.

[(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2006.

[(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than \$1,000,000.

[SEC. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2006, the Secretary of Health and Human Services—

[(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State, and

[(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

[SEC. 216. The Division of Federal Occupational Health hereafter may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

[SEC. 217. (a) **AUTHORITY.**—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap for Medical Research.

[(b) **PEER REVIEW.**—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

[SEC. 218. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry may be transferred to "Disease Control, Research, and Training," to be available only for Individual Learning

Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

[SEC. 219. \$15,912,000 of the unobligated balance of the Health Professions Student Loan program authorized in subpart II, Federally-Supported Student Loan Funds, of title VII of the Public Health Service Act is rescinded.

[This title may be cited as the "Department of Health and Human Services Appropriations Act, 2006".

[TITLE III—DEPARTMENT OF EDUCATION

[EDUCATION FOR THE DISADVANTAGED

[For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, \$14,728,735,000, of which \$7,144,426,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which \$7,383,301,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: *Provided*, That \$6,934,854,000 shall be available for basic grants under section 1124: *Provided further*, That up to \$3,472,000 of these funds shall be available to the Secretary of Education on October 1, 2005, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,365,031,000 shall be available for concentration grants under section 1124A: *Provided further*, That \$2,269,843,000 shall be available for targeted grants under section 1125: *Provided further*, That \$2,269,843,000 shall be available for education finance incentive grants under section 1125A: *Provided further*, That \$9,424,000 shall be available to carry out part E of title I: *Provided further*, That \$10,000,000 shall be available for comprehensive school reform grants under part F of the ESEA.

[IMPACT AID

[For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$1,240,862,000, of which \$1,102,896,000 shall be for basic support payments under section 8003(b), \$49,966,000 shall be for payments for children with disabilities under section 8003(d), \$18,000,000 shall be for construction under section 8007 and shall remain available through September 30, 2007, \$65,000,000 shall be for Federal property payments under section 8002, and \$5,000,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2005–2006, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

[SCHOOL IMPROVEMENT PROGRAMS

[For carrying out school improvement activities authorized by titles II, part B of title IV, part A of title V, parts A and B of title

VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, \$5,393,765,000, of which \$3,805,882,000 shall become available on July 1, 2006, and remain available through September 30, 2007, and of which \$1,435,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006-2007: *Provided*, That \$411,680,000 shall be for State assessments and related activities authorized under sections 6111 and 6112 of the ESEA: *Provided further*, That \$56,825,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That \$12,132,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia, and \$6,051,000 shall be available to carry out the Supplemental Education Grants program for the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services.

INDIAN EDUCATION

[For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, \$119,889,000.

INNOVATION AND IMPROVEMENT

[For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$708,522,000: *Provided*, That \$36,981,000 shall be for subpart 2 of part B of title V: *Provided further*, That \$127,000,000 shall be available to carry out part D of title V of the ESEA, of which \$100,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of (1) a local educational agency, a State, or both and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need areas: *Provided further*, That such performance-based compensation systems must consider gains in student achievement, among other factors, and may reward educators who choose to work in hard-to-staff schools: *Provided further*, That up to \$700,000 of the funds available under title V, part D, subpart 1 of the ESEA may be used for evaluation of the program carried out under the DC School Choice Incentive Act of 2003.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

[For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$763,870,000, of which \$400,000,000 shall become available on July 1, 2006, and remain available through September 30, 2007: *Provided*, That \$400,000,000 shall be available for subpart 1 of part A of title IV and \$152,537,000 shall be available for subpart 2 of part A of title IV: *Provided further*, That \$132,621,000 shall be available to carry out part D of title V of the ESEA: *Pro-*

vided further, That of the funds available to carry out subpart 3 of part C of title II, up to \$12,193,000 may be used to carry out section 2345 and \$3,035,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

[For carrying out part A of title III of the ESEA, \$675,765,000, which shall become available on July 1, 2006, and shall remain available through September 30, 2007, except that 6.5 percent of such amount shall be available on October 1, 2005, and shall remain available through September 30, 2007, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

[For carrying out the Individuals with Disabilities Education Act, \$11,813,783,000, of which \$6,202,804,000 shall become available for obligation on July 1, 2006, and shall remain available through September 30, 2007, and of which \$5,413,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006-2007: *Provided*, That \$11,400,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of recorded educational materials: *Provided further*, That the amount for section 611(b)(2) of the Act shall be equal to the amount available for that activity during fiscal year 2005, increased by the amount of inflation as specified in section 619(d)(2)(B) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

[For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 ("the AT Act"), and the Helen Keller National Center Act, \$3,128,638,000: *Provided*, That \$29,760,000 shall be used for carrying out the AT Act, including \$4,385,000 for State grants for protection and advocacy under section 5 of the AT Act and \$5,086,000 shall be for alternative financing programs under section 4(b)(2)(D) of the AT Act: *Provided further*, That the Federal share of grants for alternative financing programs shall not exceed 75 percent, and the requirements in section 301(c)(2) and section 302 of the AT Act (as in effect on the day before the date of enactment of the Assistive Technology Act of 2004) shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

[For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), \$17,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

[For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$56,137,000, of which \$800,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

[For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$107,657,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

[For carrying out, to the extent not otherwise provided, the Carl D. Perkins Voca-

tional and Technical Education Act of 1998, the Adult Education and Family Literacy Act, and subparts 4 and 11 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$1,991,782,000, of which \$1,196,058,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which \$791,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007: *Provided*, That of the amount provided for Adult Education State Grants, \$68,581,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, \$9,096,000 shall be for national leadership activities under section 243 and \$6,638,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That \$94,476,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965, of which up to 5 percent shall become available October 1, 2005, and shall remain available through September 30, 2007, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2006, and remain available through September 30, 2007, for grants to local educational agencies: *Provided further*, That funds made available to local education agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools.

STUDENT FINANCIAL ASSISTANCE

[For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, \$15,283,752,000, which shall remain available through September 30, 2007.

[The maximum Pell Grant for which a student shall be eligible during award year 2006-2007 shall be \$4,100.

STUDENT AID ADMINISTRATION

[For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, as amended, \$124,084,000.

HIGHER EDUCATION

[For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Vocational and Technical Education Act, \$1,936,936,000 (increased by \$27,000,000): *Provided*, That \$9,797,000, to remain available through September 30, 2007,

shall be available to fund fellowships for academic year 2007–2008 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998: *Provided further*, That \$980,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), \$240,790,000, of which not less than \$3,524,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, as amended \$573,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965, shall not exceed \$357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, \$210,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, \$522,696,000, of which \$271,560,000 shall be available until September 30, 2007.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$418,992,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of

the Department of Education Organization Act, \$91,526,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$49,000,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. In addition, for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, \$4,300,000,000 for the purpose of eliminating the estimated accumulated shortfall of budget authority for such subpart for awards made through the award year 2005–2006, pursuant to section 303 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[This title may be cited as the “Department of Education Appropriations Act, 2006”.

TITLE IV—RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, \$4,669,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, \$357,962,000: *Provided*, That none of the funds made available to the Corporation for Na-

tional and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level: *Provided further*, That notwithstanding section 122(c) of the Act, the Corporation shall make available up to \$2,000,000 under part C of title I of the Act in a grant to support Teach for America's efforts to address educational inequity in low-income rural and urban communities.

NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the “Corporation”) in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the “Act”) (42 U.S.C. 12501 et seq.), \$523,087,000 (reduced by \$5,000,000), to remain available until September 30, 2007: *Provided*, That not more than \$270,000,000 (reduced by \$2,500,000) of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121 (d) and (e), section 131(e), section 132, and sections 140 (a), (d), and (e) of the Act): *Provided further*, That not less than \$146,000,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), of which up to \$4,000,000 shall be available to support national service scholarships for high school students performing community service, and of which \$10,000,000 shall be held in reserve as defined in Public Law 108–45: *Provided further*, That in addition to amounts otherwise provided to the National Service Trust under the second proviso, the Corporation may transfer funds from the amount provided under the first proviso, to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: *Provided further*, That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than \$55,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further*, That not more than \$9,945,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.), of which \$4,000,000 shall be available for challenge grants to non-profit organizations: *Provided further*, That notwithstanding subtitle H of title I of the Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: *Provided further*, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided*

further, That \$25,500,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That \$40,000,000 (reduced by \$2,500,000) shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further*, That \$4,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): *Provided further*, That \$10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than \$2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: *Provided further*, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further*, That \$5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: *Provided further*, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: *Provided further*, That notwithstanding section 501(a)(4) of the Act, of the funds provided under this heading, not more than \$12,642,000 shall be made available to provide assistance to state commissions on national and community service under section 126(a) of the Act: *Provided further*, That the Corporation may use up to one percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers.

[NATIONAL AND COMMUNITY SERVICE PROGRAMS SALARIES AND EXPENSES]

[For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$27,000,000.

[OFFICE OF INSPECTOR GENERAL]

[For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$6,000,000, to remain available until September 30, 2007.

[ADMINISTRATIVE PROVISIONS]

[Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

[Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

[The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: *Provided*, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

[For fiscal year 2006, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2006, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

[CORPORATION FOR PUBLIC BROADCASTING]

[INCLUDING RESCISSION]

[Of the amounts made available to the Corporation for Public Broadcasting for fiscal year 2006 by Public Law 108-199, \$100,000,000 is rescinded; up to \$30,000,000 is available for grants associated with the transition of public television to digital broadcasting including costs related to transmission equipment and program production, development, and distribution, to be awarded as determined by the Corporation in consultation with public television licensees or permittees, or their designated representatives, and up to \$52,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934, as amended, for replacement and upgrade of the public television interconnection system: *Provided*, That section 396(k)(3) shall apply only to amounts remaining after the allocations made herein.

[For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for fiscal year 2008, \$400,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

[FEDERAL MEDIATION AND CONCILIATION SERVICE]

[SALARIES AND EXPENSES]

[For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C.

171-180, 182-183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. ch. 71), \$42,331,000: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

[FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION]

[SALARIES AND EXPENSES]

[For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), \$7,809,000.

[INSTITUTE OF MUSEUM AND LIBRARY SERVICES]

[OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION]

[For carrying out the Museum and Library Services Act of 1996, \$249,640,000, to remain available until expended.

[MEDICARE PAYMENT ADVISORY COMMISSION]

[SALARIES AND EXPENSES]

[For expenses necessary to carry out section 1805 of the Social Security Act, \$10,168,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

[NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE]

[SALARIES AND EXPENSES]

[For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended), \$993,000.

[NATIONAL COUNCIL ON DISABILITY]

[SALARIES AND EXPENSES]

[For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, \$2,800,000.

[NATIONAL LABOR RELATIONS BOARD]

[SALARIES AND EXPENSES]

[For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$252,268,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

[NATIONAL MEDIATION BOARD]

[SALARIES AND EXPENSES]

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, \$11,628,000.

[OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION]

[SALARIES AND EXPENSES]

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), \$10,510,000.

[RAILROAD RETIREMENT BOARD]

[DUAL BENEFITS PAYMENTS ACCOUNT]

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$97,000,000, which shall include amounts becoming available in fiscal year 2006 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds \$97,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

[FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS]

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2007, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

[LIMITATION ON ADMINISTRATION]

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$102,543,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

[LIMITATION ON THE OFFICE OF INSPECTOR GENERAL]

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than \$7,196,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

[SOCIAL SECURITY ADMINISTRATION]

[PAYMENTS TO SOCIAL SECURITY TRUST FUNDS]

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, \$20,470,000.

[SUPPLEMENTAL SECURITY INCOME PROGRAM]

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public

Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$29,533,174,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2007, \$11,110,000,000, to remain available until expended.

[LIMITATION ON ADMINISTRATIVE EXPENSES]

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$15,000 for official reception and representation expenses, not more than \$9,159,700,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than \$2,000,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2006 not needed for fiscal year 2006 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, \$119,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2006 exceed \$119,000,000, the amounts shall be available in fiscal year 2007 only to the extent provided in advance in appropriations Acts.

In addition, up to \$1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108-203), which shall remain available until expended.

[OFFICE OF INSPECTOR GENERAL]

[INCLUDING TRANSFER OF FUNDS]

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$26,000,000, together with not to exceed \$66,805,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appro-

priation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

[TITLE V—GENERAL PROVISIONS]

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used directly or indirectly, including by private contractor, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

[(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

[(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

[SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

[(1) if the pregnancy is the result of an act of rape or incest; or

[(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

[(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

[(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

[(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

[(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

[SEC. 509. (a) None of the funds made available in this Act may be used for—

[(1) the creation of a human embryo or embryos for research purposes; or

[(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

[(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

[SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

[(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

[SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section

1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

[SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

[SEC. 513. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

[SEC. 514. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

[SEC. 515. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

[SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

[(1) creates new programs;

[(2) eliminates a program, project, or activity;

[(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

[(4) relocates an office or employees;

[(5) reorganizes or renames offices;

[(6) reorganizes programs or activities; or

[(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

[(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that—

[(1) augments existing programs, projects (including construction projects), or activities;

[(2) reduces by 10 percent funding for any existing program, project, or activity, or

numbers of personnel by 10 percent as approved by Congress; or

[(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

[SEC. 517. Section 1015(b) of Public Law 108-173 is amended by striking "2005" and inserting "2006".

[SEC. 518. (a) None of the funds made available in this Act may be used for the payment or reimbursement, including payment or reimbursement under the programs described in subsection (b), of a drug that is prescribed to an individual described in subsection (c) for the treatment of sexual or erectile dysfunction.

[(b) The programs described in this subsection are the medicaid program, the medicare program, and health related programs funded under the Public Health Service Act.

[(c) An individual described in this subsection is an individual who has a conviction for sexual abuse, sexual assault, or any other sexual offense, and includes any individual who is registered (or who is a person required to register) under section 170101 or 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071, 14072).

[SEC. 519. The amounts otherwise provided in this Act for the following accounts and activities are hereby reduced by the following amounts, and none of the funds made available in this Act may be used to carry out the rescission specified in this Act under the heading "Corporation for Public Broadcasting":

[(1) "Department of Labor, Employment and Training Administration, Training and Employment Services", \$58,000,000.

[(2) "Department of Labor, Departmental Management, Salaries and Expenses", \$4,640,000.

[(3) "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services", \$2,920,000.

[(4) "Department of Education, Higher Education", \$27,000,000.

[(5) "Department of Education, Departmental Management, Program Administration", \$8,380,000.

[SEC. 520. None of the funds made available in this Act may be used to enforce Determination ED-OIG/A05-D0008 of the Department of Education.

[SEC. 521. None of the funds appropriated by this Act may be used by the Pension Benefit Guaranty Corporation to enforce or implement the "Settlement Agreement By and Among UAL Corporation and all Direct and Indirect Subsidiaries and Pension Benefit Guaranty Corporation", dated April 22, 2005.

[SEC. 522. None of the funds made available in this Act may be used to place social security account numbers on identification cards issued to beneficiaries under the medicare program under title XVIII of the Social Security Act.

[SEC. 523. None of the funds made available in this Act may be used to reimburse, or provide reimbursement, for Viagra, Levitra, or Cialis.

[SEC. 524. None of the funds made available under this Act to the Department of Education may be expended in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623).

[SEC. 525. None of the funds made available in this Act may be used by the National Institute of Mental Health for any of the following grants:

[(1) Grant number MH060105 (Perceived Regard and Relationship Resilience in Newlyweds).]

[(2) Grant number MH047313 (Perceptual Bases of Visual Concepts in Pigeons).]

[SEC. 526. None of the funds made available in this Act may be used to implement any strategic plan under section 3 of Executive Order No. 13335 (regarding interoperable health information technology) that does not require 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.]

[SEC. 527. None of the funds made available in this Act may be used by the Department of Health and Human Services to appoint an individual to a Federal advisory committee on the basis of political affiliation, unless required by Federal statute.]

[SEC. 528. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which are inconsistent with Federal law.]

[SEC. 529. None of the funds made available in this Act may be used to administer or pay any special allowance under section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087-1(b)(2)(B)) with respect to—

[(1) any loan made or purchased after the date of enactment of this Act;

[(2) any loan that had not qualified before such date of enactment for receipt of a special allowance payment determined under section 438(b)(2)(B) of the Higher Education Act of 1965; or

[(3) any loan made or purchased before such date of enactment with funds described in the first or second sentence of section 438(b)(2)(B)(i) of such Act if—

[(A) the obligation described in the first such sentence has, after such date of enactment, matured, or been retired or defeased; or

[(B) the maturity date or the date of retirement of the obligation described in the first such sentence has, after such date of enactment, been extended.]

[This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006”.]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, 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, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION TRAINING AND EMPLOYMENT SERVICES (INCLUDING RESCISSION)

For necessary expenses of the Workforce Investment Act of 1998, the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998; \$2,787,806,000 plus reimbursements, of which \$1,791,518,000 is available for obligation for the period July 1, 2006 through June 30, 2007; except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of the Workforce

Investment Act of 1998 shall be available from October 1, 2005 until expended; and of which \$986,288,000 is available for obligation for the period April 1, 2006 through June 30, 2007, to carry out chapter 4 of the Workforce Investment Act of 1998; and of which \$10,000,000 is available for the period July 1, 2006 through June 30, 2007 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of the Workforce Investment Act of 1998, \$282,800,000 shall be for activities described in section 132(a)(2)(A) of such Act and \$1,193,264,000 shall be for activities described in section 132(a)(2)(B) of such Act: Provided further, That \$125,000,000 shall be available for Community-Based Job Training Grants, which shall be from funds reserved under section 132(a)(2)(A) of the Workforce Investment Act of 1998 and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: Provided further, That funds provided to carry out section 132(a)(2)(A) of the Workforce Investment Act of 1998 may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: Provided further, That \$7,936,000 shall be for carrying out section 172 of the Workforce Investment Act of 1998: Provided further, That \$982,000 shall be for carrying out Public Law 102-530: Provided further, That, notwithstanding any other provision of law or related regulation, \$80,557,000 shall be for carrying out section 167 of the Workforce Investment Act of 1998, including \$75,053,000 for formula grants, \$5,000,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and \$504,000 for other discretionary purposes: Provided further, That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: Provided further, That funds provided to carry out section 171(d) of the Workforce Investment Act of 1998 may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Act; \$2,463,000,000 plus reimbursements, of which \$2,363,000,000 is available for obligation for the period October 1, 2006 through June 30, 2007, and of which \$100,000,000 is available for the period October 1, 2006 through June 30, 2009, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

Of the funds provided under this heading in Public Law 108-7 to carry out section 173(a)(4)(A) of the Workforce Investment Act of 1998, \$20,000,000 are rescinded.

Of the funds provided under this heading in Public Law 107-38, \$5,000,000 are rescinded.

The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998 until such time as legislation reauthorizing the Act is enacted.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, \$436,678,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I and section 246; and for training, allowances for job search and relocation, and related State administrative expenses under part II of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107-210), \$966,400,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$132,825,000, together with not to exceed \$3,326,954,000 (including not to exceed \$1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including \$10,000,000 which may be used to conduct in-person reemployment and eligibility assessments of unemployment insurance beneficiaries by State unemployment insurance employees in one-stop career centers), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 2006, together with not to exceed \$723,188,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2006 through June 30, 2007, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2006 is projected by the Department of Labor to exceed 2,800,000, an additional \$28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated in this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87.

In addition to amounts made available above, and subject to the same terms and conditions,

\$10,000,000 to conduct in-person reemployment and eligibility assessments of unemployment insurance beneficiaries by State unemployment insurance employees in one-stop career centers, and \$30,000,000 to prevent and detect fraudulent unemployment benefits claims filed using personal information stolen from unsuspecting workers: Provided, That not later than 180 days following the end of fiscal year 2006, the Secretary shall provide a report to the Congress which includes:

(1) the amount spent for in-person reemployment and eligibility assessments of UI beneficiaries in One-Stop Career Centers, as well as funds made available and expended to prevent and detect fraudulent claims for unemployment benefits filed using workers' stolen personal information;

(2) the number of scheduled in-person reemployment and eligibility assessments, the number of individuals who failed to appear for scheduled assessments, actions taken as a result of individuals not appearing for an assessment (e.g., benefits terminated), results of assessments (e.g., referred to reemployment services, found in compliance with program requirements), estimated savings resulting from cessation of benefits, and estimated savings as a result of accelerated reemployment; and

(3) the estimated number of UI benefit claims filed using stolen identification that are discovered at the time of initial filing, with an estimate of the resulting savings; and the estimated number of ID theft-related continued claims stopped, with an estimate of the amount paid on such fraudulent claims and an estimate of the resulting savings from their termination.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for non-repayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2007, \$465,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2006, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$117,123,000, together with not to exceed \$82,877,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKERS COMPENSATION PROGRAMS (RESCISSION)

Of funds provided under this heading in the Emergency Supplemental Appropriations Act, 2002 (Public Law 107-117, division B), \$120,000,000 are rescinded.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, \$134,900,000.

PENSION BENEFIT GUARANTY CORPORATION PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act,

as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2006 for such Corporation: Provided, That none of the funds available to the Corporation for fiscal year 2006 shall be available for obligations for administrative expenses in excess of \$296,978,000: Provided further, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate.

EMPLOYMENT STANDARDS ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$410,568,000, together with \$2,048,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 1212); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, \$237,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2005, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2006: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$53,695,000 shall be made available to the Secretary as follows:

(1) for enhancement and maintenance of automated data processing systems and telecommunications systems, \$13,305,000;

(2) for automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, \$27,148,000;

(3) for periodic roll management and medical review, \$13,242,000; and

(4) the remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107-275, (the "Act"), \$232,250,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2007, \$74,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, \$96,081,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2006 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: Provided further, That not later than 30 days after enactment, in addition to other sums transferred by the Secretary of Labor to the National Institute for Occupational Safety and Health ("NIOSH") for the administration of the Energy Employees Occupational Illness Compensation Program ("EEOICPA"), the Secretary of Labor shall transfer \$4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund (42 U.S.C. 7384e), for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities under EEOICPA (42 U.S.C. 7384n-q), including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.

BLACK LUNG DISABILITY TRUST FUND (INCLUDING TRANSFER OF FUNDS)

In fiscal year 2006 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2006 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): \$33,050,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; \$24,239,000 for transfer to Departmental Management, "Salaries and Expenses";

\$344,000 for transfer to Departmental Management, "Office of Inspector General"; and \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$477,491,000, including not to exceed \$92,013,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2006, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act: Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That not less than

\$3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2006 to September 30, 2007, provided that a grantee has demonstrated satisfactory performance.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$280,490,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$464,678,000, together with not to exceed \$77,845,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which \$5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2).

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$47,164,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, \$320,250,000, of which \$6,944,000, to remain available until September 30, 2007, is for Frances Perkins Building Security Enhancements, and \$29,760,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed \$311,000, which may be expended from the Employment Security Administration Account in

the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in *Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding*, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$194,834,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100-4113, 4211-4215, and 4321-4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 2006, of which \$1,984,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), \$29,500,000, of which \$7,500,000 shall be available for obligation for the period July 1, 2006 through June 30, 2007.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$67,211,000, together with not to exceed \$5,608,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, \$6,230,000.

GENERAL PROVISIONS (TRANSFER OF FUNDS)

SEC. 101. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 102. In accordance with Executive Order No. 13126, none of the funds appropriated or

otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 103. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 104. For purposes of 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), payments made by the New York Workers' Compensation Board to the New York Crime Victims Board and the New York State Insurance Fund before the date of the enactment of this Act shall be deemed to have been made for workers compensation programs.

SEC. 105. The Department of Labor shall submit its fiscal year 2007 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate in the format and level of detail used by the Department of Education in its fiscal year 2006 congressional budget justifications.

This title may be cited as the "Department of Labor Appropriations Act, 2006".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, the Poison Control Center Enhancement and Awareness Act, as amended, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, \$7,398,434,000, of which \$480,751,000 shall be available for construction and renovation (including equipment) of health care and other facilities and other health-related activities, and of which \$64,180,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act (of which \$25,000,000 is for a Rural Health, Education, and Workforce Infrastructure Demonstration Program which shall solicit and fund proposals from local governments, hospitals, universities, and rural public health-related entities and organizations for research development, educational programs, job training, and construction of public health-related facilities): Provided, That of the funds made available under this heading, \$222,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be

sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That \$20,000,000 of the funding provided for community health centers shall be used for base grant adjustments for existing centers: Provided further, That no more than \$99,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses: Provided further, That \$13,000,000 of the funding provided for Health Centers shall be used for high-need counties, notwithstanding section 330(r)(2)(B) of the Public Health Service Act: Provided further, That no more than \$45,000,000 is available until expended for carrying out the provisions of Public Law 104-73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: Provided further, That \$9,859,000 is available until expended for the National Cord Blood Stem Cell Bank Program as described in House Report 108-401: Provided further, That of the funds made available under this heading, \$285,963,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That \$797,521,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That in addition to amounts provided herein, \$25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: Provided further, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed \$121,396,250 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: Provided further, That of the funds provided, \$39,680,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106-113.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, \$2,916,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed \$3,600,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of

1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, \$5,989,115,000, of which \$225,000,000 shall remain available until expended for equipment, and construction and renovation of facilities; of which \$30,000,000 of the amounts available for immunization activities shall remain available until expended; of which \$542,000,000 shall remain available until expended for the Strategic National Stockpile; and of which \$123,883,000 for international HIV/AIDS shall remain available until September 30, 2007. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) \$12,794,000 to carry out the National Immunization Surveys; (2) \$109,021,000 to carry out the National Center for Health Statistics surveys; (3) \$24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) \$463,000 for Health Marketing evaluations; (5) \$31,000,000 to carry out Public Health Research; and (6) \$87,071,000 to carry out research activities within the National Occupational Research Agenda: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: Provided further, That up to \$31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed \$12,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States, tribes, or tribal organizations: Provided further, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-Federal land, to support the construction of a replacement laboratory in the Fort Collins, Colorado area: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18: Provided further, That of the funds appropriated, \$10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: Provided further, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to

cancer, \$4,960,828,000, of which up to \$8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$3,023,381,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, \$405,269,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, \$1,767,919,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, \$1,591,924,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$4,547,136,000: Provided, That \$100,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended: Provided further, That up to \$30,000,000 shall be for extramural facilities construction grants to enhance the Nation's capability to do research on biological and other agents.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$2,002,622,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$1,310,989,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$693,559,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, \$667,372,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, \$1,090,600,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, \$525,758,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, \$409,432,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, \$142,549,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, \$452,271,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, \$1,035,167,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, \$1,460,393,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$502,804,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, \$309,091,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$1,188,079,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That \$30,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, \$126,978,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, \$203,367,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, \$68,745,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, \$327,222,000, of which \$4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2006, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: Provided further, That in addition to amounts provided herein, \$8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, \$487,434,000, of which up to \$10,000,000 shall be used to carry out section 216 of this Act: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health

Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to \$500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That in addition to the transfer authority provided above, a uniform percentage of the amounts appropriated in this Act to each Institute and Center may be transferred and utilized for the National Institutes of Health Roadmap for Medical Research: Provided further, That the amount utilized under the preceding proviso shall not exceed \$250,000,000 without prior notification to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That amounts transferred and utilized under the preceding two provisos shall be in addition to amounts made available for the Roadmap for Medical Research from the Director's Discretionary Fund and to any amounts allocated to activities related to the Roadmap through the normal research priority-setting process of individual Institutes and Centers: Provided further, That of the funds provided \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of NIH.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, \$113,626,000, to remain available until expended: Provided, That notwithstanding any other provision of law, single contracts or related contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center: Provided further, That the solicitations and contracts shall contain the clause "availability of funds" found at 48 CFR 52.232-18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, \$3,261,783,000: Provided, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available in this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) \$21,803,000 to carry out subpart I of Part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available in this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of Part B of title XIX; (3) \$16,000,000 to carry out national surveys on drug abuse; (4) \$2,000,000 for mental health data collection; and (5) \$4,300,000 to evaluate substance abuse treatment programs.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and

shall remain available until expended: Provided, That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed \$323,695,000: Provided further, That not more than \$50,000,000 of these funds shall be for the development of scientific evidence that supports the implementation and evaluation of health care information technology systems.

CENTERS FOR MEDICARE AND MEDICAID SERVICES GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$156,954,419,000, to remain available until expended.

For making, after May 31, 2006, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2006 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2007, \$62,783,825,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844, 1860D-16, and 1860D-31 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$177,822,200,000.

In addition, for making matching payments under section 1844, and benefit payments under 1860D-16 and 1860D-31, of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$3,203,418,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That \$24,205,000, to remain available until September 30, 2007, is for contract costs for the Centers for Medicare and Medicaid Services Systems Revitalization Plan: Provided further, That \$79,934,000, to remain available until September 30, 2007, is for contract costs for the Healthcare Integrated General Ledger Accounting System: Provided further, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fis-

cal year 2006 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: Provided further, That to the extent Medicare claims volume is projected by the Centers for Medicare and Medicaid Services (CMS) to exceed 200,000,000 Part A claims and/or 1,022,100,000 Part B claims, an additional \$32,500,000 shall be available for obligation for every 50,000,000 increase in Medicare claims volume (including a pro rata amount for any increment less than 50,000,000) from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2006, no commitments for direct loans or loan guarantees shall be made.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, \$80,000,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act, of which \$75,000,000 is for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services ("CMS") to conduct oversight of activities authorized in Titles I and II of Public Law 108-173, with oversight activities including those activities listed in 18 U.S.C. 1893(b), and of which \$5,000,000 is for the Medicaid program integrity activities, together with not less than \$20,000,000 made available to the Secretary by section 1817(k)(3) of the Social Security Act: Provided, That the report required by 18 U.S.C. 1817(k)(5) for fiscal year 2006 shall include measures of the operational efficiency and impact on fraud, waste and abuse in the Medicare and Medicaid programs for the funds provided by this appropriation.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$2,121,643,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2007, \$1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV-A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$1,883,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$300,000,000, to remain available until expended: Provided, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act: Provided further, That the entire amount 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.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107-296), and for carrying out the Torture Victims Relief Act of 2003 (Public Law 108-179), \$552,040,000, of which up to \$9,915,000 shall be available to carry out the Trafficking Victims Protection Act of 2003 (Public Law 108-193): Provided, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2006 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2008.

For an additional amount for the necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied children authorized by title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for carrying out section 462 of the Homeland Security Act of 2002, \$19,100,000: Provided, That the entire amount 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.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), \$2,082,910,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: Provided, That \$19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which \$1,000,000 shall be for the Child Care Aware toll free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, \$272,672,000 shall be reserved by the States for activities authorized under section 658G, of which \$100,000,000 shall be for activities that improve the quality of infant and toddler care: Provided further, That \$10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: Provided, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention

and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105-89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 429A, 1110, 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103-322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105-285, and for necessary administrative expenses to carry out said Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, sections 40155, 40211, and 40241 of Public Law 103-322, and section 126 and titles IV and V of Public Law 100-485, \$9,000,832,000, of which \$22,846,000, to remain available until September 30, 2007, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670-679) and may be made for adoptions completed before September 30, 2006: Provided, That \$6,874,314,000 shall be for making payments under the Head Start Act, of which \$1,388,800,000 shall become available October 1, 2006 and remain available through September 30, 2007: Provided further, That \$708,895,000 shall be for making payments under the Community Services Block Grant Act: Provided further, That not less than \$7,492,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: Provided further, That within amounts provided herein for abstinence education for adolescents, up to \$10,000,000 may be available for a national abstinence education campaign: Provided further, That in addition to amounts provided herein, \$6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: Provided further, That \$95,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That \$14,879,000 shall be for activities authorized by the Help America Vote Act of 2002, of which \$10,000,000 shall be for payments to States to promote access for voters with disabilities, and of which \$4,879,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: Provided further, That \$101,000,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the

grant: Provided further, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: Provided further, That within amounts provided herein for abstinence education for adolescents, up to \$10,000,000 may be available for a national abstinence education campaign: Provided further, That in addition to amounts provided herein for abstinence education for adolescents, \$4,500,000 shall be available from amounts available under section 241 of the Public Health Services Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: Provided further, That \$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, \$305,000,000 and for section 437, \$90,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$4,852,800,000.

For making payments to States or other non-Federal entities under title IV-E of the Act, for the first quarter of fiscal year 2007, \$1,730,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV-E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, \$1,391,699,000, of which \$5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, \$353,614,000, together with \$5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and \$39,552,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, \$13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, \$52,415,000 shall be for minority AIDS preven-

tion and treatment activities; and \$5,952,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002: Provided further, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt professional manner and within the time frame specified in the request: Provided further, That scientific information requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), \$75,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, \$32,800,000: Provided, That in addition to amounts provided herein, \$12,350,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, \$39,813,000: Provided, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: Provided further, That funds transferred to this heading pursuant to section 220 of the Department of Health and Human Services Appropriations Act, 2005, shall remain available until September 30, 2006.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$31,682,000, together with not to exceed \$3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. chapter 55), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and to ensure a year-round influenza vaccine production capacity, the development and implementation of rapidly expandable influenza vaccine production technologies, and if determined necessary by the Secretary, the purchase of influenza vaccine,

\$183,589,000: Provided, That \$120,000,000 of amounts available for influenza preparedness shall remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: Provided, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: Provided further, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

(TRANSFER OF FUNDS)

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS

Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300a-26) if such State certifies to the Secretary of Health and Human Services by May 1, 2006 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2006 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2005, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2005 State expenditures and all fiscal year 2006 obligations for tobacco prevention and compliance activities by program activity by July 31, 2006.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2006.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than \$1,000,000.

SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities

abroad during fiscal year 2006, the Secretary of Health and Human Services—

(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State, and

(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 215. The Division of Federal Occupational Health hereafter may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 216. (a) **AUTHORITY.**—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under section 402(i) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Roadmap for Medical Research.

(b) **PEER REVIEW.**—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SEC. 217. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: Provided, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 218. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102-408.

(RESCISSION OF FUNDS)

SEC. 219. The unobligated balance in the amount of \$10,000,000 appropriated by Public Law 108-11 under the heading "Public Health and Social Services Emergency Fund" are rescinded.

(RESCISSION OF FUNDS)

SEC. 220. \$15,912,000 of the unobligated balance of the Health Professions Student Loan program authorized in subpart II, Federally-Supported Student Loan Funds, of title VII of the Public Health Service Act are rescinded.

SEC. 221. Funds appropriated for State Pharmaceutical Assistance Programs in Public Law 108-173 for fiscal year 2005 shall remain available through fiscal year 2006.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2006".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, \$14,525,135,000, of which \$6,935,826,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which \$7,383,301,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007 for academic year 2006-2007: Provided, That \$6,934,854,000 shall be for basic grants under section 1124: Provided further, That up to \$3,472,000 of these funds shall be available to the Secretary of Education on October 1, 2005, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That \$1,365,031,000 shall be for concentration grants under section 1124A: Provided further, That \$2,269,843,000 shall be for targeted grants under section 1125: Provided further, That \$2,269,843,000 shall be for education finance incentive grants under section 1125A: Provided further, That \$9,424,000 shall be to carry out part E of title I.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$1,240,862,000, of which \$1,102,896,000 shall be for basic support payments under section 8003(b), \$49,966,000 shall be for payments for children with disabilities under section 8003(d), \$18,000,000 shall be for construction under section 8007 and shall remain available through September 30, 2007, \$65,000,000 shall be for Federal property payments under section 8002, and \$5,000,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2005-2006, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, part A and subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, \$5,457,953,000, of which \$3,821,042,000 shall be-

come available on July 1, 2006, and remain available through September 30, 2007, and of which \$1,435,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006-2007: Provided, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That from the funds referred to in the preceding proviso, not less than \$1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and \$1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: Provided further, That funds made available to carry out part C of title VII of the ESEA may be used for construction: Provided further, That \$411,680,000 shall be for State assessments and related activities authorized under sections 6111 and 6112 of the ESEA: Provided further, That \$56,825,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: Provided further, That \$36,022,000 shall be available to carry out part D of title V of the ESEA: Provided further, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: Provided further, That \$12,132,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia, and \$6,051,000 shall be available to carry out the Supplemental Education Grants program for the Republic of the Marshall Islands: Provided further, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, \$119,889,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$1,057,385,000: Provided, That \$10,000,000 shall be available to carry out section 2151(c) of the ESEA through an award to the National Board for Professional Teaching Standards: Provided further, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: Provided further, That \$417,924,000 shall be available to carry out part D of title V of the ESEA.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$697,300,000, of which \$300,000,000 shall become available on July 1, 2006 and remain available through September 30, 2007: Provided, That of the amount available for subpart 2 of part A of title IV of the ESEA, \$850,000 shall be used to continue the National Recognition Awards program under the same guidelines outlined by section 120(f) of Public Law 105-244: Provided further, That \$300,000,000 shall be available for subpart 1 of part A of title

IV and \$232,807,000 shall be available for subpart 2 of part A of title IV: Provided further, That \$134,493,000 shall be available to carry out part D of title V of the ESEA: Provided further, That of the funds available to carry out subpart 3 of part C of title II, up to \$12,440,000 may be used to carry out section 2345 and \$3,087,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, \$675,765,000, which shall become available on July 1, 2006, and shall remain available through September 30, 2007, except that 6.5 percent of such amount shall be available on October 1, 2005 and shall remain available through September 30, 2007, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, \$11,774,107,000, of which \$6,145,104,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which \$5,424,200,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006-2007: Provided, That \$12,000,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of recorded educational materials: Provided further, That \$1,500,000 shall be for the recipient of funds provided by Public Law 105-78 under section 687(b)(2)(G) of the Act (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(b)(2) of the Act shall be equal to the amount available for that activity during fiscal year 2005, increased by the amount of inflation as specified in section 619(d)(2)(B) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 ("the AT Act"), and the Helen Keller National Center Act, \$3,133,638,000, of which \$1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: Provided, That \$34,760,000 shall be used for carrying out the AT Act, including \$4,500,000 for State grants for protection and advocacy under section 5 of the AT Act and \$3,760,000 shall be for alternative financing programs under section 4(b)(2)(D) of the AT Act: Provided further, That the Federal share of grants for alternative financing programs shall not exceed 75 percent, and the requirements in section 301(c)(2) and section 302 of the AT Act (as in effect on the day before the date of enactment of the Assistive Technology Act of 2004) shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), \$18,500,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$57,279,000, of which \$800,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use

funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$108,500,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Adult Education and Family Literacy Act, title VIII—D of the Higher Education Amendments of 1998, and subpart 11 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$1,923,766,000, of which \$1,127,806,000 shall become available on July 1, 2006 and shall remain available through September 30, 2007 and of which \$791,000,000 shall become available on October 1, 2006 and shall remain available through September 30, 2007: Provided, That of the amount provided for Adult Education State Grants, \$68,582,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, \$9,096,000 shall be for national leadership activities under section 243 and \$6,638,000 shall be for the National Institute for Literacy under section 242: Provided further, That \$4,960,000 shall be available to carry out part D of title V of the ESEA: Provided further, That \$24,000,000 shall be for Youth Offender Grants.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, \$15,103,795,000, which shall remain available through September 30, 2007.

The maximum Pell Grant for which a student shall be eligible during award year 2006–2007 shall be \$4,050.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, \$120,000,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, and section 117 of the Carl D. Perkins Vocational and Technical Education Act, \$2,104,508,000: Provided, That \$9,797,000, to remain available through September 30, 2007, shall be available to fund fellowships for academic year 2007–2008 under part A, subpart 1 of title VII of said Act, under the

terms and conditions of part A, subpart 1: Provided further, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998: Provided further, That \$980,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: Provided further, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: Provided further, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), \$238,789,000, of which not less than \$3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM ACCOUNT

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, as amended, \$573,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965, shall not exceed \$357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, \$210,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, \$522,695,000, of which \$271,560,000 shall be available until September 30, 2007.

DEPARTMENTAL MANAGEMENT PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$418,992,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$91,526,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$49,408,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. For an additional amount to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 for the purpose of eliminating the estimated accumulated shortfall of budget authority for such subpart, \$4,300,000,000, pursuant to section 303 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006.

SEC. 306. Subpart 12 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7265 et seq.) is amended—

(1) in section 5522(b), by adding at the end the following:

"(4) To authorize and develop cultural and educational programs relating to the Mississippi Band of Choctaw Indians.";

(2) in section 5523(a)—

(A) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(B) by inserting after paragraph (5) the following:

"(6) The Mississippi Band of Choctaw Indians in Choctaw, Mississippi."; and

(3) in section 5525, by adding at the end the following:

"(4) For cultural and educational programs, not less than \$2,000,000 to the Mississippi Band of Choctaw Indians in Choctaw, Mississippi.".

This title may be cited as the "Department of Education Appropriations Act, 2006".

TITLE IV—RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, \$4,669,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry

out the provisions of the Domestic Volunteer Service Act of 1973, as amended, \$316,212,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

NATIONAL AND COMMUNITY SERVICE PROGRAMS,
OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12501 et seq.), \$546,243,000, to remain available until September 30, 2007: Provided, That not more than \$280,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), section 131(e), section 132, and sections 140(a), (d), and (e) of the Act: Provided further, That not less than \$149,000,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), of which up to \$4,000,000 shall be available to support national service scholarships for high school students performing community service, and of which \$10,000,000 shall be held in reserve as defined in Public Law 108-45: Provided further, That in addition to amounts otherwise provided to the National Service Trust under the second proviso, the Corporation may transfer funds from the amount provided under the first proviso, to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: Provided further, That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than \$55,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That not more than \$15,945,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That notwithstanding subtitle H of title I of the Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That \$27,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That \$42,656,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That \$4,000,000 shall be available for audits and other evaluations authorized

under section 179 of the Act (42 U.S.C. 12639): Provided further, That \$10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than \$2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That \$5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: Provided further, That notwithstanding section 501(a)(4) of the Act, of the funds provided under this heading, not more than \$12,642,000 shall be made available to provide assistance to state commissions on national and community service under section 126(a) of the Act: Provided further, That the Corporation may use up to 1 percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers.

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$66,750,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$6,000,000, to remain available until September 30, 2007.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard and Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of

the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: Provided, That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

For fiscal year 2006, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2006, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2007, \$400,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That for fiscal year 2006, in addition to the amounts provided above, \$35,000,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: Provided further, That for fiscal year 2006, in addition to the amounts provided above, \$40,000,000 shall be for the costs associated with replacement and upgrade of the public television interconnection system: Provided further, That none of the funds made available to the Corporation for Public Broadcasting by this Act, Public Law 108-199 or Public Law 108-7, shall be used to support the Television Future Fund or any similar purpose.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. ch. 71), \$43,439,000, including \$500,000, to remain available through September 30, 2007, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of

any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), \$7,809,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES:

GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996, \$290,129,000, to remain available until expended.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$10,168,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND

INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended), \$993,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, \$3,344,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$252,268,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including emergency boards appointed by the President, \$11,628,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), \$10,510,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$97,000,000, which shall include amounts becoming available in fiscal year 2006 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds \$97,000,000: Provided, That the total

amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unegotiated checks, \$150,000, to remain available through September 30, 2007, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$102,543,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than \$7,196,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: Provided further, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, \$20,470,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$29,510,574,000, to remain available until expended: Provided, That, notwithstanding the provisions of section 708(a) of the Social Security Act (42 U.S.C. 908(a)), the day designated for delivery of benefit payments under title XVI of such Act for October 2006 shall be the second day of such month: Provided further, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2007, \$11,110,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed

\$15,000 for official reception and representation expenses, not more than \$9,020,400,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than \$2,000,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2006 not needed for fiscal year 2006 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made: Provided further, That funds provided under this paragraph may be used to complete the processing of appeals received prior to July 1, 2005 under section 1852 and 1869 of the Social Security Act, notwithstanding section 931(b) of Public Law 108-173, and the Commissioner of the Social Security Administration may enter into a reimbursable agreement with the Secretary of Health and Human Services to process such appeals received after June 30, 2005 and prior to October 1, 2005.

From funds provided under the first paragraph, not less than \$412,000,000 shall be available for conducting continuing disability reviews under titles II and XVI of the Social Security Act.

In addition to amounts made available above, and subject to the same terms and conditions, \$189,000,000, for additional continuing disability reviews, pursuant to section 404(b)(1) of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

In addition, \$119,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2006 exceed \$119,000,000, the amounts shall be available in fiscal year 2007 only to the extent provided in advance in appropriations Acts.

In addition, up to \$1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108-203), which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$26,000,000, together with not to exceed \$67,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds appropriated in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government requires any health care professional to provide, assist in the performance of, or train others to perform abortions, in violation of that individual's religious beliefs or moral convictions.

(2) None of the funds appropriated in this Act shall be used by a Federal agency or program, or by a State or local government to require any hospital to perform or assist in the performance of an abortion, to train for, or to make its facilities available for the performance of an abortion, in violation of that institution's religious beliefs or moral convictions.

(3) Nothing in this section shall be construed to preempt or overrule any provision of Title X, Medicaid, or Emergency Medical Treatment and Active Labor Act (EMTALA) statutes or any regulation issued thereunder which requires discussing or providing all medically appropriate information, services, or referring for services.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 512. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

SEC. 515. (a) None of the funds provided in this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees.

None of the funds made available by this Act may be reprogrammed unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of a reprogramming or announcement of intent to reprogram funds, whichever occurs earlier.

(b) None of the funds provided in this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of a reprogramming or announcement of intent to reprogram funds, whichever occurs earlier.

SEC. 516. None of the funds made available in this Act may be used to reimburse, or provide reimbursement for drugs approved to treat erectile dysfunction.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006".

The ACTING PRESIDENT pro tempore. Under the previous order, the committee-reported substitute is agreed to and considered as original text for the purpose of further amendment.

The committee amendment in the nature of a substitute was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, at the outset, I thank the distinguished majority leader for calling this bill to the floor. In the past, we have had difficulties scheduling the Labor-HHS bill. Sometimes this very important appropriations bill has not received full Senate action. So I thank Senator FRIST for arranging the business of the Senate to take up this bill.

I also thank the majority leader for his exhortation of Members to be organized, to bring their amendments to the floor. This is a very complicated bill and one where we expect a great many amendments. One of the institutional problems of the Senate has been that when a bill is pending, the Senators do not come forward promptly with amendments to move the bill along. For countless hours, we have sat on this floor with the two lights on in a quorum call, which is our technical way of saying, you do not have a quorum of Senators on the floor, a majority; but what it really is, is a delaying practice, when there is nobody present to carry forward the business of the Senate.

In consultation with the majority leader, I announced last night, while a majority of the Senators were present, that we were going to be pressing ahead on amendments, and that I was going to urge the leader to go to third reading, which is a technical word for final passage, if amendments were not offered.

Senator HARKIN, the distinguished ranking member, whom I thank for his cooperation on this bill—he and I sent out a letter stating the same thing. The scourge of the Senate is the quorum call, where we do not transact the business of the Senate. But when this bill moves into next week, there will be a press by the managers—by Senator HARKIN and myself—to move to third reading or final passage, if Senators do not come forward to present their amendments.

Mr. President, this bill contains the largest appropriation of any bill to come before the Senate, including the Defense bill. It calls for expenditures in excess of \$604 billion. That includes the payments for Supplemental Security Income payments at the Social Security Administration, Medicaid, and Medicare. When it comes down to the discretionary spending, this bill contains \$145,693,000,000.

It is an extraordinarily difficult bill to structure because it involves three of the most important Departments of the Federal Government: Health, Education, and Labor. When we talk about health and education, we talk about the two greatest capital assets our country has. Without health, we cannot function. Without education, people cannot move ahead to attain their potential. So we are talking about rock

bed issues of great importance to the American people.

The Department of Labor funding, similarly, is very important, providing for workers' safety, for the arbitration and adjudication of disputes between management and labor, to have a cohesive workforce and labor peace, which is indispensable to move ahead on the work of our country.

We have an extraordinary staff in Bettilou Taylor and Jim Sourwine on the majority side, and Ellen Murray on the minority side—a staff which is veteran and experienced, having served for more than a decade with great expertise in the field.

Senator HARKIN and I have worked on a bipartisan basis. Very frequently, you see clash and clamor and arguments and distension and disagreement and bickering. That does not happen with the work of this subcommittee. We have changed the gavel. When it passes from his hands to mine, or mine to his and back, it is a seamless transfer because we have a common objective and we work together.

But that does not assist us very much when we take a look at the kind of funding we have in our tight subcommittee allocation. When you have \$145 billion to work with and the many lines which must be funded, it just does not go very far. There is a great concern about Federal expenditures, and it is a justified concern. We do spend too much money. Our deficit is too high, and our national debt is too high. But it is a matter of establishing priorities.

In my judgment, having been in this body, now in my 25th year, and being on the Appropriations Committee for all of those years, the priorities ought to be directed differently. When you talk about health and education, the two fundamental capital assets in our society and our daily lives, the funding is simply inadequate. Nevertheless, with the professionalism of our staffs and with the work Senator HARKIN and our Full Committee Chairman Senator COCHRAN, along with the cooperation of all other members of the Senate, we have amalgamated all of their priorities into this bill.

The highlights of the bill have been summarized in a comprehensive statement prepared by Bettilou Taylor. In the course of this relatively brief presentation, I will summarize the highlights. This budget contains \$29.4 billion for the National Institutes of Health which is \$1.050 billion over last year's budget. This is a tough item to increase by more than \$1 billion, but we have done it with a very sharp pencil. We have done it because the National Institutes of Health has the greatest opportunity to improve the health of Americans. During the tenure that Senator HARKIN and I have chaired this subcommittee, we have increased funding from \$12 to \$28 billion. Now we are trying to push it up to 29-plus because of the enormous advances which have been made in medical science as a result of what NIH has done.

There is great attention paid to cancer—appropriately so—and to heart disease—again appropriately so—and to Alzheimer's, and Parkinson's. But there are many lesser known diseases which have a tremendous impact. Chairing this subcommittee has put me in the position of being the recipient of calls from many people who are concerned about so-called orphan diseases which may affect a relatively small number of people but are very important. These diseases are worth articulating.

I doubt that our C-SPAN 2 audience is very extensive on a Friday morning—it is 6:48 A.M. in California—but when people listen and hear some concern about their particular ailment, it is quite a psychological boost. I will take a minute or two and run through the diseases NIH is working on: autism; stroke; obesity; Alzheimer's; Parkinson's; spinal muscular atrophy; scleroderma; amyotrophic lateral sclerosis, which is Lou Gehrig's disease; muscular dystrophy; osteoporosis; cancers, including breast, cervical, ovarian, lymphoma, multiple myeloma, prostate, pancreatic, colon, head and neck, brain, lung; and then moving on, pediatric renal disorders; multiple sclerosis; deafness and other communication disorders; glaucoma; macular degeneration; sickle cell anemia; heart disease; spinal cord injury, sudden infant death syndrome; arthritis, schizophrenia, and other mental disorders; polycystic kidney disease; hepatitis; Cooley's anemia; primary immune deficiency disorders, autism, stroke, and obesity.

I would add to this list mesothelioma, an ailment I have become familiar with during the course of the past 2 years, as we are working on an asbestos reform bill where so many people are afflicted with this deadly disease which is contracted from exposure to asbestos. We are going to ask the National Institutes of Health to devote more resources. I say ask—not order, but ask—because NIH, on a professional basis, makes the determination for the allocation of funding to keep it out of the political realm. But from what I have seen on mesothelioma, with thousands of people suffering from a disease which causes death, we need to find better ways of dealing with it. Our bill on asbestos reform would provide a standard of payment, the creation of a trust fund of \$140 billion, for which I salute my colleague Senator HATCH, who preceded me as chairman of the Senate Judiciary Committee, for structuring this idea which we are carrying forward. It seeks to assist people who cannot get compensation because their companies are bankrupt. Approximately 80 companies have gone into bankruptcy because of asbestos claims. That is one illustration of the potential for the National Institutes of Health funding. I compliment Dr. Zerhouni, Director of NIH, for doing an excellent job under very difficult circumstances.

The bill contains \$2 million for embryo adoptions which raises the issue of stem cell research. This was the legislative vehicle in 1997 which provided a prohibition against Federal funding for stem cell research where the embryo is destroyed. The House of Representatives has passed legislation which would remove that prohibition. Senator HARKIN and I have a bill pending in the Senate which would duplicate the House effort to eliminate that restriction. Consideration was given to offering an amendment on this bill. Because this is the bill which has the prohibition, it would be a logical spot to remove it. But it would cause a multifaceted controversy with about five different positions to be inserted.

The majority leader has agreed to make this a priority item at the beginning of the next session of Congress where all facets of the issue may be explored. There have been some recent developments that there may be a way to use stem cells without destroying the embryo. If that can be done, it would be spectacular. But the success of that kind of research is a long way off. I personally would like to see Federal funding devoted to all aspects of embryo research because the potentials are extraordinary. Embryonic stem cells are so superior to adult stem cells. There are also cord blood stem cells. But the real opportunity for medical advance lies in the flexible embryonic stem cells which can, for example, be injected into a diseased heart, where the embryonic stem cells could have the potential to replace diseased heart cells. So it is my hope that we will be able to move ahead on this line.

The subcommittee has held 17 hearings on this subject, starting in December of 1998, a few days after embryonic stem cells burst on the scene. Our most recent hearing was earlier this week, on October 19, to coincide with the announcement in South Korea that they were starting a worldwide research program with adjunct facilities in San Francisco and England. While I applaud the efforts of the South Koreans or anyone to advance medical research with stem cells, it is regrettable that the United States has not maintained a lead in this line. The objections to embryonic stem cell research come from the contention that these embryos have the potential to create life. The conclusive answer to that argument is that there are some 400,000 embryos that are frozen and are going to be destroyed. Senator HARKIN and I and the subcommittee have taken the lead in putting up some \$2 million for embryo adoption.

If all of these embryos could be adopted, produce life, I would not have any interest in advocating scientific research on them. But if they are going to be thrown away, it makes a lot more sense to use them than to destroy them. But to the extent that adoption can be promoted, this subcommittee supports this approach.

Some of the other items worth noting specifically: almost \$10 million for

a cord blood stem cell bank, which does provide a line for some advances on medical research with stem cells; \$2 million for start-up costs on administering asbestos claims, anticipating passage of an asbestos reform bill—not counting any chickens there; it is a complex bill, and the majority leader has committed to bringing it up as one of the first items next year; it is a vital item, but this bill anticipates some costs along that line—\$1 billion for the mesothelioma registry and tissue bank, which we like to see NIH supplement on mesothelioma research; \$225 million to continue construction projects for the Centers for Disease Control.

We are calling upon the Centers for Disease Control repeatedly to take on major emergency tasks. Right now they are involved in trying to find a potential response for pandemic flu. Senator HARKIN and I visited the Centers for Disease Control several years ago and found the physical facilities in a state of total disrepair. It would not be inappropriate to note that the Presiding Officer is a distinguished Senator from the State of Georgia who has filled my ear with the importance—and pleasantly so—of maintaining that funding for CDC. We have \$225 million in the bill to improve the facilities at the CDC. This is illustrative of the difficulties which this subcommittee faces in responding to so many urgent needs. We have to have our pencils very sharp to establish priorities.

It is my wish, hope, projection that the Senate, as a whole, would establish the priorities in our overall budget which will give more recognition to health, education, and labor issues.

This bill contains \$2.183 billion for low-income energy assistance. That is a figure which is the best we can do, but is palpably insufficient. I anticipate an amendment, which if no one else offers one, the chairman will, to increase funding for LIHEAP. It is an emergency matter. It is an outgrowth in large measure of Katrina. With the prices of oil and gas going sky high and so many of our seniors facing the alternative of either heating or eating, this is an item which grips much of our country and needs further attention.

We have \$300 million for Children's Hospital graduate medical education; \$1.8 billion for community health centers; \$454 million for health professions; \$104 million for Healthy Start. That is a program I take special pride in because it was initiated in the early 1980s after I visited the Alma Illery Hospital in Pittsburgh, and saw for the first time a 1-pound baby, a human being about as big as the size of my hand.

Healthy Start was named after Head Start to give these infants of minuscule physiology a chance to live. We incorporated some of Dr. Koop's ideas on four prenatal visits and one postvisit.

That fund has grown and has taken on a very important role of taking care of the weakest in our society—1-pound babies.

We put the budget for Head Start at \$6.8 billion; \$1.6 billion for worker protection programs; \$5.25 billion for job training; almost \$13 billion for title I education to disadvantage students; \$10.7 billion for special education, State grants. The Federal Government has an obligation to do more, and each year we have increased funding for special education programs and have stretched the funding to the maximum to come to that figure; \$13.2 billion for Pell grants; \$4.3 billion for the Pell grant shortfall; \$306 million for GEAR UP, an idea which originated with Congressman Chaka Fattah, from Philadelphia. This is a mentoring program and was brought to my attention by the Congressman some 6 years ago. Over the years we have spent some \$2 billion on this program and these are funds very well spent—to take young people in the minority community who have not had the benefit of a sound family life, who need some guidance, taking them at the eighth grade and moving them through high school. The results have been astounding. It has been projected on a nationwide basis. We have \$94 million for youth offender programs; \$45 million for the new youth gang prevention initiative; \$22.5 million for youth violence prevention at the Centers for Disease Control. This program will be looking at the terrible incidence of youth violence plaguing my hometown, Philadelphia and plaguing my adopted hometown, Washington, DC, as well as so many other cities in America. There is \$400 million for the Corporation for Public Broadcasting. The list goes on.

I know my distinguished colleague, Senator GRASSLEY, is awaiting an opportunity to speak. This highlights the contents of this bill where we have stretched the dollars as far as we can. We understand that our colleagues will have other ideas for amendments, and we urge them to come forward.

I do not make the determination as to when we go to third reading or final passage because I am not the majority leader, but I have consulted with Senator FRIST, and if the bill is stalled by prolonged quorum calls when we move into next week and we do not have amendments offered, I am going to use my best efforts to move ahead to final passage.

One other item which I have discussed with the leadership is the length of time on the rollcall votes. We have a rule for 15-minute votes, and there is a practice of a 5-minute extension. I note the distinguished Presiding Officer nodding in agreement. Sometimes the votes go 10, 15, 20 minutes over the original 20 minutes and consume a lot of time. When we have 95 Senators in the Chamber waiting for the next vote, when we have votes stacked, that just is not right. There was a day not too long ago when the time limits on voting were strictly enforced. Let me tell you and the few people watching on C-SPAN, Senators came and voted. If they know they can stretch out the

vote, they are going to stretch out the vote. And if you know you have to be here on time, you will be here on time. It only takes one vote cutoff to impose strict discipline even on the 100 feudal barons who occupy the Senate.

I ask the 101st Senator, Bettilou Taylor, is there anything more? She says no.

I ask unanimous consent that the text of my full statement be printed in the RECORD.

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

FLOOR STATEMENT, SENATOR ARLEN SPECTER
FY 2006 LABOR, HEALTH AND HUMAN SERVICES
AND EDUCATION APPROPRIATIONS BILL

Mr. President, the legislation before the Senate today includes funding for the Labor, Health and Human Services and Education programs at the 302(b) allocation of \$141.6 billion. The subcommittee's allocation is about the same as the President's budget request and \$860 million below the amount that the House of Representatives had to spend on Labor-HHS programs. The Senate bill also has an additional \$3.4 billion to spend in fiscal year 2006 which was achieved by requiring that Supplemental Security Income benefit checks be paid on Monday, October 2, 2006, instead of on Friday, September 29, 2006. On a program level basis, the bill before us is \$2.3 billion or 1.5 percent over the fiscal year 2005 appropriation and \$3.7 billion or 2.6 percent over the President's budget. Because of the amounts assumed in the budget resolution, the funds contained in this bill are not at the levels that I would like, but we did our best given the subcommittee's budget constraints.

The funds contained in this bill address this Nation's public health problems and continue to strengthen our biomedical research, assure a quality education for America's children, and offer opportunities for individuals seeking to improve job skills.

At this time, I want to take this opportunity to thank the distinguished Senator from Iowa, Mr. HARKIN, for his hard work on this bill and helping to bring the bill through the subcommittee and full committee.

Some of the key funding levels in the bill include: \$29.4 billion for the National Institutes of Health, \$1.050 billion over fiscal year 2005; \$2 million for embryo adoption; \$9.8 million for a cord blood stem cell bank; \$2 million for startup costs for administering asbestos claims; \$1 million for mesothelioma registry and tissue bank; \$225 million to continue construction projects at the Centers for Disease Control; \$2.183 billion for Low-Income Home Energy Assistance; \$300 million for Children's Hospital graduate medical education; \$1.8 billion for community health centers; \$454 million for health professions; \$104 million for Healthy Start; \$6.8 billion for Head Start; \$1.6 billion for worker protection programs; \$5.25 billion for job training programs; \$12.8 billion for title I grants to disadvantaged students; \$10.7 billion for special education State grants; \$13.2 billion for Pell grants to support a maximum grant of \$4,050; \$4.3 billion to pay for the Pell grant shortfall; \$306.5 million for GEAR UP; \$94 million for youth offender programs; \$45 million for a new youth gang prevention initiative; \$22.5 million for youth violence prevention at the Centers for Disease Control; \$400 million for the Corporation for Public Broadcasting, in addition, \$35 million is provided for digitalization conversion; and \$40 million for the satellite.

Let me discuss in detail the major elements of this bill:

The bill before the Senate contains \$29.3 billion for the National Institutes of Health. The \$1 billion increase over the fiscal year 2005 appropriation will continue the important work of thousands of researchers across this Nation. These additional funds are critical in catalyzing scientific discoveries that will lead to a better understanding in preventing and treating the disorders that afflict men, women, and children in our society.

Each year, the Labor-HHS Subcommittee holds numerous hearings on medical research issues. Testimony is heard from the NIH Institute Directors, medical experts, patients, family members, and advocates asking for increased biomedical research funding to find the causes and cures for diseases Alzheimer's and Parkinson's disease, spinal cord injury, muscular dystrophy, ALS, AIDS, cancer, diabetes, heart disease, cancer. But the diseases I just mentioned are the ones that everyone knows. However, there are a number of orphan diseases, those affecting 200,000 people or less, that are just as important but not often talked about. Research also needs to be specifically focused on orphan diseases such as spinal muscular atrophy, Ataxia's, Batten disease, fibromyalgia, Fragile X and spina bifida.

The Centers for Disease Control and Prevention is the lead Federal agency for protecting the health and safety of Americans at home and abroad. The CDC's ability to respond quickly to address this nation's health concerns has been proven over the last several years. Within minutes of the September 11 attack, CDC set up an emergency operations center and began to deploy supplies and staff, issuing health alerts and responding to State needs. During the anthrax crisis, CDC redirected more than 2,000 staff to focus their resources to identifying the disease and ensuring that health professionals were properly trained in recognizing the signs of anthrax. During the recent gulf coast hurricanes, the CDC staff was on the ground to assess and mitigate the infectious disease risk to residents of flooded areas. To address these critical needs, the bill includes \$6.2 billion for programs at the Centers for Disease Control and Prevention. A few years ago, Senator HARKIN and I visited the CDC and were appalled at the deplorable conditions of the buildings and facilities in Atlanta. Therefore, the committee has included \$225 million to continue the planning, design, and construction of new facilities, as well as repair and renovation of the existing structures.

More than 35 new emerging infectious diseases were identified between 1973 and 2002. Recent experiences with West Nile virus, SARS, and avian flu illustrate the vital need to strengthen this Nation's capacity to identify and combat emerging infectious diseases. The committee has included \$1.7 billion to improve this Nation's research capacities and to detect and control emerging infectious disease threats in the United States and around the world.

Over the past several years, the Labor-HHS Subcommittee has held several hearings to explore the factors leading to medical errors. The subcommittee heard testimony from family members and patients detailing their experiences with medical mistakes. The Institute of Medicine also gave testimony and outlined findings from their recent report which indicated that 98,000 deaths occur each year because of medical errors. The bill before the Senate contains \$84 million to reduce medical errors.

To continue this Nation's efforts to address bioterrorism threats, the bill provides \$2.3 billion.

To help provide primary health care services to the medically indigent and under-

served populations in rural and urban areas, the bill contains \$1.8 billion for community health centers. This amount represents an increase of \$105 million over the fiscal year 2005 appropriation.

For prevention and treatment of substance abuse, the bill includes \$3.4 billion, including \$2.1 billion for treatment programs, \$202 million for prevention and \$901 million for mental health programs. The latest estimates indicate that millions of Americans with serious substance abuse go untreated each year. The amount provided will help address the treatment gap.

The bill provides \$2.183 billion for the Low-Income Home Energy Assistance Program, LIHEAP. LIHEAP is a key program for low-income families in Pennsylvania and States throughout the Nation. Funding supports grants to States to deliver critical assistance to low income households to help meet higher energy costs.

For programs serving the elderly, the bill before the Senate recommends \$3.17 billion, including \$436.7 million for the community service employment program for programs to provide part-time employment opportunities for low-income elderly; \$354.1 million for supportive services and senior centers; \$219.7 million for the national senior volunteer corps; \$718.7 million for senior nutrition programs; \$1.09 billion for research conducted at the National Institute on Aging; and \$160.7 million for family and native American caregiver support programs.

The bill includes \$6 billion for AIDS research, prevention and services. Included in this amount is \$2.08 billion for Ryan White programs, an increase of \$10 million; \$657.6 million for AIDS prevention programs at the Centers for Disease Control and \$2.9 billion for AIDS research at the National Institutes of Health.

The bill includes \$574 million for efforts to fight HIV/AIDS, TB, and Malaria globally, \$100 million for the Global Fund to fight AIDS, TB, and Malaria, \$124 million for the CDC Global AIDS program and \$350 million for international AIDS research at the NIH.

To enable all children to develop and function at their highest potential, the bill includes \$6.87 billion for the Head Start program, an increase of \$31 million over last year's appropriation.

To enhance this Nation's investment in education, the bill before the Senate contains \$56.7 billion for discretionary education programs, an increase of \$143 million over last year's funding level and \$501 million more than the President's budget request.

The bill includes \$12.8 billion, an increase of \$100 million for title I grants to school districts. These funds will provide services to approximately 15 million school children in nearly all school districts in the nation.

For impact aid programs, the bill includes \$1.24 billion. Included in the recommendation is: \$50 million for payments for children with disabilities; \$1.1 billion for basic support payments; and \$65 million for payments for Federal property. In addition, \$18 million is available for construction activities at certain impact aid-eligible schools.

For special education State grants, the bill includes \$11.8 billion, an increase of \$100.5 million more than provided in fiscal year 2005. These funds will help local educational agencies meet the requirement that all children with disabilities have access to a free, appropriate public education, and all infants and toddlers with disabilities have access to early intervention services. These funds will serve an estimated 6.9 million children age 3-21, with Federal support providing \$1,542 per child.

The bill includes \$1 billion for the Reading First State grants program which provides funds to implement comprehensive reading

instruction programs to ensure that every child can read by the end of the third grade. Also included is \$104 million for the Early Reading First Program which funds programs that support activities in existing preschool programs designed to enhance the verbal bills, phonological awareness, letter knowledge, pre-reading skills and early language development of children ages 3 through 5. To help struggling middle and high school students improve their reading skills the bill includes \$35 million.

For community learning centers activities, such as before and afterschool, recreational, drug, violence prevention and family literacy programs, the bill includes \$991 million for 21st Century Community Learning Centers.

The bill provides \$306.5 million for Gaining Early Awareness and Readiness for Undergraduate Programs. These funds will be used to assist high schools to help low-income students prepare for and pursue postsecondary education.

To improve post-secondary education opportunities for low-income, first-generation college students, the committee recommendation provides \$836.5 million for the TRIO program, to assist in more intensive outreach and support services for low income youth.

The bill includes \$217 million for charter school grants which help in the planning, development and implementation of charter schools. Funding for this important program has more than doubled since fiscal year 1999.

Also included is \$26 million for voluntary public school choice to expand programs, especially for parents whose children attend low-performing public schools.

For student aid programs, the bill provides \$15.1 billion, an increase of \$838 million over last year's amount. Pell grants, the cornerstone of student financial aid is funded at \$4,050. The bill also includes \$4.3 billion to pay off the estimated Pell grant shortfall. The bill also includes an increase of \$26 million for the supplemental educational opportunity grants program.

In this Nation, we know all too well that unemployment wastes valuable talent and potential, and ultimately weakens our economy. The bill before us today provides \$5.25 billion for job training programs. This includes \$1.58 billion for the Job Corps; \$893 million for adult training; and \$1.47 billion for retraining dislocated workers.

The bill provides \$1.55 billion for worker protection programs. While progress has been made in this area, there are still far too many work-related injuries and illnesses. The funds provided will continue the programs that inspect business and industry, assist employers in weeding out occupational hazards and protect workers' pay and pensions.

There are many other notable accomplishments in this bill, but for the sake of time, I mentioned just several of the key highlights, so that the Nation may grasp the scope and importance of this bill.

In closing, I again thank Senator HARKIN and his staff and the other Senators on the subcommittee for their cooperation.

Mr. SPECTER. Mr. President, I have been asked by the distinguished majority leader to propound a unanimous consent request.

MORNING BUSINESS

Mr. SPECTER. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

Mr. SPECTER. I say, this is a license for Senators not to bring amendments to the floor on this bill, but this license is short lived. It is not going to last too long.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate for 1 hour.

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

Mr. GRASSLEY. And for other Senators who may want to speak, I may be a little less than an hour or I may be a little more than an hour. I do not intend to be here forever, just in case my colleagues are wondering.

HURRICANE KATRINA

Mr. GRASSLEY. Mr. President, I rise to discuss the situation in Louisiana, particularly New Orleans, as it relates to the Katrina hurricane. I do that because of a very devoted constituent by the name of Craig Van Waardhuizen of 3716 Pearl Lane, Waterloo, IA. We are members of Prairie Lakes Church, Cedar Falls, IA, a Baptist church. He approached me because he had bad experiences in trying to help people in Louisiana at the height of the hurricane and the period of time thereafter.

He says things just were not right. That is quite obvious to all of the country. I had a chance to hear it from a person who witnessed it. He kept a diary of his experiences. He is a sincere enough individual to spend time with me, sincere enough individual to put things down in writing, and he is a sincere enough person who would like to have things that happened to him not happen again in a future natural disaster.

So I promised my friend in Waterloo that I would make sure the entire Senate knew of his situation. It will be on record for people to refer to so corrective action can be taken.

I suppose most of this falls in the area of FEMA's responsibility, but I am not so sure but what some of it doesn't fall into the area of local responders and to State people as well. But FEMA is the one most referred to. So I am going to spend my time reading word for word from this diary so that people will know the trials and tribulations of one bus driver, trying to

help people all the way from Iowa, going to Louisiana to help people there who had problems.

This starts on September 1, which is the Thursday after Katrina hit. I believe Katrina hit either on that Saturday or Sunday, the 27th or 28th of August. Presumably some time after Katrina hit, my constituent friend was desiring to help the people in need there. He was affiliated with a bus company that could provide transportation. This starts on September 1, but presumably on the days of Monday, Tuesday, or Wednesday before September 1, he was trying to get involved in helping:

September 1, 2005, Thursday: Another day of searching on the internet and contacting our motorcoach associations has brought no success as we (Northwest Iowa Transportation, Inc.) look for ways to help in New Orleans. We have coaches and drivers available to go help in moving people out of the New Orleans area. However, we do not believe that we should just drive down to New Orleans without any contact. It is discouraging when you want to help and yet can't find the avenue to help.

September 2, Friday: There is a light in the tunnel. Today we were contacted by Utah Transportation Management to see if we had any coaches and drivers that could go help in evacuation of New Orleans. Finally a way to head to New Orleans and provide the assistance that we have wanted to do since a hurricane hit last Monday. Since this help will fall under FEMA we will be able to use four drivers and two motorcoaches to drive straight through to New Orleans. After finding three other drivers who were willing to help in this effort I head out to New Orleans. We pack extra supplies in the coaches along with water and food for ourselves. We also take along extra paper towels and toilet paper. About 9:00 p.m. we head south from Waterloo—

That is Waterloo, IA—

ready to go provide assistance to those in need.

Saturday, September 3: Driving straight through the night and switching off with driving we arrive at the staging area at Le Place, LA. The first thing we notice is the large number of motorcoaches waiting in the staging area and many more like ourselves, just pulling in. Our first order of business was to get in line to refill with fuel. We didn't stop for fuel on our way as we had been told that FEMA would provide fuel for all motorcoaches when we arrived at Le Place. We are ready to go to work and start moving people. The fuel was brought in by the National Guard and they did all the refueling in Le Place. Finally, it was our turn to get fuel. While fueling, we visited with the other drivers to find out what had been happening. We learned that after fueling you would get in another line and wait for orders. Nobody seemed to know who was in charge of the operation and there was very little communication. Finally a man with an orange vest came and asked us to get in line to go transport people. We lined up with 12 other coaches. Nobody moved until the state patrol was ready to provide escort. At last we have action. We are headed into New Orleans to do what we came down to do, move people. We had traveled about 10 miles when we were pulled onto the shoulder. No reason given for pulling all of us over. We sat and waited on the side of the highway wondering what was going to happen.

After a waiting about 45 minutes we started traveling again, and it was soon apparent

that we were headed back to the staging area. This whole operation seems to lack leadership and direction. We arrived back at the staging area at Le Place. Then we were sent down I-10 to the scale house and were staged with about 40 other coaches. Even the State patrol assigned to us didn't know what was going on. About 10 pm a deputy sheriff patrol showed up with some food for us. They didn't have any news or information. About 11 pm the State patrol said to stay with the motorcoach as we might be called upon at any time. As drivers we decided to get as much rest as we could while we had the opportunity.

So then presumably they slept the evening. That is a presumption on my part because it goes on now to Sunday, September 4. This is the fourth day of this tribulation.

Last night was a long night with little sleep as it is hard to sleep on the coach. About 4 am a group of school buses arrived from Houston, TX. They had been told to report to this staging area and wait. The morning passed by very slow and we never saw or heard from anybody that knew what was actually happening. This is really amazing as we are all here to work and provide help and we are just sitting along the interstate. At the scale house on the other side of the interstate a unit of federal border patrol agents is also waiting for instructions. They have been waiting since Tuesday for orders.

So that means that they had been waiting for 5 days, the Federal border patrol was waiting—that's my assumption—waiting for orders. My writer says:

I asked the state patrol to radio to the main staging area where we fueled to see what was going on. The patrol had as many questions as we did. It sure seems like mass confusion and no clear leader. I really wonder who is in charge of this operation. About noon a guy shows up in an orange vest and tells us that we are moving to a new staging area at Lake Charles, LA. Soon the rumor is going around through the drivers that we will be moving people out of temporary shelters to better places. We move to Lake Charles with high hopes that we will finally be moving people. At the edge of Lake Charles we are pulled onto the shoulder of the interstate. With over 60 motorcoaches sitting on the shoulder of a major interstate (I-10), this is an accident waiting to happen. The school buses from Houston are headed back to Houston as they were told there was no work for them. What a waste of resources to have them drive all the way from Houston to New Orleans only to turn around and head back. A highway patrol escort arrives and leads us to a large parking area at the Lake Charles airport. We are all parked in a row with no other instructions. When the last coach is parked a man who tells us he is the dispatcher for this operation arrives and tells us that we are going to regroup.

This man has made arrangements for us to have a hot meal supplied by the Lake Charles Firefighters in the armory at the airport. During this meal he informs us that rooms in a motel have been reserved for us for the night. As we sign up for our rooms we are told to report back tomorrow at 1:30 pm for more instructions. Since the rooms are in Beaumont, TX he arranges to have five motorcoaches to take us as a group. At least we will have a good bed to sleep in tonight and we will be able to take a shower.

Now, Monday September 5.

Continued conversation with other drivers reveals only rumors and no facts. About noon we head back to Lake Charles to report

in at this temporary dispatch office at the airport. When we report in, we are told there will be no movement until tomorrow. This is disappointing and hard to understand, especially as we listen to the radio and hear about this huge need to get people moved. Seems to me that there has to be a better way to organize and run this system. Who is in charge and who gives the orders to all of us (drivers)? There is very limited and very poor communication. If I ran operations like this, the company would lose all of its business and drivers. Calling back to the office—

I think he means his own office—

and to any other contact I can come up with doesn't provide any help. About 2 pm the dispatcher comes around looking for two coaches that have two drivers. We are just what he is looking for and we offer to be of service. He tells us to head to Fort Smith, AR as soon as we can hit the road and to report in at Fort Smith. We head right out and make the trip to Fort Smith. As we are going down the road we find out that a mistake has been made. Instead of Fort Smith at Fort Smith, AR, it is Fort Chaffee. The drive to Fort Smith is a long one, about 500 miles. Upon arrival we are to report to Fort Chaffee for instructions. As we are travelling we begin to notice many other motorcoaches headed the same direction.

September 6, Tuesday.

We arrive . . . and find the directions we were given in Lake Charles to be wrong. Finally, we arrive at Fort Chaffee and enter the base. The guards at the gate are very surprised to see us and they wonder why we are reporting at 2 a.m. The guards give us direction to the area where the people are housed. We get to that area only to find out nobody knows why they sent us to this base. Once again I get on the phone calling the numbers I was given. These calls just get voice mail and nobody ever returns the calls. One of the guards gives me the phone number of the base commander. I give him a call (at 2 a.m.) and have a nice conversation with him. I can see that he has no information to help us out. He suggests getting a motel room and coming back in the morning. There are no motel rooms available and it is now 4 a.m. We decide to head back into Fort Smith to top off the fuel tanks and get a hot breakfast. Looks like we are in a race headed nowhere. At 8 a.m. we report back to the base. We are wondering why we were sent over 500 miles to just sit and wait. The guards at the base are telling us that the people are being moved out to other places to live. Many of the other coaches from Lake Charles are showing up this morning. About 10 a.m. there is movement and they begin to load coaches to move people on. Some guy comes along and tells us to hang in there and we will soon be working. At noon we are moved into position to load people. However, we received no instructions or information as to where we will be going. Even the people we are loading don't know where they are headed. What a way to treat people who have lost everything they have. Soon we are loaded and waiting to go someplace. A representative of the state of AR comes aboard and wishes the people a good future. At the same time we are told we will be escorted by the state police to Siloam Springs, AR. We are part of a 12 coach move with a highway patrol escort for every three coaches. The drive is supposed to take about 90 minutes. The actual drive took us over three hours as the escort never went faster than 40 mph. All of the people are very thankful for the help in moving them and they are very pleasant considering what they have all been through.

Finally we arrive at Siloam Springs at a church camp. It seems like the whole com-

munity is here to welcome the people and help them make a home. It is very heart touching to see all the generous help. We unload and clean our two coaches. Feeling tired and hungry we head back towards Fort Smith. After what happened last night we see no need to arrive at Fort Chaffee in the middle of the night. We find rooms in Fayetteville and shut down for the night. The whole trip is nothing like we had hoped or thought it would be. Maybe we will feel better in the morning.

Morning is September 7, Wednesday. So this would be the seventh—it is my judgment this is the seventh day that my constituents were going through this trial and tribulation.

Our week of service is almost over and we sure haven't [done] much of any good. We have spent more time driving around empty as they have moved us all over. This morning we went back to Fort Chaffee and waited for new orders. Many other drivers were also waiting to see what we were to do. About noon we get the word that we were to report back to Lake Charles for the next duty. Here we go again on a 500 mile drive with no passengers. Does anybody really know what is going on? As we drive to Lake Charles, we know it will be about 9 p.m. when we arrive. Hopefully somebody will be around to fill us in. No such luck. When we arrive at Lake Charles the parking lot is filled with hundreds of motorcoaches. There are hundreds of coaches and drivers. Many drivers are very upset as they just sit idle. At Lake Charles we are told to report back in the morning and we are also told good luck on finding any lodging. Looks like another night of sleeping in the coach. I make some phone calls and find out there are some rooms at the casino. I call them and ask about rooms and explain what we have been doing. The manager gives us a deal on three rooms for the four of us. At least we will have a bed to sleep in and be able to take a shower in the morning.

September 8.

This will be Thursday.

This is the last day that we can help as we need to return to Iowa tonight. The coaches need to be back to go on charter trips. We will report to the temporary dispatch office early. With hundreds of coaches just parked it doesn't look good. The dispatcher said there is no work today and the next opportunity might be tomorrow. I ask if there is anybody that needs to move north as we could take people north as we head home. Nothing available today and with all the idle coaches it looks bad for tomorrow. I sign us out and we start back home. I am glad that we came down and tried to help. There is a huge sense of disappointment in the fact that we drove about 3,000 total miles and only hauled 47 people 103 miles. It seems like a huge waste of valuable resources and money. Especially as I look over a parking lot filled with hundreds of motorcoaches.

Somebody made the order to get all these coaches here and now they sit idle. It is easy to see why people get frustrated with the system. Along with these coaches sitting idle, many school buses were moved to the area and never used. They were sent back home as they weren't needed. Today we learned that in the city of New Orleans all of the school buses were left to get caught in the flood. Why weren't they used before the hurricane and flood to get people moved out of harm's way in New Orleans. There are a large number of public officials at all levels and the news media pointing fingers trying to put the blame on FEMA when they should look at themselves. Why did the school buses get left and not used? Why didn't people heed the notice to get out and move to a safer area?

I think the whole process needs to be looked at and evaluated for making improvements. We were not the only ones to wonder what was going on. Almost all the drivers were asking who is in charge and where are the lines of communication. Of all the people who gave us orders, none of them seemed to understand operations and dispatch. From my viewpoint, it appears to me that many of those who were supposed to manage the coaches didn't have any idea of what to do and just how much help they needed.

September 9.

After driving through the night we arrived back in Iowa. We are tired and ready to be back in our own homes. The hardship we went through was very minor compared to what all the displaced families were going through. As a team, we all agreed that we would go again and we would do whatever we could to provide assistance to people in need. Hopefully, if there is a next time, there will be better organization and all involved parties will work together.

About 10 a.m. I received a call from the dispatcher in Lake Charles saying he had a trip for us. He was looking for us and wondered where we were. This is a good example of poor management as this was the same person I had signed out with yesterday morning in Lake Charles. What a joke and what a lack of management. I just hope that all of the drivers and coach companies didn't get mad at the system. If they did get upset with the whole system, there might not be enough help the next time.

I would go and help again. It seems like the call to come and help was about two days late. Then when the call went out, too many resources were brought into play and then there was overkill. I do hope to be able to sit down and talk with somebody who evaluates this operation.

Let me say parenthetically that he is going to continue to talk to other people, but he asked me to be part of this communication, to lay out, as he saw it, the problems, in hopes that action will be taken here and at the local responder level and the State level to make sure these things don't happen again.

I am going to say that sentence again that I just was distracted from.

I do hope to be able to sit down and talk with somebody who evaluates this operation.

Someway, somehow, there has to be a method to get operation managers in the right place to guide a mass movement of people as fast as possible. Maybe when this is all over people will have time to look back and make new plans.

The saddest part of this whole experience was the difference of the news media coverage to the real situation. The devastation was huge. The generous helping spirit of the American people was huge. A large number of resources available and there were people willing to provide assistance. Yet, many of these resources were poorly used as the lines of command and communication were poor. We went down to New Orleans to work hard and help. That goal of providing help was not accomplished in my eyes. Yes, we moved about 94 people on our two coaches. However, we only moved those people 100 miles and we spent the rest of our time driving empty as we were moved from place to place. There needs to be a better system of command and coordination.

I am very thankful for this opportunity to go and help, no matter how small the help seemed to be. The people we moved were very thankful and they greatly appreciated

the efforts of many. My heart hurts for those people who have lost everything but their lives. I also know that we had the right kind of intentions as we went to help.

I now turn to September 20. I just have 3 more days—no, 6 more days. Anyway, they went back to Iowa and then they were called upon again for an opportunity because of Hurricane Katrina. So September 20:

Once again the call has come for help in the gulf area of LA and TX as hurricane Rita moves into the area. We have the opportunity to provide service again to those in need. The people who have called us, have assured us that there are better plans and communications in place this time. They have told us that lessons were learned from Katrina. This evening we are headed out with two coaches and four drivers. This combination allows us to get to the area in a straight through drive and be ready to work. Our orders call for us to report to a rest stop on I-49 north of Lafayette, LA. This will be our staging area. Before we leave, we put extra supplies on board, take some food and pack some bedding. We learned from the last time of helping that we might have to spend nights sleeping on the coach. We depart with high hopes and a thankful heart for this opportunity to provide help. The people who called for this help are aware that we can help until Sunday evening. The drivers and coaches need to be back in Iowa for other charter work next Monday.

September 21.

The drive down was interesting and we saw a lot of others headed south with the same purpose in mind. We did encounter a slight problem in southern MS. There is a bug that is called the "love bug" which is bad at this time of the year. We had to make a couple of extra stops to clean the windshields off. These bugs are nasty. Despite the delay we arrived at the staging area about 4:00 pm. The staging area was a rest stop on I-49 which was closed down for public use. First order of business was to report in and fuel. After fueling, we reported in for duty. The first thing we were told was to get in line and wait for orders. This is sure looking like the Katrina help situation. The old hurry up and wait plan. Fortunately, we had stopped for a good hot meal in Lafayette and were good to go. As the night moved along it appeared that we were going to sit and do nothing.

September 22.

A short night of limited sleep in the seat of the coach. It is difficult to sleep on a coach. Good thing we brought food with us. We were able to save some snack bars for breakfast. About 7:00 am the dispatcher came looking for two coaches. We took the call and headed into Lafayette to help evacuate people from a hospital. At 9:00 am we were loaded with about 18 passengers on each coach. We waited on our orders and we waited and waited. About 1:00 pm a doctor connected with Homeland Security gave us the go ahead. We were part of an escorted convoy moving these people from Lafayette to Monroe, LA. A four hour drive under good conditions. Our passengers had been on the coach since 9:00 am and they were not given any food. A very long day for everybody with no food. All of these people had been moved out of New Orleans before Katrina and now they had to move again. This time they moved from a hospital to a gym on the campus of LA Tech in Monroe. Sure am glad we have an escort as the road is jammed with people moving north. There are no gripes on our part as we are doing the work we came down to do. After unloading the people and helping them

get moved into the gym, we took the opportunity to shower in the locker room. That was a refreshing moment. Then the drive back to the staging area. As we watched all the traffic moving north, we assumed we would be assigned a task as soon as we got back. That turned into a bad assumption. Upon our return to the staging area, we refueled and parked in line. Here we go again, another long night on the coach. Sleep, didn't come easy and I went for a walk. As I was walking I noticed some empty parking places near the front of the line. I went back to the coaches and moved us up in the line with the thought that we might get an assignment quicker. We didn't come back down to park in a line and wait.

September 23, 2005.

Hurricane Rita is moving closer to shore. Why are we not moving people? The word among the drivers is that there was a coach accident in TX and things are on hold. This brings up the subject of safety. The majority of the coaches in use are top of the line, with excellent drivers and a great safety record. However, there are some coaches operating with lights out, broken air brakes and other safety related issues. These coaches should be pulled to the side and put out of service until they are repaired. There are more than enough coaches here that are in excellent condition to be used. Poor condition coaches, should not be used. We are in a stressful situation, moving people whose lives are in danger. The coach accident in TX is a tragic deal. I don't know if it could have been avoided.

3:00 am, action at last. Ten coaches have been asked to move to the Baton Rouge airport to move people. We are part of the ten. Upon arrival at the airport we report in. Only, the airport was not expecting us and wonders why we were sent. This brings back bad thoughts of a couple of weeks ago. The airport folks find a place to park us while they determine the next step. We get parked right next to the National Guard base. The Guard asks all the drivers with the ten coaches in for a hot breakfast. This is very welcome and sure beats the snack foods. After breakfast we head back to the coach to nap and rest for whatever the next move might be. By noon the rain has started and Rita is nearing land.

Listening to the radio we hear about people who needed help to get out of the area. Why are we sitting here? At this point it is too late to go to the areas in need as we would arrive at the same time as the hurricane. We can only wonder why.

About 3:00 pm we get orders to move. We are moved to a large building in Baton Rouge and told to park along side the building. The rain is starting to come down hard. The coaches left at the rest stop on I-49 are being moved further north to get out of harms way. Two FEMA representatives come out of the building and brief us. We are parked right along side the FEMA headquarters. We are at the main command post. Our orders are to stay prepared to move in case the building has to be evacuated. This is hard to believe. We have been assigned directly to the FEMA staff. During our discussion we ask if we can stay in the building tonight as we have been in the motorcoach since reporting for duty. The two staff members tell us they will check on that possibility. We never hear from them the rest of the night. The hurricane hits land near the LA-TX state line. It is no picnic in Baton Rouge. The wind is high and the rain comes down in sheets.

September 24.

With all the wind and the heavy rain it was difficult to get much sleep. It is very hard to believe and understand why we were not allowed to come in the building. It would have

been a lot safer inside and there was a floor that was devoted to sleeping quarters. They even had cots for people to use. Yesterday the two staff members had told us we could come in the building and use the showers. When we tried to do this, security would not let us near the building and security would not call the two staff members inside. This is crazy. We are good enough to sit outside during a hurricane to be on call to provide evacuation transportation. Yet, we are treated like criminals when we try to get in to use the showers. On the door there is a sign about a national news conference at 2 p.m. I tell the other three drivers with me that we will receive orders to move before 1:30 p.m.

Sure enough, at 1:30 p.m. we are given orders to move to the staging area at Le Place. The FEMA staff didn't want us parked near the building when the press conference was taking place.

We follow orders and head to Le Place to report in and top off the fuel tanks. There is water everywhere from all the rain. At Le Place we drive through water to report in. Once again the orders are to park and wait. We spend more time driving around empty and waiting for orders than we do working. Nothing is going to happen the rest of today. In the parking area there are city buses from Atlanta, GA. They were asked to come to the area to help move people. Thus far they have done nothing but sit and wait. We said welcome to the crowd.

Nightfall comes with no place to obtain lodging. However, there are a couple of restaurants open in the area and we can get a good meal. We spend our evening talking with other drivers and listening to all of the frustration just sitting around. This frustration builds larger each day as you see resources sitting idle.

September 25.

We are tired and weary from spending the past six nights trying to sleep in the coach. This morning we are able to take a shower at the truck stop. The \$9.00 to get a shower is worth every cent.

I sure wouldn't pay it.

After showers, we meet with the drivers of the other eight coaches we were with in Baton Rouge. As we are talking the dispatcher gives us orders to drive into New Orleans. We are going to be moving a National Guard unit out of New Orleans to the area where Rita has gone through.

After taking most of the morning it get organized the unit is ready to move out. We will be bringing up the rear of the convoy. Our route will be I-10 to Lafayette where the unit has been reassigned. I have discovered that these orders were issued at 1 a.m. this morning and it took eight hours for them to move through channels to us and the military. What an amazing chain of command. The commander of the unit fills us in on the route and how to drive in a convoy. The members of the unit are very happy to ride in the air conditioned coach. Upon arrival in Lafayette they set up a command center at an old Service Master store. We have to wait until the command releases us before we can go back to Le Place. The afternoon goes by slowly as we wait to be released from duty. The commander holds us as he sees no reason to be stationed in Lafayette as they have very little damage. Once again, I want to ask who is in charge. About 9 p.m. we are released to go back to Le Place.

Arriving in Le Place we find hundreds of coaches parked and waiting for orders. This brings back all the thoughts about wasteful use of resources. Our time is up; we need to head back to Iowa. I make the arrangements to be released and we head out for home.

September 26

Another long night of driving and we finally get home, a very tired group. This has proved to be another growing experience. Sleeping every night in the motorcoach, only getting one good meal a day, and only having two showers all week. We all learned a lot about ourselves and what we are able to do when needed.

The hardest thing to accept this trip was sitting out the hurricane in the motorcoach. It is very difficult to understand and accept the fact that we were not allowed in the FEMA building during the hurricane. Good enough to be a safety valve, but not good enough to be allowed in the building.

Hopefully, at some point in the future I will have an opportunity to share with the right folks and work with them to improve the system and the way it works as it relates to motorcoaches. Especially in the area of equipment safety and using motorcoaches to move large numbers of people in an emergency.

That is the end of his diary. He ends with a little paragraph that says:

Thoughts of Craig Van Waardhuizen while working through the Katrina and Rita hurricanes in LA. I was lead member of a four member team providing motorcoach service with two motorcoaches. I am a Terminal Manager and Operations Director for Northwest Iowa Transportation, Inc (a motorcoach carrier in Iowa with membership in UMA, ABA and IMG).

Craig Van Waardhuizen.

I thank my friend Craig for sharing his experiences with the people of the Nation through this, but most importantly for the Senate and my Senate colleagues to take this into consideration.

PRAIRIE LAKES RESPONDS TO HURRICANE KATRINA

Mr. GRASSLEY. Mr. President, I have one additional statement in regard to the Katrina situation.

As I said earlier before I read Craig's diary, I am a member of the Prairie Lakes Baptist Church at Cedar Falls, IA. Immediately after Katrina, our church in the following 3 weeks sent three different delegations—in other words, three different teams; a team the first week, a different team the second week, and a different team the third week—to go down to Brookhaven, MS, and help the First Baptist Church in Ocean Springs, MS, in their efforts to feed people who were in need and house people who were in need and do other things.

I have this letter which was sent to the pastor of our church, Pastor John Fuller, from the pastor of the First Baptist Church in Oceans Springs, MS.

It says:

Dear Pastor:

I have never had the privilege of meeting you—but I know you because I have experienced the heart of your people. Mark Sherwood, Mike and Denise Goyen, Dalen Grimm, indeed the entire crew from Prairie Lakes Church manifested the heart of Mary, the hands of Martha, the hope of Jesus.

My wife and I count our Iowa volunteers as among the best of the best. They worked hard, they were sensitive to the people's broken hearts, and they were a blessing to our church, especially to my family and me.

It is my desire to come to Iowa, to thank you and your people for the job well done.

Mike Barnett.

I ask unanimous consent to have that statement printed in the RECORD, along with the list of the people from my church who were in teams 1, 2 and 3, as well as an article from the Waterloo Courier which talks about this.

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

PRAIRIE LAKES RESPONDS TO HURRICANE KATRINA

DEAR PASTOR: I have never had the privilege of meeting you—but I know you because I have experienced the heart of your people. Mark Sherwood, Mike and Denise Goyen, Dalen Grimm, indeed the entire crew from Prairie Lakes Church manifested the heart of Mary, the hands of Martha and the hope of Jesus.

My wife and I count our Iowa volunteers as among the best of the best. They worked hard, they were sensitive to people's broken hearts, and they were a blessing to our church, especially to my family and me.

It is my desire to come to Iowa, to thank you and your people for a job well done.

Sincerely,

MIKE BARNETT,
Pastor of First Baptist Church,
Ocean Springs, MS.

TEAM 1

Mark Badura; Jared Coffin; Steve Coffin; Kellie Dean; Michelle Ford; Adam Graber; Crystal Halverson; Mary Jungling; Nancy Killian; Georgianne Meester; Paul Neal; William Pierce; Mark Sherwood; Jerry Steele; Sara Steele; Andrew Zaug; Randy Zey; and Rob Zey.

TEAM 2

Mackenzie Carlisle; Bret Ford; Ally Fuller; Denise Goyen; Mike Goyen; Pat Haley; Ramon Harp; Holly Hartley; Bethany Pals; Mary Pals; Laney Poyner; Mark Sherwood; Julie Starbeck; Katie Trautmann; Lynn Trautmann; Beth Wion; and Rick Wion.

TEAM 3

Barb Braun; Erica Braun; Mike Campbell; Lori Edgerton; Steve Ephraim; Kelly Erickson; Lyndsey Fabel; Denise Goyen; Mike Goyen; Dalen Grimm; Kimberly Hansen; Jean Johnson; Gayle Kucera; Bailey Leymaster; Jessica Lippold; Aaron Merken; Rebekah Morris; Jeff Norton; Lauren Page; Joel Palmer; Jessie Paulson; Jeremy Sherwood; Mark Sherwood; Dean Smock; Judy Smock; Jenna Wheatly; and Ellie Zieser.

MISSION OF MERCY

CEDAR FALLS CHURCH MEMBERS HELP EVACUEES IN MISSISSIPPI (By Karen Heinselman)

BROOKHAVEN, MS.—Homeseekers paradise. That's how Lincoln County residents partial to Brookhaven introduce the southwest Mississippi town to strangers. "It might not look like it, but people like living here," boasted Clifford Britt, manager of the Brookhaven Lincoln County Airport.

A 17-person crew from Prairie Lakes Church in Cedar Falls in town to help with hurricane relief hasn't had time to assess Brookhaven's best features. They drove in late Tuesday. They do have a deeper understanding of the disaster they are facing as they share meals and conversation with survivors of Hurricane Katrina.

"All I've talked to have lost everything," said Nancy Killian, 58, of Cedar Falls. "We mingle with them, give hugs when we can."

Located 100 miles north of New Orleans, Brookhaven has been an outpost for some 1,600 people displaced by the hurricane, said Mayor Bob Massingill. Many evacuees have

moved on, but hundreds at the city's six shelters still need housing.

One hub of activity is Easthaven Southern Baptist Church, a shelter for 110, although for a time it served more than twice that number. Former Cedar Falls resident Merrill Oster initiated the relationship between Prairie Lakes and Easthaven. He learned of Easthaven's challenge from family members at that church. He called friends in the Cedar Valley who were looking for a way to help.

The population in this town of 12,000 has swelled with survivors and relief workers.

Members of the Indiana National Guard, shouldering M16s, are on hand to keep the peace and lend a hand. And then there are the volunteers. Red Cross workers and Christians from Tennessee have moved into Easthaven Baptist Church. And now the Prairie Lakes contingent has arrived.

Prairie Lakes is partnering with Easthaven Baptist Church to help with shelter and a transitional housing project. The Cedar Falls church will send two more teams of volunteers in the next two weeks.

"We kind of answered the call to love people," said Adam Graber, 23, Waterloo.

The warm Mississippi air was thick with humidity and "love bugs" when volunteers started work Wednesday.

Men and women spent hours cutting and raking tall grass at a former trailer home park, preparing the way for 14 travel trailers. The units were purchased by Oster from Ace Fogdall RV.

Oster orchestrated the project Trailers, which will house displaced families, were filled with sheets, pots, pans and other amenities by Prairie Lakes and Cedar Heights Baptist congregations in Cedar Falls in two days.

Kim Oster of Easthaven Baptist, related by marriage to Merrill Oster, said evacuees have brought new life to her church, built specifically eight years ago to serve as a disaster shelter. The joyful but weary servants at Easthaven welcomed help from strangers up north.

"We needed manpower. We really needed people to work," she said.

Trailer lots are rent-free for six months. Organizers hope that is enough time for evacuees to achieve independence. Five homes also are being prepared for family use.

About \$157,000 has been raised toward the \$300,000 project.

On Wednesday, Cedar Valley and Mississippi volunteers began preparations for sewer, water and electricity at the trailer park. At first, workers had trouble locating the existing water line. Some Iowa jaws dropped as a tall and lanky Mississippi man slowly walked back and forth across the grass. Billy Crider strolled with arms outstretched, hands clutching metal sticks that pulled toward an underground line. The former Entergy Corp. employee was retired for more than 5 years when he was called up by his company to help after the hurricane.

Bystander Ron Williamson, a retired area school teacher and volunteer cook at the shelter, vouched for the accuracy of divining rods before ducking away to cook chicken for the evening meal for evacuees and volunteers.

"I love 'em God bless 'em all," Williamson said.

Volunteers are grateful to understanding employers and teachers for letting them serve in the South, and for the sponsorship of their churches.

Sara, 27, and Jerry Steele, 30, of Lytham, England extended a visit with family in Iowa to make the trek south. Delta Airlines let them delay their travel plans without extra fees. Jared Coffin, 14, is missing class at Hoover Middle School in Waterloo. He finished most of his homework on the 16-hour drive south.

"They need people down here to do things like this. They need people to donate clothes. It's just a matter of getting plugged in," Coffin said "We're going to be here for awhile."

Some Cedar Valley volunteers hoped to spend more time in the shelter's kitchen and were surprised to learn more help was available than expected. Some mentioned trekking further south if the need is greater there, added Steve Coffin, 51, of Cedar Falls.

"We're just getting started," said Mark Sherwood, volunteer coordinator from Cedar Falls. "Every day can be different."

Brookhaven experienced tree damage and power outages but was spared the destruction suffered by her southern neighbors.

"We've been inconvenienced, but their lives have changed," said Massingill the mayor. "People are ready to go back to their homes."

But not everyone can.

Despite what the highway signs near Brookhaven say, Kenner, La., evacuees Herbert Lange and his wife, Cynthia, weren't looking for paradise when they arrived at Easthaven Baptist. They just wanted a safe place to wait for the storm to pass and the water to recede so insurance and property issues can be resolved. Housed in a Sunday school room and fed three times a day, the Langes are convinced they have a little piece of heaven.

HONORING BARBARA GRASSLEY

Mr. GRASSLEY. Mr. President, October is Breast Cancer Month, and I wish to honor my wife, who is an 18-year survivor of breast cancer.

I don't often speak about this, but October is the month to raise money and bring attention to the plight of those who have breast cancer, most often with the idea in mind of adding to research for a cure of breast cancer.

My only opportunity to participate in this, besides a few remarks I make, is the second Saturday of October in Des Moines, IA, they have a 5K to raise money. Sixteen thousand of us participated in that 5K fundraiser in Des Moines, IA. I have nothing to brag about because it took me 28 minutes 6 seconds, but I was glad to have the opportunity to help raise money for the cause.

This morning, I would like to read a speech for my wife Barbara Grassley—today happens to be her 73rd birthday—about her personal challenge with breast cancer. Today is my wife's birthday, and it is fitting that we celebrate her victory over this.

Barbara's story is a familiar one. She had many busy years raising our five children, helping run the family farm, particularly during those years that I was in the State legislature, busy participating in community and church activities, and even at age 50 going back and finishing her BA degree at the University of Northern Iowa. Barbara never worried about her own health. Then one casual visit to do a free cholesterol screening led to a doctor's visit for a physical exam. It was an appointment that changed her life. She was diagnosed with breast cancer. Just 10 days later, she had a modified radical mastectomy at Covenant Hos-

pital in Waterloo. That was 18 years ago.

We are fortunate that her breast cancer was detected early. We know with certainty that early detection can dramatically increase a woman's chance of defeating breast cancer. That is true for women like Barbara who have a family medical history working against them. Parenthetically, I think five out of six of my wife's aunts on her mother's side had breast cancer as well.

The need for routine mammograms cannot be repeated too often. Baseline mammograms and regular screening are key to saving the lives of the thousands of women who develop this disease each year.

As her husband and as a Senator, I follow closely the legislative commitment made to breast cancer research, education, and prevention. I am proud to be cosponsor of the Breast Cancer and Environmental Research Act. This bill before the HELP Committee would allow the Director of the National Institute of Environmental Health Sciences to make grants to develop centers across the country. These centers will help conduct research on the environmental factors that may be related to breast cancer. I hope the HELP Committee will consider this bill as soon as possible.

In the meantime, we must focus our efforts on finding a cure. In the past week, there have been breakthroughs on cancer research. Every day, we get one step closer to overcoming this disease.

This month is Breast Cancer Awareness Month. I hope men and women will take the opportunity to talk to their loved ones about getting a mammogram and preventing breast cancer. I hope we can continue to raise awareness of this disease for the sake of every mother, spouse, sister, daughter, and granddaughter in this world.

I remind people especially of the luck of my wife going to that early detection. She went for just one of these community screenings. She didn't go to the doctor with any idea she would have anything wrong; she just went there and there were some questions raised. Every opportunity you have to take a quick one, if there is something wrong that can lead to the routine mammogram, you should do it because that surely made a difference in my wife's condition at the time. Early detection is so important.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

DEFICIT SPENDING AND COST OF KATRINA

Mr. CRAIG. Mr. President, for the last few minutes, I have listened with great interest to the Senator from Iowa reading a diary of the experience of a dedicated volunteer, obviously, to help out with Katrina victims in Louisiana and Mississippi. I found it most

fascinating and also most frustrating, as I think the Senator did and certainly the person involved.

I want to also say "happy birthday" to Barbara Grassley. I hope the Senator will communicate that to her. My wife Suzanne and I know Barbara and Chuck well, and I extend a "happy birthday" from the Craig family to Barbara.

While I was home in Idaho this past week, like many of us who were in our home States, I held a series of town meetings across the State. The most often asked question at those open town meeting forums was about deficit spending and the cost of Katrina and the overall concern Idahoans have about Katrina and Katrina victims.

As the Senator from Iowa spoke, it is so true of Idaho and other States across the Nation where tremendous voluntary efforts have poured out in behalf of the citizens of Louisiana, Alabama, Mississippi, and Texas. They have gone through these literally catastrophic experiences of a magnitude that none of us certainly in Idaho have ever experienced.

While that concern is real and the voluntary and contributive effort is of a record like none we have ever seen in our country, I truly believe there is a growing concern about the wise and responsible and careful use of the tax dollars. As Idahoans and Americans send their time and their generosity to the South, we are also sending our tax dollars. Clearly we want them spent carefully and wisely.

Prior to the recess, Congress held hearings to examine the fallacies of the response to Hurricane Katrina. There was much criticism—most of it, in part, from the press and some of it not as well-founded as we find out as expressed at the time—about what was done, what could be done, and what should be done appropriately to handle the literally billions of dollars headed south to help the citizens of those States.

In 5 or 10 years I hope we will not be conducting the same backward-looking hearings on how Federal dollars were spent, how waste, fraud, and abuse occurred in the Gulf States, and how it might have been prevented as we are looking backward today to see why the response to Katrina was so mishandled. Instead of looking back, we are now in a position to prevent waste, fraud, and abuse by acting responsibly now to control and offset Government spending. There are numerous ways for Congress to do this, but perhaps it is noteworthy to first talk about the congressional measures that will not, in my opinion, do it appropriately. Senate bill 1766, the Hurricane Katrina Disaster Relief and Economic Recovery Act, known as the Pelican Project, whatever you call the bill, \$250 billion of what I have examined and referred to as a pork-stuffed package, costing more than the Louisiana Purchase adjusted for inflation, is not the way to go.

Some of the more noteworthy "relief provisions" in the bill include \$8 million for an alligator farm, \$25 million for sugarcane research and, of course, the \$35 million to restore the seafood industry. At this time, it is questionable whether Federal tax dollars ought to be spent in those categories. However, overshadowing all of that, and what is worse, is the bill's whopping \$40 billion requested not by but for the Army Corps of Engineers projects, many of which were unrelated to the flood projects or the flood protection.

To put this in perspective, the overall national Army Corps of Engineers budget for fiscal year 2005 was \$4 billion, one-tenth of what was proposed for Louisiana. The Louisiana tradition of overreaching Corps projects makes this request, I guess, a little less surprising.

Take, for example, the Industrial Canal lock navigation project in New Orleans. In 2000, the Corps launched a \$750 million lock navigation project on the Industrial Canal in New Orleans, the most expensive single lock project in history. The Corps justified its massive project by predicting barge traffic on the canal would increase when traffic, in fact, was decreasing, and had decreased 50 percent since 1988. Despite the economic and social concerns the project posed, Louisiana consistently welcomed it. The Industrial Canal has received more than \$70 million over the last few years. In the 2006 budget, the President provided no funding for the Industrial Canal. However, the House—that is right—and this Senate pumped nearly \$15 million into the project.

If we are wondering where the money came from, one of the programs the Senate cut in the same year was the one of the national priority projects. That is, the west bank and vicinity hurricane protection project of New Orleans. We cut that to do something else. Indeed, one of the levees that lined the Industrial Canal failed after Hurricane Katrina hit, inundating the lower Ninth Ward of New Orleans with floodwater. Yet that is where the money was cut to fund the canal itself.

Louisiana has never suffered from a lack of Army Corps funding. Over the last 5 years the State reportedly has received \$1.9 billion in Corps funds, far more than any other State. If Hurricane Katrina stood for anything other than Mother Nature's catastrophic power, it is Louisiana, in my opinion, and the catastrophic failure to prioritize public interest projects over what now appears to be pork.

S. 1776 is no different. The bill's working group on Corps response projects was dominated by special interest lobbyists, with one insider reportedly expressing concern that the focus was not on protecting Louisiana. In addition, the bill would exempt any Corps projects from provisions of the National Environmental Policy Act and the Clean Water Act and it would also waive the usual Corps cost-sharing requirements, thus making taxpayers

foot the entire bill. At a time of catastrophic emergency, I would be willing to look at something such as that. At the same time, these are material dollars that are going. Clearly, they deserve our oversight.

The taxpayer has already paid, dutifully and dearly, for Katrina relief. Thus far, \$62.3 billion in emergency supplemental funding has been authorized for immediate relief and response needs for victims of Katrina. However, the Federal Government's role in disaster relief, as provided by existing law, is only one of support to State and local governments and agencies. The Stafford Act, which provides the statutory framework for Presidential declaration of an emergency or major disaster, explicitly states that Federal resources should supplement, not replace, State and local resources for disaster relief.

We understand the magnitude and we understand, in the case of Mississippi and Louisiana, major wipeouts of a kind we have never seen before. But still, let's not change the laws and the relationships. Let's keep the balance in mind as this Congress decides, and I hope tracks and, most importantly, monitors where those dollars go and how they will be spent.

With an act of supplementary spending also comes the duty of offsetting. Before Hurricane Katrina, the Federal Budget Office projected the 2005 deficit would total \$331 billion. The picture, of course, is only bleaker now. Numerous groups have offered comprehensive savings proposals that would offset the massive costs of Katrina relief.

The Republican Study Committee, the Congressional Budget Office, the General Accounting Office, Citizens Against Government Waste, the Cato Institute, American Enterprise, the Heritage Foundation, all have come up with a variety of proposals not to deficit spend all of it but to see some reasonable belt tightening at the Federal level and some—not all—of the disaster relief being able to come out of current budgets.

In addition to these savings proposals, the Senate majority leader recently proposed a rescission package that would rescind unnecessary spending. A few weeks ago, President Bush became directly involved when he called on Congress to enact his proposed cuts in both mandatory and discretionary spending. There is little we can change about Katrina. Yet the focus still seems to be on finding who is responsible for the response or the lack of response. We are always responsible for the health of our Government, for the wise use of hard-earned taxpayer dollars, and for ensuring that America's future generations do not foot the bill for all of the current fiscal recklessness. The spending will be the subject of both public and Government scrutiny for future years, but we can prevent any of the waste or the fraud or abuse of those moneys that will occur or could occur.

That job is now. That is our responsibility as a Congress. I urge my colleagues to work with the Senators from Louisiana and Mississippi. Clearly, the need is real, and no one in any way denies that. But there is a responsibility here, a fundamental responsibility, as we literally send billions upon billions of dollars south to rebuild and reshape and refurbish the economies of those States, that those dollars be spent wisely, that those dollars be spent cautiously, and that no one individual benefit in an extraordinary, abusive, or fraudulent way. That is the responsibility of this Congress that I take most sincerely and I know most of my colleagues do.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for such time as I may consume.

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

THE TRADE DEFICIT

Mr. DORGAN. Mr. President, my colleagues, Senators ALEXANDER and BINGAMAN, have been to the floor to describe a publication that has now been provided to all 100 Senators. It is by the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine, entitled "Rising Above the Gathering Storm, Energizing and Employing America for a Brighter Economic Future." They have spoken about this report with justifiable pride. They did instigate some of the best scientific minds to ask and answer the question: Are we losing our scientific edge and what would it mean if we did and what do we do to get it back?

Part of this country's long-term opportunity and the opportunity to create a middle class in a country with an economy unlike any other in the world has been technology, science, knowledge, and education. The question is: Are we losing our edge? The answer in this report is: Yes, we are. Then it describes a number of ways to put together an approach that would deal with that. While I think this is very helpful, it is the first chapter of a rather lengthy book, the book about what is happening in our country. It reminds me of the movie "How Stella Got Her Groove Back." Has America lost its groove?

This country has done so much. This is the country that split the atom, spliced genes. We have been inventive.

We have invented everything: Plastics, the silicon chip, radar. We cured smallpox, polio. We invented the telephone, the computer, television. We built airplanes, learned how to fly them. We built rockets and walked on the moon. Particularly in the last 100 years, America has been extraordinary in what it has done. It is standing on one another's shoulders, looking over the horizon and building and inventing and creating. Has America lost its groove? That is not the title of my remarks, but that was the question that was asked. The answer is in the covers of a lengthy report saying, among other things, we have to change our education system. We have to educate more engineers. It says that the Chinese and the folks from India are educating far more engineers than we are, and that is going to have an impact. We need greater teaching of science in our schools. I don't disagree with any of that. This is a significant contribution to a debate that we should have about new public policy.

But none of this means anything unless we also talk about the conditions under which we are exporting America's jobs and, yes, exporting good jobs, scientific jobs, technical jobs to other countries. If you triple the number of engineers educated in America and then discover that in the country of India you can hire five engineers for every engineer you pay in this country—and we continue to see an exodus of jobs out of this country to two countries, India and China—of what value has been tripling the number of engineers in America?

That brings me to the central point of what I wanted to talk about briefly today, or perhaps not so briefly because it is Friday. Nobody seems to be crowding people here on the floor. What I want to talk about is the issue of international trade and a trade policy that perhaps much more than the issue of losing the edge in science and technology, is injuring this country and pulling the foundation out from under the future of all the kids now in college and high school.

Let me describe some of this with some charts. This is our trade deficit. As you can see, this is a sea of red ink. Year after year we see our trade deficit grows worse and worse. It is now at about \$700-plus billion a year. That means for every single day, 7 days a week, every single day we buy \$2 billion more in goods from other countries than we sell. That means, at the end of the year, we have a trade deficit. This year we expect a trade deficit of about \$750 billion. Add to that the roughly \$550 billion in fiscal policy budget deficits—that is the amount that the Federal debt increased in the last year—and you are talking about a Federal indebtedness of \$1.2 trillion. You would think that people would have an apoplectic seizure about that, understanding its consequences. But we just snore through it all, having pleasant dreams and a soft, little sleep.

Nobody seems to care much. You would at least think that those people who are self-defined conservatives, wearing flinty gray suits and steel rim glasses and having the banker impetus that conservatives used to have, would say: This has to stop. A country can't run a \$1.2 trillion indebtedness and expect to have a better future. But there is dead silence.

The only people who talk about this portion of the deficit are Fritz Hollings—he sat here. He is gone. Fritz left—I have been out here. Senator BYRD has from time to time. Otherwise, there is vast silence.

I want to talk through some of this. I want to tell you about the trade deficit with China because this is almost one-third of our deficit. It is unbelievable what has happened with respect to our bilateral trade relationship with China. I want to also talk to you about China and trade agreements because I think it is at the root of where we are headed. Automobile trade with China is interesting. "Here Come the Really Cheap Cars," says Time magazine.

Chinese pirate companies have long been accused of illegally copying easy stuff such as shoe polish and digital movies. Now General Motors says a Chinese firm knocked off an entire vehicle—and Americans could soon start buying its cars.

Let me tell you a story about Chinese cars. We have this giant trade deficit with China. We have massive numbers of jobs, this giant sucking sound of American jobs rushing to China, to Bangladesh and Indonesia and Mexico but especially China. We negotiate a trade deal with China. This gets to the root of my contention that our trade negotiators are basically incompetent. I don't say that lightly. I say it because it is true. Let me describe the bilateral automobile provisions of trade with China that our country negotiated. We negotiated a bilateral deal and we said: By the way, with respect to the sale and movement of automobiles between China and the United States, here is what we will agree to. We will agree that after a phase-in, any U.S. cars that are sold in China, you can impose a 25-percent tariff on the cars we want to sell in China. And the United States, we will impose a 2.5-percent tariff on Chinese cars you want to move here.

Our negotiators said to a country with which we have a huge trade deficit: You can impose a tariff that is 10 times higher on American cars we want to sell in China than on Chinese cars they want to sell in America.

Why on Earth would someone agree to that? It is fundamentally unsound. It doesn't make any sense. China has nearly 1.4 billion people. They have 20 million automobiles on the roads. By the year 2020, they will have 120 million cars on the road. That means in the next 15 years, they will add 100 million cars. I can talk about the consequences for oil and energy issues with respect to that, but here is a market with 1.4 billion people for 100 million additional

cars in the next 15 years. It is a country with which we have a large deficit. Our country has said to them: By the way, you charge a tariff that is 10 times higher on U.S. cars we try to sell in China than we will charge on Chinese cars to the United States.

Whoever negotiated that is incompetent and ought to be thrown out of Government immediately. But we can't figure out who did that, so that is what stands.

Here is what is happening on the other side. In China, there is a company called Chery. That is one letter away from Chevy. The Chery company is producing a car called the QQ. The QQ is a car that General Motors says is a rip-off of the production designs, right down to the details, of a car that General Motors was building. So General Motors says the Chinese company has stolen the production design blueprints for a car they now call the QQ.

What are the Chinese about to do? They are about to ramp up a significant automobile export industry, presumably including the QQ, which General Motors says was stolen from them, and we will see Chinese cars on the streets of this country coming in with tariffs one-tenth the rate of the tariffs if we were to try to sell U.S. cars in China—not that there is a big market for U.S. cars in China because China isn't interested in buying too much in terms of American products.

Here is what is happening with respect to bilateral automobile trade with China. It is unbelievably inept for this country to allow this to happen. We should not negotiate trade agreements with countries with which we have a huge deficit and say: Here is another big advantage to sucking jobs out of our country and putting those jobs in China. That makes no sense at all.

The report I referenced a bit ago is a report that talks about science and technology. But it doesn't include the other discussions about the conditions of production around the world. The production, for example, in countries such as Bangladesh and others in which children are employed, in some cases in slavish conditions, locked behind factory doors, working 14 hours a day, 7 days a week. Those are the conditions of production in some areas that U.S. workers are told to compete against. And to the U.S. workers: If you can't compete, you are going to get fired.

Let me describe some examples of that. I have described this at great length because it is such a perfect one, but there are many others. This is Huff bicycle. Again, I guess repetition is important. Huff bicycles, they are not made here anymore. They were made by folks from Ohio. They all got fired. They got fired because they were making \$11 an hour making Huff bicycles, \$11 an hour plus benefits. But that was way too much money, according to the company. So these are all now made in China. You can buy them at Wal-Mart and Sears and Kmart. But

they are not American bikes. They are Chinese bikes. As an aside, the company Huff has declared bankruptcy so that the people who used to work for Huff will not get their pensions that were guaranteed by Huff, and now the American taxpayer, through the Pension Benefit Guaranty Corporation, will be picking up that cost.

Here is what happened to Huff. These people that made Huff bicycles were making an honest living, enjoyed their work, did a good job, by all accounts. But now they were replaced. They were fired. The new employees make 33 cents an hour producing these bicycles in China. They work 7 days a week, and they work 12 to 14 hours a day. That is how your Huff bike is produced. The folks who worked in Ohio are having to find other things to do because they made way too much money, \$11 an hour.

We built this country believing that the middle class ought to be able to rise up and get educated and find a good job and be paid well. Now we are told that is a disadvantage. If you are paid well, the company says: Employing you is a huge disadvantage to us. We would sooner employ somebody whom we can pay 33 cents an hour. So we have Huff bicycles. People say: That is manufacturing. We are going to lose those jobs because it is going to go to people in Bangladesh or China or other areas.

This is a Palm pilot. The last note on that Palm pilot was from a wonderful young woman who did everything you should do. She was an African-American woman who got advanced degrees and did everything one should do. She went into the job market and found a job in Silicon Valley in technology working on the Palm Pilot. But her last job dealing with the Palm Pilot was to train the person from India who was going to take her job. That is right. They brought the replacement over, and then they sent her to India to train the replacement.

Here is what she said on her Palm Pilot on her last day of work, this woman who did a good job, advanced college degrees, did everything you should do. The last message was: "My job's gone to India." Why? Because they could hire folks there for a fraction of the cost. It is about driving down wages. It is about profit, and it is about not caring about American workers.

The message is, if you are making \$11 an hour building bicycles or you are working at Palm pilot, you are making too much. You should be paid Chinese wages. Or wages in India or Sri Lanka or Bangladesh.

Samsonite. Most of us have packed for trips with Samsonite. They sent 1,000 U.S. workers packing. Those jobs went to Mexico. Then when Mexican labor got too expensive, they sent those jobs to China and to Vietnam.

We have all seen the Maytag repairman on television waiting for something to do. Apparently he waited too

long: 1,600 Maytag U.S. jobs gone to Mexico and then Korea.

Fruit of the Loom. We all have seen these television commercials when they get three guys to dress up—kind of goofy guys dressed up like red grapes, green grapes, and even an apple. Fruit of the Loom guys, 3,200 jobs gone.

I know on the day it happened, it was in the Washington Post that they were shutting down all their factories. I said it is one thing to lose your shirt, but Fruit of the Loom is gone, now we've lost our shorts.

The list, of course, is an endless list. The example I have used before is Fig Newton cookies. That was an all-American cookie. Now, if you want Mexican food, go to Monterey, Mexico, because that is where they make Fig Newton cookies.

Etch-a-Sketch? We have all played Etch-a-Sketch. Wal-Mart decided that Etch-a-Sketch had to be sold for under \$10, \$9.99. Therefore the Etch-a-Sketch company had to move to China to hire Chinese workers in order to keep Etch-a-Sketch at \$9.99. All those workers lost their jobs. The list is almost endless. They don't make one pair of Levis in America. What is more American than a pair of Levis, except they don't make one pair of Levis in America. Gone; they are all gone.

We have all these people sitting around in this Chamber who voted for all these trade agreements—NAFTA, CAFTA, SHAFTA. We have all these acronyms for trade agreements. We have people who voted for all of them. Why? Because they think it is free trade and free trade is what leads to prosperity in our country.

The question is, when you have the examples I have used with respect to trade deficits, one wonders how anyone can take a look at this and continue down the same road. If this is what this trade philosophy buys us, how can we continue it? Who will have the jobs in this country? Where will the jobs exist that produce a middle class and sustain a middle class with people coming out of college and high school expecting to find decent jobs when those jobs are being moved elsewhere at a record pace?

If they say to you, No, this is about producing factory products, pencils and erasers, it is not true. We are now seeing medical technology jobs going elsewhere. We are seeing engineering jobs go elsewhere. We are seeing technology jobs going elsewhere.

IBM, Big Blue, General Motors. General Motors had a meeting that was little reported, but it was a meeting that was held in Detroit. It was on April 7, 2005. A man named Beau Anderson, who is the top purchasing agent for General Motors, called together all the top suppliers to General Motors. He told 380 executives from those suppliers that General Motors has to cut costs and you ought to consider building your car parts in China.

The effect of that, of course, is General Motors saying to their suppliers:

We want your jobs to go to China. Why? To save money and cut costs. It was interesting that 2 months after that, General Motors announced a plan to cut 25,000 jobs. At the same time, they move out their biggest selling brand on television and wave the American Flag and say: This is an American revolution. No, it is not an American revolution, not if you are telling all your suppliers to move American jobs to China. That is not an American revolution.

Or what about Big Blue, IBM, a good American company? These are all good companies. It is just that the culture has changed. I wonder if they say the Pledge of Allegiance in the boardroom because their fealty is to the stockholders and profits and not so much caring about American jobs.

IBM officials Harry Newman and Tom Lynch were in the process of laying off 13,000 U.S. workers and also some workers in Europe and hiring 14,000 workers at the same time in India. Here is an excerpt of the presentation the two IBM officials made. They said:

The good news is, we have not been cited in the press for a lot of what we are doing here. A couple of years ago, we went to Mexico with our PC—

That is personal computer—business as a cheap source of labor. Now Mexico doesn't look as cheap as some other markets.

And then they say to the managers how to break the news to the IBM employees who will be laid off:

Don't be transparent regarding the purpose or the intent. The terms "onshore" and "offshore" should never be used.

In other words, they wanted to get rid of these American employees but did not want to talk straight to them. And, oh, yes, the last thing they said in their memo to IBM employees is: Workers should be told as they are laid off, so they can hire these engineers in India, that this action in no way is a comment on the excellent work they have done over the years.

Really? I thought if you did good work, if you contributed to the company's interests that you probably would not be someone who is fired or lose your job. In 2003, the Washington Post reported that more than one-half of all Fortune 500 companies were outsourcing software development overseas. One-half of the Fortune 500 companies are now moving software development jobs overseas.

Let me talk for a moment about the reason that many companies are finding it advantageous to pole-vault from the United States to other countries and employ these workers. You can employ workers without the restrictions you have in our country. If you want to open a manufacturing plant in China or Bangladesh, for example, you do not have to worry about these things that are a nuisance here, such as the minimum wage. There is no minimum wage, or at least not any that is adhered to. You don't have to worry

about worker safety. You don't have to worry about working in a safe work plant, about dumping chemicals into the air or water, and, by the way, you sure don't have to worry about somebody joining a labor union. You can fire them or, better yet, jail them, according to the Chinese authorities.

I can offer some examples of the names of people who are now sitting in Chinese jails. What was their transgression? Trying to organize workers to decide they should not have to work 7 days a week, 12, 14 hours a day for 30, 40, and 50 cents an hour. They tried to organize those workers and now they find themselves in Chinese prisons.

We have been through all of that in this country. This is not something that is new to us. We, for a century, worked through these issues. Most people won't know of James Fyler. James Fyler, I once said, died of acute lead poisoning. I should not have done that. He was shot 54 times. James Fyler was shot 54 times. You know what he was doing? He was leading a labor strike in 1914 of coal miners objecting to working conditions, compensation, and hours. It is not just James Fyler who lost his life. Children working in the silk mills in Patterson, NJ, what was their demand? Eleven-hour days and 6-day workweeks. That is what they wanted. They wanted a 6-day workweek with 11 hours a day. That is what the kids wanted in Patterson, NJ.

In 1877, 10 coal miners were hanged in Pennsylvania. In 1903, Mary Harris Jones led a strike to demand a 55-hour workweek. In 1911, a fire at the Triangle Shirt Waste Company killed 147 people—women and mostly young girls locked in a 10-story building in sweatshop conditions. So we have been through all of this. In 1932, five U.S. autoworkers were beaten to death in Dearborn, MI, by Michigan police and goons when they went on a hunger march against Ford Motor.

We have been through all of this. Our country decided that in America we want to have child labor laws, we want to have fair wages, we believe that workers contribute to a company, we believe people ought to have a right to organize, and we believe workers ought to have the right to work in a safe workplace. We have been through it all. And now the way to avoid all of that is to fire your American workers and move the jobs to China or some other country.

In fact, unbelievably—and I will not name all the names today, although I should; I am writing a book at the moment and I will name all the names in the book—unbelievably, this Senate supports a tax provision that rewards companies that shut down their American manufacturing plants and move jobs overseas. We voted on that, I believe, four times on amendments I offered. I have lost all four of the amendments. On all four occasions, this Senate has expressed itself by saying, We believe it is appropriate to provide tax incentives to American companies that

shut down their American plants, get rid of their American workers, and move the jobs overseas. That is unbelievable to me, but it is true, and all the names of the folks who voted that way—they know who they are—we will vote on it again, and we will continue to pay for it, we will reward it.

The question is what kind of a country is going to exist here 5 and 10 years from now as this line of dramatic increases in red ink continues.

One of the interesting characters I have met in my life is Warren Buffett, the second richest man in the world. He lives in Omaha, NE. He is as plain as an old shoe. I am sure he doesn't mind me saying that. He is the second richest man in the world, and you wouldn't know it. I don't know how you act as the second richest man in the world. Whatever it is, he doesn't act it. He is an interesting, provocative thinker.

What does he say about all this? Warren Buffett is one of the few major business figures in this country who says this is nuts; this is dangerous. He said we are heading toward a sharecropper society in this country in which other countries own the assets of America because every single day \$2 billion goes to some other country. We buy \$2 billion more from those countries than we sell to those countries. They hold American assets with which they can buy American stocks and bonds, and they can buy American real estate.

We are selling America piece by piece, and Warren Buffett is the only business leader I am aware of who speaks out on this subject. I am sure at some displeasure of other business leaders in this country.

I know some will listen to all of this and say it is the same old anticorporation rant. I want corporations to do well. I recognize big isn't always bad and small isn't always beautiful. You are not going to build a 757 airplane in a garage someplace in a small town. We need economies of scale. We do need larger enterprises for that. But I also believe there ought to be some courage to stand up for the economic interests of this country and, once it is decided the gate is open for companies to decide anywhere in the world they want to hire workers for pennies on the hour and get rid of their American workers, we ought to understand the consequences of that for our country.

The solution is not to train triple or quadruple the number of engineers in our country. While I would think that is probably a useful thing, that does not solve our problem. Having trained engineers who are unemployed is relatively worthless. What we need are trade agreements that stand up for our country's economic interests and, regrettably, those trade agreements at this point don't exist.

I wish to point out that nobody wants to talk about these issues, least of all the Labor Department. This is

from the Associated Press. It says, "Labor Department Withholds Trade Reports." And just before we voted on the Central American free trade agreement, the Department of Labor, we discover, had kept secret for more than a year Government-commissioned studies that supported those of us who were opponents of this new trade deal. It talks about the fact that in the Central American countries there are just horrible labor conditions.

I wanted to show you a picture that shows the face of Central American labor. This is a young—I believe this boy is 11 years old in the sugarcane field in Honduras in this particular case. That is the face of labor in Central America.

The report in question was kept secret by the Department of Labor for a year. Why? Because they didn't want those of us in the Chamber who opposed the Central American free trade agreement to have that information.

If you wonder what the face of unfair trade looks like, this is an example. These are teenage girls whose hands are bound by ropes. I believe this is in Bangladesh. These pictures were taken by a journalist who was there. These young girls raised some objections to the working conditions in their factory in Bangladesh. The working conditions were unbelievable: 12- to 14-hour days, 7 days a week. And so they decided to protest. These are young kids who are held virtually captive. By the way, the product of their work comes to the United States and Europe for sale.

But let me show you the rest of the photographs that have been taken in Bangladesh. Here is a young woman shot in the stomach, part of the same group. Here are the pictures by the same photographer of the beatings.

What is this all about? It is about young kids, kids as young as 10 and 12 years old being put in factories in intolerable conditions working 12, 14 hours a day, 7 days a week without a break saying, Wait a second, this is killing us. And what is the result? The result is a trained police force comes in and decides to beat them mercilessly.

That picture is self-explanatory. That man is dead, shot dead because he believed that those labor conditions were intolerable and believed people ought to have a right to some self-determination.

We talk a lot about freedom these days. What about the freedom for these kids in Bangladesh? What about some knowledge by American consumers about the conditions of production for all these cheap products? It is something nobody wants to talk much about, but it is something one of these days this Congress and this country are going to have to deal with.

This economy is not doing well. Most of us know that. Oh, there was a spurt of some income-tax receipts and the spurt of those income-tax receipts recently was caused by a perverse business decision by this Congress, and those who voted for that will know of

that as well. That decision was, let's decide for all those companies that have moved their jobs overseas and that are making money overseas move to America at some point and repatriate their profit and pay taxes, let's decide for them that we will give them a 5¼-percent tax rate. Nobody else in the country has that. Nobody. But for those who moved their jobs overseas and they repatriate their income, we will let them pay 5¼ rather than 35 percent.

What about my Uncle Harold? Why shouldn't he pay 5¼ percent? Why shouldn't the rest of the people pay 5¼ percent income tax? No, that wasn't good enough for all Americans, just the big interests that moved their jobs overseas.

I didn't support it. I thought it was outrageous, unbelievable to do this, but this Congress did it. It is pretty accommodating to big economic interests, and so we had votes and I voted against it; many voted for it. And so we have had a repatriation of income and had some small increase in income tax because of that. That is temporary. So now people say, Well, the deficit is less this year than last year. This year is still the third highest deficit in the history of this country. And it is going higher. It was less this year because of this perversion of rewarding companies that moved their jobs overseas. In fact, the Federal debt increased in the last year by over a half a trillion dollars. The trade debt increased, or will increase, this year by over \$700 billion. That is \$1.2 trillion in total indebtedness. We are way off track, just way off track.

Is there alarm or concern about it? No, not really I guess. We get hit with a hurricane. Well, the payment for that is very much like the war in Iraq. We get a budget from the President at the start of the year and it says, OK, we are in Iraq, we have 140,000 American troops in Iraq, it is costing a great deal of money, it is costing about \$5 to \$6 billion a month in Iraq and Afghanistan and guess what, my budget requests zero funding for it. Zero. This wouldn't pass eighth grade arithmetic.

So now every year the President sends us a budget with zero funding. So OK, we pass a budget because we understand later on the President will come back to this Chamber and say, oh, by the way, there is another expenditure to be approved outside the budget for emergency funding. It can add to the debt and nobody should care about that. And so then we get an emergency funding request for \$50 billion, \$40 billion, \$70 billion, and that is the way it goes. No one is willing to stare truth in the face. But we are in significant trouble here, headed toward a result that is not a good result for this country.

The question for all of us is, When will we be straight? When will this Congress and this President be straight with the American people? Being straight with the American people means to get the fiscal house in order

and to solve this trade mess. If we don't, we are burdening our kids with massive amounts of debt, unparalleled in the history of this country.

Is there evidence that the President is interested in this? No. Very little, very little at all. Is there evidence that Congress wants to deal with this?

Well, it is interesting. You go back to the year 2001 when the expectation was there had been a turnaround, things were looking better, not necessarily with respect to trade but with respect to the budget, we were going to have surpluses and all of a sudden the prediction was surpluses for 10 straight years and the President said to the Congress: You know what the predictions are for 10 straight years. Let's provide really big tax cuts. Some of us said: You know, maybe that is not the conservative way. Maybe we should be conservative. What if something happens? What if the surpluses don't materialize? The expectation of surpluses for 10 years, what if they are not there? What if something happens? Oh, don't worry, be happy, let's have big tax cuts.

And so those who got the biggest tax cuts were those with the biggest income. If you were a millionaire, I am telling you, in 2001 you should have had a lot of celebrating to do because you got the largest tax cuts you had ever seen.

So we had tax cuts and then all of a sudden we have a recession. Then we have a war in Afghanistan. We have the terrorist attack of 9/11, a war in Afghanistan, a war in Iraq. Then we have the proposed surpluses turning to big deficits, following which we have massive natural disasters. Now we have continuing costs of \$5 to \$6 billion a month in Iraq and Afghanistan and we have been hit with Hurricane Katrina and Hurricane Rita. The President says we can deal with all that.

If we just took back the tax cuts for those with over \$1 million a year in income, just that, and should probably do it this afternoon, if we just took back the tax cuts, the tax cuts given to those with a million a year or more of income, we would raise about \$32 billion a year.

Use that to reduce the deficit. I am for that. Is that picking on millionaires? No. They have the highest growth in income in the last decade. They didn't need a tax cut, especially a tax cut that we have charged and added to the debt because the surplus didn't exist.

But, Mr. President, we cannot possibly begin to put this country back on track unless we address both issues of the fiscal policy that is dangerously off track and a trade policy that is not only incompetent and "fundamentally dumb" with people chanting on street corners about free trade when the evidence is all around us that has abysmally failed. If we don't address these things, we don't have much of an economic future.

There is not a Republican or Democratic way to address them. There is a

right and a wrong way to address them. And you can't start until the country has the will, until the Congress and the President have the will and exhibit the leadership to address them.

McCullough spoke about John Adams in that book "John Adams" as they were trying to put this new country together. Adams is traveling a lot, especially in Europe, and he writes to Abigail. And that is why we know a lot about John Adams. Back then he would say to Abigail as he was traveling: From where will the leadership come? Where will the leadership come from to help form this new country of ours? Where will the leadership emerge?

Then in a later letter he would sort of say lamentingly, there is really only us to provide the leadership. There is just us. There is me; there is George Washington; there is Thomas Jefferson; there is Ben Franklin; there is Mason; there is Madison. Well, in the rearview mirror of history they were only a few of some of the great talent in human history who framed quite a remarkable country and a Constitution that says "we the people."

But every generation of Americans has to ask the same question: From where will the leadership come? Who will emerge as the leaders to help put this on track? That is especially the case now. Who will emerge as the leaders to begin standing up for the economic interests of this country and to say that we can't continue these kinds of trade deficits, we can't continue shipping good American jobs overseas because people who make \$11 an hour are paid too much? Where will the middle class in America be? Will we have a middle class if \$11 an hour is the wage that is too high? Are we going to be willing to stand up for the economic interests for our country? Are our trade policies designed to raise other countries or push our country down? The answer to that, quite clearly, is push down wages and opportunities.

You read every day in your local newspapers about what is happening to pensions and benefits for workers across this country and, for that matter, wages.

If I might close with just the Palm Pilot message from the young woman from Silicon Valley. I think it says it all. I mean you lose your job in this country. You go to school; you get an education; you go to work for a technology company; you build Palm Pilots, help design them; and the last message on this young woman's Palm Pilot was "My job's gone to India." Guess what. She trained her successor as well. That is what the company required her to do at her last job. So the next time people say it is only about manufacturing jobs and it is really advantageous for us if we can find someone to make shoes and shirts and pants and clothes and trinkets and trousers in China or Bangladesh because it is cheaper for us to go to a big box retailer and pay that money, when they say that, understand it is not just

about those jobs. Yes, it is jobs, but it is about jobs going to India and somebody who made Palm Pilots. It is about engineers going to India. It is about a massive loss of American jobs, 3 million in the last 4 years, and much, much more to come, given the trade agreements we have had and given the trade agreements that are now being negotiated.

I have one last point. Right now Ambassador Portman is negotiating a new trade deal in a place called Doha. I am assuming they are negotiating in Doha because they can't do it in New York or Paris or London or places such as that; the streets would be full of demonstrators because people are fed up with these kinds of agreements. So they are negotiating in Doha behind closed doors in secret and our negotiator has, in my judgment, just put a cherry on top of whipped cream on the sundae here in terms of incompetency. He said everything is on the table.

That means for everybody who is unfairly dumping in our country, we are willing to trade it away; it is on the table as they trade away our anti-dumping laws. That is the protection we are supposed to have in trade law against those who would commit unfair trade practices against us. We are willing to trade that away, the anti-dumping and the countervailing duties. It is all on the table.

This is unbelievable to me. This country needs a spine, a backbone, and a willingness to stand up for its own economic interests, and this has now been the case for some long while.

Mr. President, I will again offer amendments dealing with trade. I will offer the amendment which has been defeated now four times that rewards tax breaks, companies that ship American jobs overseas and hope, perhaps, that if not enough see the light perhaps more will feel the heat. One day perhaps there will be a majority who will step forward to stop this insidious practice to provide tax breaks for companies that ship American jobs overseas. If we can't take the first baby step, there is little hope to keep good jobs in this country.

Mr. President, I yield the floor.

The ACTING PRESIDENT PRO TEMPORE. The Senator from Ohio.

HONORING OUR ARMED FORCES

ARMY PRIVATE FIRST CLASS KENNETH C. SOUSLIN

Mr. DEWINE. Mr. President, I rise today to pay tribute to a young soldier who was taken from us far too soon. Army pfc Kenneth C. Souslin from Lexington, OH, lost his life on December 15, 2003, while serving our Nation in Iraq. He was 21 years old at the time of his death.

Kenneth—Kacey to his family and friends—was born on October 10, 1982, to loving parents, Kenneth and Cecelia. Growing up as the youngest of five

boys, he quickly learned the importance of developing his own identity—and it was one of fearlessness, dedication, duty, and compassion. From a young age, he was devoted to his family and to his faith. Sean Davis, who knew Kacey since the 5th grade, remembers how he would sprint across the cafeteria to give his mom a hug whenever she came to their school.

At Lexington High School, Kacey was well-liked by all. His father said that Kacey "did not know an enemy. He was outgoing . . . not scared of anything." As a member of the drama club, he acted in several plays, including "Second Chance" and "Country Gothic." Drama teacher, Ray Gerrell remembers how well Kacey performed, despite a speech impediment. He said that Kacey "did wonderfully. . . . He gave 100 percent."

Though he loved being on the stage, Kacey also had a shy side. English teacher, Sally Giefer, considers Kacey's Junior Prom as one of her favorite memories of him. She recalls this about that dance:

[Kacey] was so shy. He hid in the bathroom for 45 minutes. I had his friends get him out and told him that we needed to dance. He replied that he didn't know how and I said that there are no rules to dancing and we went and had fun. The next year, Kacey had grown so much. He asked my husband for permission to dance with me.

Following high school graduation, Kacey enlisted in the U.S. Army to see the world, experience new cultures, and meet new people—all while earning money for college. His family had already taught him the value of service through their own selfless examples. Kacey's father served in the U.S. Air Force in Thailand, and his brother, Bryant, served for 4 years in the Navy and then enlisted in the Air Force Reserves.

Kacey reported to boot camp at Fort Gordon, GA. There, he never complained and was known as a hard worker. Lexington High School Principal, Jim Goode, recalls that when Kacey returned with his recruiter to the high school wearing his Army uniform, he was full of confidence. Kacey gave him such a firm handshake that afterward, he had to pull his fingers apart.

Kacey was assigned to the 440th Signal Battalion, 22nd Signal Brigade, V Corps, stationed in Darmstadt, Germany. He arrived in Iraq in September 2003 and was stationed north of Baghdad.

Army Private First Class Souslin loved to serve and defend our Nation.

He was a good soldier.

He was a proud soldier.

He was a dedicated soldier.

Soon after Kacey's death, Sergeant Jan Wendling of the Mansfield, OH, Police Department, wrote a letter to the Editor of the Mansfield News Journal newspaper expressing condolences to his family and friends and to remind us all about the gratitude we owe to all the men and women serving in our military. The following is an excerpt from that letter:

My heart sank when I read about PFC Kenneth Souslin losing his life in Iraq. . . . The suffering that families must endure for the rest of their lives is very seldom felt by the average citizen, and they are often forgotten. Let us never forget the sacrifices that our men and women in the armed forces and their families make for us every day. When you see a serviceman or woman, thank them for the unselfish job they do for us. Let them know that the work they do is very important to all our lives. Most of all pray that they will all return to their loved ones safely.

Indeed, Sergeant Wendling is right. We have an obligation to support and honor all of our service members—those who are with us and those who have given the ultimate sacrifice. Kacey Souslin served so that our world could be a better place. He served so that we could be protected so that our children and grandchildren can feel safe.

Kacey put everything he had into his service. One Internet tribute honoring him, comrade David Sanders wrote the following:

It's been [a while] and still Souslin comes into my thoughts daily. I was in the 440th with him in Germany. In Iraq, he used to come by my work area every morning on his way to work. There are no words to describe the love he had for his fellow soldiers. He truly was a wonderful friend, confidant, and soldier.

Army Specialist Sean Page echoed these same sentiments when he wrote this:

I am a soldier. I knew Kenneth because I am in the same company that he was in. I slept in the very tent that he slept in. I am writing this message to both offer my condolences and to honor his memory. Kenneth, whom we knew as "hot sauce," was a good man and a good soldier. His loss will be felt within [the] 440th for a long time to come.

Kacey Souslin was a good natured, daring, committed, outgoing, and reliable young man, who served our Nation with honor. As the Lexington, OH, community mourned for Kacey at the memorial service held in his honor, Reverend John Sgro offered the following consoling words:

[Kacey's] life has touched a part of all of our lives. In the midst of bullets and bombs, in the midst of hate and evil, we can have a peace.

Though Kacey Souslin left this Earth far too soon, he had a very positive impact on countless lives in his all-too-brief 21 years with us. He continues to live on in the hearts and minds of his family and all those who were lucky enough to know him.

My wife Fran and I keep Kacey and his parents and his brothers Joshua, Adam, Bryant, and Robert in our thoughts and in our prayers.

MARINE LANCE CORPORAL ANDREW NOWACKI

Mr. PRESIDENT, I rise today to pay tribute to an exemplary soldier and an outstanding young man. Marine LCpl Andrew Nowacki, from South Euclid, OH, was killed in Iraq when a roadside bomb struck his Humvee on the afternoon of February 26, 2005, just south of Baghdad. He was 24 years old.

Andrew—Andy to his family and friends—served the public and pro-

tected the peace in two nations separated by time, distance and circumstance. As a police officer with the Grand River Police Department in Ohio, and as a Marine serving in Iraq, Andy dedicated his life to helping his fellow man. It was his calling. And, he was remarkably good at it.

Andy was in harm's way on that Saturday afternoon in February precisely because he had earned the trust and respect of his fellow Marines. Andy's commanding officer, Sergeant Paul A. Shook, explained in a letter to Andy's parents:

I picked Andy to be my gunner. . . . Andy's job was very difficult compared to that of other gunners because he was more exposed than most of them. I needed someone I could trust, who wouldn't hesitate at any moment to offer the protection we needed. Andy was that Marine. I felt very safe having him watching over me, and I never questioned his judgment. . . . I thank God that Andy was in my life and . . . for the rare privilege to have put my safety in his hands.

It has been said that challenges don't build character, but, rather, that they reveal it. This certainly was the case for Andy. Andy's character was forged in Ohio with the love and support of his family. The challenges he faced abroad in Iraq simply revealed the core of this courageous, loving and, above all, joyful young man.

Andy was the youngest of three boys. His parents, Sheila and Denis Nowacki raised him to honor God and country through his actions. Even as a small child, Andy demonstrated selfless concern for the welfare of others. As his mother, Sheila remembers, "Even as a kid, he never cared what he got for Christmas. He was happier picking the perfect gift for other people."

His father Denis recalls that Andy followed a simple rule: Try and do something kind for someone else every day. Always smiling, always happy, full of his totally original sense of humor, Andy inspired family and friends. He lived life joyfully and that joy was contagious.

Andy graduated from Brush High School in Lyndhurst, OH, in 1998, and enlisted in the Marine Corps Reserve the next fall. Andy's first experience in the Marines prepared him for the next chapter in his life—his time as a police officer. Andy wanted to work in law enforcement so that he could help others. And, as Andy's older brother, Nathan, remembers, "He told me he had become a police officer to reward the good and punish the bad." In 2000, Andy joined the Grand River Police Department. He worked 3 years as 1 of 31 Grand River officers and, during that time, he became part of a brotherhood that would never forget him.

Andy's work as a police officer required empathy and compassion—something that Andy had in spades. Robert Antonelli, the Grand River Chief of Police and the man who hired Andy, reflected on what made Andy so good at his job. This is what he said:

Every time he had to work the road, Andy would treat every call as unique. He was able

to adjust to help a little girl, or [help] a child off a school bus, or handle a domestic violence [situation]. The outcome would always be positive. He could be passionate when he had to be. If he had to put the law down, he put the law down. But, he always put that smile on his face. I am honored that he was part of the family we have. Only a policeman understands about other policemen. We're brothers in blue. He was family to us.

Andy's dad remembers the way that Andy thought of his job: "He thought it wasn't his job to hurt people. It was his job to educate. He was a man's man and a cop's cop. He delivered the courage of his convictions." An avid outdoorsman and animal lover, Andy loved to work on bike patrol. Outside, close to the people he was serving, Andy had the opportunity to touch the lives of so many in his small village of 345 people. He loved the weekly dinners at Chief Antonelli's house. He loved working with his brothers in blue.

In the village hall in Grand River, which houses the police station, a display celebrates Andy's service. His silver police badge, No. 15, still gleams alongside his starched uniform hat and still-crisp bike patrol t-shirt and dozens of photographs.

By 2003, as the conflict in Iraq escalated, Andy—again compelled by his compassion for others—answered the Marines' call to serve. Andy was in Iraq for 9 months in 2003, and returned in September 2004, when his obligation to the Reserve was almost over. During his first 6 months in Iraq, he had already suffered injuries to his right arm after a truck he was riding in suddenly blew up. But, in spite of his experiences and injuries, the images that he brought back from the war zone were those of life, not death.

His mother remembers that "Andy was one of the most joyful people. He was an animal lover. Many of the pictures that he brought back from Iraq were of children and animals." One picture, in particular, captures the very essence of Andy and what he brought to that troubled part of the world. In the picture, Andy is smiling that charming, boyish smile with his arms around two young Iraqi children. You can see the admiration that these children felt toward him.

Again, Andy was making a difference on that most basic, human level. Andy's father said he will forever cherish that photograph. He said, "That's what [Andy] was all about."

In spite of all the violence that Andy saw firsthand, he remained committed to being in Iraq as long as he was needed. His mother explained:

He'd been in Iraq more than he'd been home the last two years. But, he really was OK with being over there because he saw the oppression and the cruelty that had happened to the people there. His heart went out to the Iraqi people and the deplorable conditions that they lived in. He thought a lot of the Iraqi people, and he was willing to go back because he thought we were doing so much good.

And that's exactly what he did—he went back for a second tour of duty in Iraq. Though he was scheduled to come

back and live with his parents on April 1 of this year, he didn't rule out the possibility of going to Iraq for even a third tour. Throughout his time there, Andy kept in close touch with his family and his friends in the police force. Andy's last phone call home on February 24 was to tell his parents that he was scheduled to return home in about 4 weeks—just in time to celebrate his 25th birthday.

The sudden and tragic events of February 26 devastated family and friends, alike. Choking back tears, Police Chief Robert Anotelli remembers his last contact with Andy. He said:

I have a message from him on my answering machine. . . . He was talking about buying a camelback for the captain. He said he was okay, to tell the guys "I love you, and I'll see you when I get back." I will never ever erase that message.

When asked about the impact of the news on the Grand River Police, Chief Antonelli said: "You ever see 29 grown men cry? You don't get many guys like Andy. He was the real deal. Andy believed in what he was doing in Iraq. He's a true hero." As Andy's brother, Nathan said, "The world's a lesser place right now. He made everyone around him better."

Andy's death has prompted an overwhelming outpouring of love and support. Perhaps, best of all, it has prompted people to remember and appreciate the beautiful person that Andy was. Family and friends remember Andy's unique sense of humor. His fellow police officers remember how he would bring disco balls in police cruisers just to make his partners laugh or how he'd bring smiley faces to jail to entertain the inmates. John Bechtel, one of Andy's good friends who works as a patrolman in East Cleveland had this to say:

There was never a dull moment with Andy. He never had a bad day. He never complained. He was always happy. I don't think I ever saw him mad. . . . He had bought a computer in Iraq, and he was always downloading songs, calling me, saying "You've got to hear this song when I get back." And he was sending me text messages somehow. I still don't know how he did it.

Todd Carroscia, an East Cleveland and Timberlake police officer and close pal, said Andy gave 110 percent as an officer and a friend. He said that "Andy was a unique person. He had a smile that was amazing. That smile will be stuck in my mind forever."

Andy's friend, Andrew Moore, remembers all the particular mannerisms that made Andy so unique, so magnetic, and so charming. In a heart-breaking and beautiful letter to Andy's family, he wrote the following:

His laugh was so funny. It always sounded like he was a mad scientist or [something]. . . . Andy had a walk that no one else had. It was more of a strut than a walk. . . . The voice, the laugh, the strut, these were the things that made you find out who he was on the inside and become a friend of his. And once you were allowed into his world, you'd see and hear things that you only see in movies or on TV.

He had these characteristics that movie executives pay writers millions of dollars to

create. But he had them, and they were real . . . [He was] one of the most wonderful souls ever to grace this earth—a human being [whom] thousands of people loved strictly because of who he was. . . .

Family and friends also remember Andy's love of children and animals. According to his mom:

When he first got to Iraq, the first thing he did was find a lizard. He must have carried that thing around in the Humvee for seven months! He also had four dogs that followed him around there. He was like Dr. Doolittle! He once traded a case of Gatorade for chickens and a rooster. He got the chickens and a rooster, because he was trying to get fresh eggs. He never got fresh eggs. He got little chickens!

On March 7, 2005, a mass held at St. Gabriel Catholic Church in Concord, OH, drew about 1,000 mourners including hundreds of police officers and Marines in dress-blue uniforms from northeast Ohio and Pennsylvania. An honor guard of 60 members from the 4th Marine Division Truck Company in Erie, PA, where Andy was stationed before being deployed to Iraq, soberly lined the walkway into the church. The Marine line was bolstered by police officers dozens deep. Andy's peace-keeping brethren, both civilian and military, saluted his arrival and departure with tearful eyes.

Two of Andy's fellow Marines helped carry his casket. They were joined by a Grand River police officer and three officers from East Cleveland, home to several of Andy's closest friends.

The Reverend Jerome Dukes, the Catholic priest who gave Andy's eulogy, had known the family for years, officiating at the wedding of Andy's parents, Sheila and Denis, and baptizing Andy as a baby. Reverend Dukes said that "Andy was glowing testimony of what it means to be merciful and a peacemaker. He shared his life and liberty with all of us.

Andy was buried with full military honors in the All Souls Cemetery in Chardon, Ohio.

In honor of Andy, a memorial scholarship fund has been established at Lakeland Community College in Kirtland, Ohio. The scholarship fund benefits students entering the police academy, criminal justice program, EMT and firefighter programs offered at Lakeland. It is expected to last in perpetuity.

Along with Congressman STEVE LATOURETTE, I am an honorary Co-Chair of the Andy Nowacki Memorial Scholarship Committee. The fund expresses Andy's desire to help those who shared his love of humanity and public service. Andy wanted to give so that others might have the opportunity to give back, too.

My wife Fran and I continue to keep Andy's family and friends—especially his brothers Nathan and Peter and his parents Sheila and Denis—in our thoughts and in our prayers. The best comfort that we can give them is to remember all the good and joy that Andy brought into the world in a life that was all too brief. We can also remem-

ber one of Andy's favorite sayings: "Smile. There's nothing to be unhappy about."

Mr. President, I thank the Chair. I yield the floor.

TRIBUTE TO STEVEN A. VALDEZ

Mrs. LINCOLN. Mr. President, I rise today to honor the life of a young Arkansan who, in the name of freedom, paid the ultimate sacrifice on behalf of the nation he loved. Steven A. Valdez was a brave soldier who died a hero in a foreign land, but he was also a caring young man who deeply loved his family and friends and they were never far from his mind.

Those who knew Lance Corporal Valdez from his childhood in McRea, a small north-central Arkansas town, remember him as competitive, energetic and fun-loving. He graduated from Beebe High School in 2004 and, soon after, followed the footsteps of his older brother Glenn Skaggs, and his grandfather Billy Skaggs, into the U.S. Marine Corps.

In November of 2004, Lance Corporal Valdez reported to the Marine Corps Base at Kaneohe Bay, HI. Serving with the 2nd Battalion, 3rd Marine Regiment, he was deployed to Afghanistan in June as a machine gun operator with Weapons Platoon Company E. Within the year, his family received a letter from the Marines, which cited Valdez's promotion to Lance Corporal and praised him for going above and beyond what was asked or expected of him. While serving in Afghanistan, Lance Corporal Valdez was stationed at Camp Blessing. The camp is located in eastern Afghanistan, in the foothills of the Hindu Kush mountains near the Pakistani border, and serves as a forward operating base for intelligence and military operations aimed to train Afghan security forces and track down al-Qaida terrorists. He served with a platoon of Marines guarding the camp.

While serving in Afghanistan, Lance Corporal Valdez and his grandfather, Billy had an agreement; Billy would send care packages with his grandson's favorite snacks and items from home, but he would also include phone cards with the expectation that the young marine would call his grandfather once a week. For Lance Corporal Valdez, it was a much-needed respite from the stresses of war that allowed him to feel a little closer to home; for Billy, it was reassuring to hear his grandson's voice and to know that he was safe and healthy.

On September 26, insurgents attacked Camp Blessing with mortar, rocket-propelled grenades and small-arms fire. Lance Corporal Valdez was struck by shrapnel from a mortar while running to his machine gun post. The brave 20-year-old died shortly after.

In remembering their loved one Corporal Valdez's proud grandfather speaks of him as a "true hero." When his brother, SGT Glenn Skaggs, returns to Iraq, he will be concerned about his own well-being, but only in the sense that he doesn't want to put

his family through another grieving process. Despite these concerns, in a manner typical of this courageous and selfless family, he proudly states "My brother was over there for something he believed in, and I want to help finish it."

Although Steven Valdez may no longer be with us, his legacy and his spirit will forever live on in our hearts. On behalf of a grateful nation, my thoughts and prayers go out his family, friends, and all who knew and loved him.

I thank you, Mr. President, and I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

BARBARA BERGER RETIREMENT

Mr. FRIST. Mr. President, it is my pleasure to recognize Barbara Berger, a dedicated Senate employee who is retiring today. Barbara has devoted 33 years to the Office of the Sergeant at Arms in the Senate Recording Studio.

She has served 13 Sergeants at Arms. Of the 320 Senators who have passed through these halls during her tenure, only 4 current Members have been "under the Dome" longer than Barbara.

Throughout her career in the Senate, Barbara has brought strength, passion, and dignity to every aspect of her service. She's seen tremendous change over the years. But through it all, she has remained constant and loyal to this institution.

On behalf of the entire Senate, I would like to thank Barbara Berger for her 33 years of service.

We wish her the very best in her retirement.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 554. An act to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity.

S. 1904. A bill to provide elementary and secondary education assistance to students and schools impacted by Hurricane Katrina.

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. DODD (for himself and Mr. SMITH):

S. 1906. A bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding; to the Committee on Finance.

By Mr. JOHNSON (for himself, Ms. CANTWELL, Mr. DORGAN, Mr. INOUE, Mr. KERRY, Mrs. MURRAY, Mr. SMITH, and Ms. STABENOW):

S. 1907. A bill to promote the development of Native American small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 1908. A bill to authorize the Under Secretary of Technology of the Department of Commerce to award grants to establish up to eight Nanoscience to Commercialization Institutes throughout the United States to develop commercial applications for nanotechnology; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DODD, and Mr. REID):

S. Res. 284. A resolution authorizing filming in the Chamber of the Senate for the use by the Capitol Visitor Center; considered and agreed to.

By Mr. MARTINEZ (for himself and Mr. SALAZAR):

S. Res. 285. A resolution recognizing the efforts and contributions of outstanding national Hispanic scientists; considered and agreed to.

ADDITIONAL COSPONSORS

S. 440

At the request of Mr. BUNNING, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 662

At the request of Mr. REED, his name was added as a cosponsor of S. 662, a

bill to reform the postal laws of the United States.

S. 1200

At the request of Mr. BUNNING, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1200, a bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain roof systems.

S. 1504

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1504, a bill to establish a market driven telecommunications marketplace, to eliminate government managed competition of existing communication service, and to provide parity between functionally equivalent services.

S. 1570

At the request of Mr. ROBERTS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1570, a bill to promote employment of individuals with severe disabilities through Federal Government contracting and procurement processes, and for other purposes.

S. 1900

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1900, a bill to amend title XVIII of the Social Security Act to stabilize the amount of the medicare part B premium.

S. RES. 282

At the request of Mr. BIDEN, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 282, a resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should raise awareness of domestic violence in the United States and its devastating effects on families.

AMENDMENT NO. 2124

At the request of Mr. SCHUMER, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Maine (Ms. COLLINS), the Senator from Nebraska (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2124 intended to be 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself and Mr. SMITH):

S. 1906. A bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search

and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding; to the Committee on Finance.

Mr. DODD. Mr. President, I am pleased to rise today with my colleague Senator SMITH to introduce bipartisan legislation to improve important tax relief to volunteer firefighters and emergency first responders. Congressman JOHN LARSON of Connecticut has introduced similar legislation in the House of Representatives.

Seventy-five percent of firefighters and emergency first responders in our country today are volunteers. Statistics show that the number of volunteer firefighters and emergency first responders has declined in past years. Since 1983, the number of volunteer firefighters and emergency first responders has declined anywhere between 5 and 10 percent. Meanwhile, the number of emergency calls made to these volunteer services has increased sharply.

Many municipalities across the country, including those within the State of Connecticut, offer stipends and property tax abatements to volunteer firefighters, search and rescue personnel, emergency medical technicians, paramedics and ambulance drivers. These incentives have helped local fire departments and emergency first responder services recruit and retain volunteers.

In 2002, the Internal Revenue Service, IRS, ruled that property tax abatements to volunteers should be treated as wages and income. This ruling significantly diminished the net value of tax abatements for volunteer firefighters and emergency first responders.

The legislation that Senator SMITH and I are introducing amends the Internal Revenue Code to exclude property tax abatements and stipends for volunteer firefighters and emergency first responders from the definition of income and wages. This bill would allow State and municipal governments to continue providing these incentives to their volunteer firefighters and emergency first responders without any adverse federal tax implications.

I have long believed that our country should do more to encourage Americans to volunteer in their communities. A modest tax break is not a large repayment for the great services that volunteer firefighters and emergency first responders provide to our communities. They literally risk their lives daily for others. The least we can do is allow States and municipalities to offer these modest incentives to serve.

The current IRS rule—while on one level understandable—nevertheless complicates the good intentions and creative efforts of many states and municipalities. If our State and municipal governments are willing to forgo their local tax revenues in order to ensure that they have enough volunteer firefighters and emergency first responders

to protect their communities, then our country should in my view support those State and local efforts. In so doing, our country will be acting to encourage and award volunteers.

I hope that our colleagues will join us in supporting this bipartisan legislation so that our national government can join with State and local governments to design and implement recruiting and retention initiatives that benefit not only volunteer firefighters and emergency first responders, but also the communities they protect.

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. 1906

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

SECTION 1. EXCLUSION OF PROPERTY TAX REBATES AND OTHER BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS, SEARCH AND RESCUE PERSONNEL, AND EMERGENCY MEDICAL RESPONDERS FROM INCOME AND EMPLOYMENT TAXES AND WAGE WITHHOLDING.

(a) EXCLUSION FROM GROSS INCOME.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 140 as section 140A and by inserting after section 139 the following new section:

“SEC. 140. PROPERTY TAX REBATES AND OTHER BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS, SEARCH AND RESCUE PERSONNEL, AND EMERGENCY MEDICAL RESPONDERS.

“(a) EXCLUSION.—Gross income shall not include a qualified property tax rebate or other benefit.

“(b) QUALIFIED PROPERTY TAX REBATE OR OTHER BENEFIT.—For purposes of subsection (a)—

“(1) IN GENERAL.—The term ‘qualified property tax rebate or other benefit’ means a rebate of real or personal property taxes, or any other benefit, provided by a State or political subdivision on account of services performed as a member of a qualified volunteer emergency response organization.

“(2) QUALIFIED VOLUNTEER EMERGENCY RESPONSE ORGANIZATION.—The term ‘qualified volunteer emergency response organization’ means any volunteer organization—

“(A) which is organized and operated to provide firefighting, search and rescue, or emergency medical services for persons in the State or political subdivision, as the case may be, and

“(B) which is required (by written agreement) by the State or political subdivision to furnish firefighting, search and rescue, or emergency medical services in such State or political subdivision.”.

(2) CLERICAL AMENDMENT.—The table of sections for such part is amended by striking the last item and inserting the following new items:

“Sec. 140. Property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders.

“Sec. 140A. Cross references to other Acts.”.

(b) EXCLUSION FROM EMPLOYMENT TAXES.—

(1) SOCIAL SECURITY TAXES.—

(A) Section 3121(a) of the Internal Revenue Code of 1986 (relating to definition of wages)

is amended by striking “or” at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting “; or”, and by inserting after paragraph (22) the following new paragraph:

“(23) any qualified property tax rebate or other benefit (as defined in section 140(b)).”.

(B) Section 209(a) of the Social Security Act is amended by striking “or” at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting “; or”, and by inserting after paragraph (19) the following new paragraph:

“(20) Any qualified property tax rebate or other benefit (as defined in section 140(b) of the Internal Revenue Code of 1986).”.

(2) UNEMPLOYMENT TAXES.—Section 3306(b) of the Internal Revenue Code of 1986 (relating to definition of wages) is amended by striking “or” at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting “; or”, and by inserting after paragraph (19) the following new paragraph:

“(20) any qualified property tax rebate or other benefit (as defined in section 140(b)).”.

(c) WAGE WITHHOLDING.—Section 3401(a) of the Internal Revenue Code of 1986 (defining wages) is amended by striking “or” at the end of paragraph (21), by striking the period at the end of paragraph (22) and inserting “; or”, and by inserting after paragraph (22) the following new paragraph:

“(23) for any qualified property tax rebate or other benefit (as defined in section 140(b)).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. SMITH (for himself and Ms. CANTWELL):

S. 1908. A bill to authorize the Under Secretary of Technology of the Department of Commerce to award grants to establish up to eight Nanoscience to Commercialization Institutes throughout the United States to develop commercial applications for nanotechnology; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today with Senator CANTWELL to introduce the Nanoscience to Commercialization Institutes Act of 2005.

Still in its infancy, nanotechnology is an exciting technology with a bright future and the potential to have a significant impact on the economy, global competitiveness and the quality of life for our citizens.

The advent of nanotechnology is creating opportunities in any array of industries with applications ranging from improving the performance of sports equipment used in recreation activities to life-saving medical applications used to combat deadly diseases such as cancer.

Many promising technological advances have already begun to take shape in the world of micro- and nanotechnology and countless more potential future applications exist in fields such as medicine, electronics, energy to name a few.

However, many times innovative research becomes victim of the “Valley of Death” by failing to advance from the research labs to application in commercial products and services.

My bill will establish up to eight Nanoscience to Commercialization Institutes across the country, each focusing on a specific field of expertise including areas such as energy, electronics, agriculture, medical, textiles and transportation with the purpose of developing and bridging research to the marketplace.

My bill is aimed at narrowing this so-called "Valley of Death," by focusing on bringing research to commercialization. To reach this objective, my bill contains provisions requiring these institutes to partner with private sector entities with experience in micro- and nanotechnology and for each institute to develop and maintain business plans.

My bill will create additional avenues for entities that are engaged in micro- and nanotechnologies to develop research for application in commercial products and services that will ultimately contribute to sustained economic development, an improved quality of living and increased U.S. global competitiveness.

The competitive landscape of nanotechnology is global in nature. Other countries, such as Japan and China are making tremendous investments and advances in various specialties of nanotechnology to gain competitive advantages. It is critical the U.S. demonstrate its global leadership role by further advancing opportunities to advance micro- and nanotechnology to commercial applications.

The future of nanotechnology is a bright future and its potential boundless. The legislation that I am introducing today with Senator CANTWELL supports and encourages the advancement of this exciting technology. I urge my colleagues to support the Nanoscience to Commercialization Institutes Act of 2005.

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. 1908

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 "Nanoscience to Commercialization Institutes Act of 2005".

SEC. 2. NANOSCIENCE TO COMMERCIALIZATION INSTITUTES.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Under Secretary of Technology of the Department of Commerce (referred to in this Act as the "Under Secretary") is authorized to award grants to eligible entities to establish up to 8 Nanoscience to Commercialization Institutes (referred to in this Act as "Institutes") throughout the United States to assist in the commercialization of nanotechnology.

(2) MAXIMUM AMOUNT.—The Under Secretary shall not award a grant under this section in an amount which exceeds \$1,500,000 for any year of the grant period.

(3) DURATION.—The Under Secretary shall award grants under this section for a period not to exceed 3 years.

(4) LOCATION.—The Under Secretary shall ensure that each Institute is located at either a public university or Federal laboratory.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Grants awarded pursuant to subsection (a) shall be used to establish at least 1 Institute in each of the following areas of nanotechnology or microtechnology:

(A) Energy, including clean coal liquefaction, gasification, and filtration, nuclear energy, biofuels, or fuel processing.

(B) Printable electronics, including electronic displays.

(C) Medical, including diagnostics, imaging, or medical devices.

(D) Transportation, including materials or coatings.

(E) Textiles, including heat resistance, waterproofing, insulation, or fireproofing.

(F) Agriculture.

(2) LIMITATION.—Not more than 20 percent of each grant award may be used for administrative expenses or other overhead costs.

(3) MATCHING REQUIREMENT.—For-profit manufacturing companies conducting research and development in micro- and nanotechnologies shall provide—

(A) not less than 20 percent of the funding for each Institute; and

(B) in addition to the funding under subparagraph (A), in-kind contributions equal to not less than 15 percent of the operating costs of the Institute.

(c) APPLICATION.—

(1) IN GENERAL.—Each entity desiring a grant under this section shall submit an application to the Under Secretary at such time, in such manner, and containing such information as the Under Secretary may reasonably require.

(2) COLLABORATION.—The application submitted under paragraph (1) shall include a business plan that—

(A) describes how each grant recipient will collaborate with the private sector entities that will contribute expertise and matching funds; and

(B) includes goals for the first year of the grant period.

(3) INELIGIBLE ENTITIES.—Any institution of higher education that has a federally funded nanotechnology center or is the primary lead of a nanotechnology center is not eligible for a grant under this section.

(4) PEER REVIEW COMMITTEE.—The Under Secretary shall establish a peer review committee, consisting of representatives from the micro- and nanotechnology industry and early stage venture capital firms, to review the goals and progress made by each Institute during the grant period.

(5) RENEWAL OF GRANTS.—

(A) Each entity that receives an initial 1-year grant under this section shall, as a condition of continued grant funding, submit a report, not later than 1 year after the beginning of the grant period and annually for the next 2 years, to the peer review committee established under paragraph (4).

(B) The report submitted under subparagraph (A) shall describe the Institute's accomplishments during the preceding year and the Institute's goals for the subsequent year.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$24,000,000 during the 3-year period beginning on the date of enactment of this Act to carry out the provisions of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 284—AUTHORIZING FILMING IN THE CHAMBER OF THE SENATE FOR THE USE BY THE CAPITOL VISITOR CENTER

Mr. LOTT (for himself, Mr. DODD, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 284

Resolved,

SECTION 1. AUTHORIZATION OF TAKING OF PICTURES IN SENATE CHAMBER FOR USE BY THE CAPITOL VISITOR CENTER.

(a) AUTHORIZATION.—Subject to subsection (b), paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting the taking of pictures while the Senate is in session or in recess for the period beginning on the date of adoption of this resolution and ending October 31, 2005, at locations and times to be determined by the Committee on Rules and Administration.

(b) LIMITATION ON USE OF IMAGES.—The pictures taken under subsection (a) may only be used by the Capitol Visitor Center for a video presentation in the Capitol Visitor Center after the video presentation has been approved by the Committee on Rules and Administration.

(c) ARRANGEMENTS.—The Sergeant at Arms and Doorkeeper of the Senate shall make the necessary arrangements to carry out this resolution, including such arrangements as are necessary to ensure that the taking of pictures under this resolution does not disrupt any proceeding of the Senate.

SENATE RESOLUTION 285—RECOGNIZING THE EFFORTS AND CONTRIBUTIONS OF OUTSTANDING NATIONAL HISPANIC SCIENTISTS

Mr. MARTINEZ (for himself and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 285

Whereas the mission of the National Hispanic Scientist of the Year Award is to recognize outstanding national Hispanic scientists who promote a greater public understanding of science and motivate Hispanic youth to develop an interest in science;

Whereas the fifth annual National Hispanic Scientist of the Year Gala will be held at the Museum of Science & Industry in Tampa, Florida on Saturday, October 22, 2005;

Whereas proceeds of the National Hispanic Scientist of the Year Gala support scholarships for Hispanic boys and girls to participate in the Museum of Science & Industry's Youth Enriched by Science Program, known as the "YES! Team"; and

Whereas a need to acknowledge the work and effort of outstanding national Hispanic scientists has led to the selection of Dr. Edmond Jose Yunis as the honoree of the fifth annual National Hispanic Scientist of the Year Award, in recognition of the research conducted by Dr. Yunis in the genetic mapping of human major histocompatibility complex (MHC) genes and their role in immune responses, aging, and autoimmune diseases: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes efforts to educate, support, and provide hope for the Hispanic community, including efforts to honor outstanding national Hispanic scientists at the annual National Hispanic Scientist of the Year Gala and to organize a "Meet the Hispanic Scientist Day"; and

(2) congratulates Dr. Edmund Jose Yunis for being honored as the National Hispanic Scientist of the Year for 2005 by the Museum of Science & Industry, in recognition of the research conducted by Dr. Yunis in relation to organ and stem cell transplants in the areas of immune responses, aging, autoimmune diseases, and genetics.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2193. Mr. THUNE 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.

TEXT OF AMENDMENTS

SA 2193. Mr. THUNE 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, insert the following:

SEC. ____ . TELEHEALTH.

From amounts appropriated under this Act for the general appropriations for the Health Resources and Services Administration, there shall be transferred \$10,000,000 to carry out programs and activities under the Health Care Safety Net Amendments of 2002 (Public Law 107-251) and the amendments made by such Act, and for other telehealth programs under section 330I of the Public Health Service Act (42 U.S.C. 254c-14), of which—

(1) \$2,500,000 shall be for not less than 10 telehealth resource centers that provide assistance with respect to technical, legal, and regulatory service delivery or other related barriers to the deployment of telehealth technologies, of which not less than 2 centers shall be located in a rural State with a population of less than 1,000,000 individuals;

(2) \$5,000,000 shall be for network grants and demonstration or pilot projects for telehomecare; and

(3) \$2,500,000 shall be for grants to carry out programs under which health licensing boards or various States cooperate to develop and implement policies that will reduce statutory and regulatory barriers to telehealth.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on National Parks of the Committee on Energy and Natural Resources has scheduled a hearing to receive testimony on the National Park Service's Draft Management Policies, including potential impact of the policies on park operations, park re-

sources, interaction with gateway communities, and solicitation and collection of donations.

The hearing will be held on Tuesday November 1, 2005, at 10:00 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Brian Carlstrom at (202) 224-6293.

PRIVILEGE OF THE FLOOR

Mr. SPECTER. Mr. President, I ask unanimous consent that Lisa Bernhardt and Vicki Ball be given floor privileges during consideration of the fiscal year 2006 Labor-HHS appropriations bill.

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

Mr. DORGAN. Mr. President, on behalf of Senator INOUE, I ask unanimous consent that Susan Ball, an intern in his office, be granted the privileges of the floor during consideration of the Labor-Health and Human Services bill and any votes thereon.

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

AUTHORITY TO FILM IN THE SENATE CHAMBER

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 284, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 284) authorizing filming in the Chamber of the Senate for the use by the Capitol Visitor Center.

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

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 284) was agreed to.

The resolution reads as follows:

S. RES. 284

Resolved,

SECTION 1. AUTHORIZATION OF TAKING OF PICTURES IN SENATE CHAMBER FOR USE BY THE CAPITOL VISITOR CENTER.

(a) AUTHORIZATION.—Subject to subsection (b), paragraph 1 of rule IV of the Rules for

the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting the taking of pictures while the Senate is in session or in recess for the period beginning on the date of adoption of this resolution and ending October 31, 2005, at locations and times to be determined by the Committee on Rules and Administration.

(b) LIMITATION ON USE OF IMAGES.—The pictures taken under subsection (a) may only be used by the Capitol Visitor Center for a video presentation in the Capitol Visitor Center after the video presentation has been approved by the Committee on Rules and Administration.

(c) ARRANGEMENTS.—The Sergeant at Arms and Doorkeeper of the Senate shall make the necessary arrangements to carry out this resolution, including such arrangements as are necessary to ensure that the taking of pictures under this resolution does not disrupt any proceeding of the Senate.

MEASURES PLACED ON THE CALENDAR—S. 1904, H.R. 554

Mr. DEWINE. Mr. President, I understand there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1904) to provide elementary and secondary education assistance to students and schools impacted by Hurricane Katrina.

A bill (H.R. 554) to prevent legislative and regulatory functions from being usurped by civil liability actions, and so forth.

Mr. DEWINE. Mr. President, in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

ORDERS FOR MONDAY, OCTOBER 24, 2005

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, October 24. 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 the Senate resume consideration of H.R. 3010, the Labor-Health and Human Services appropriations bill.

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

PROGRAM

Mr. DEWINE. Mr. President, today the Senate turned to the Labor-HHS appropriations bill and final appropriations bill for this fiscal year. Next week, we will continue work on this bill. We plan to complete action on it as quickly as possible.

On behalf of the leader, I remind our colleagues to notify the bill managers

if they have amendments to offer, and the leader urges them to offer amendments early in the week.

As previously announced, Senators should expect a full week and plan their schedules accordingly. We will have at least one vote on Monday at 5:30 p.m.

RECOGNIZING OUTSTANDING HISPANIC SCIENTISTS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 285 which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 285) recognizing the efforts and contributions of outstanding national Hispanic scientists.

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

Mr. DEWINE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 285) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 285

Whereas the mission of the National Hispanic Scientist of the Year Award is to recognize outstanding national Hispanic scientists who promote a greater public understanding of science and motivate Hispanic youth to develop an interest in science;

Whereas the fifth annual National Hispanic Scientist of the Year Gala will be held at the Museum of Science & Industry in Tampa, Florida on Saturday, October 22, 2005;

Whereas proceeds of the National Hispanic Scientist of the Year Gala support scholarships for Hispanic boys and girls to participate in the Museum of Science & Industry's Youth Enriched by Science Program, known as the "YES! Team"; and

Whereas a need to acknowledge the work and effort of outstanding national Hispanic scientists has led to the selection of Dr. Edmond Jose Yunis as the honoree of the fifth annual National Hispanic Scientist of the Year Award, in recognition of the research conducted by Dr. Yunis in the genetic mapping of human major histocompatibility complex (MHC) genes and their role in immune responses, aging, and autoimmune diseases: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes efforts to educate, support, and provide hope for the Hispanic community, including efforts to honor outstanding national Hispanic scientists at the annual National Hispanic Scientist of the Year Gala and to organize a "Meet the Hispanic Scientist Day"; and

(2) congratulates Dr. Edmond Jose Yunis for being honored as the National Hispanic

Scientist of the Year for 2005 by the Museum of Science & Industry, in recognition of the research conducted by Dr. Yunis in relation to organ and stem cell transplants in the areas of immune responses, aging, autoimmune diseases, and genetics.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to executive session for consideration of the following nominations on the Executive Calendar: 375, 377, 378, 379, 380, 381, 382, 388, 389.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS

DEPARTMENT OF EDUCATION

Mark S. Schneider, of the District of Columbia, to be Commissioner of Education Statistics for a term expiring June 21, 2009.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Diane Rivers, of Arkansas, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2009.

Sandra Frances Ashworth, of Idaho, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2009.

Jan Cellucci, of Massachusetts, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2009.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Christine M. Griffin, of Massachusetts, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2009.

Naomi Churchill Earp, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2010.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mark Hofflund, of Idaho, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2008.

THE JUDICIARY

Thomas Craig Wheeler, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Margaret Mary Sweeney, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will return to legislative session.

ADJOURNMENT UNTIL MONDAY, OCTOBER 24, 2005, AT 2 P.M.

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:47 p.m., adjourned until Monday, October 24, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate October 21, 2005:

DEPARTMENT OF JUSTICE

JOHN F. CLARK, OF VIRGINIA, TO BE DIRECTOR OF THE UNITED STATES MARSHALS SERVICE, VICE BENIGNO G. REYNA, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL PERSONNEL, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., 601 AND 5141:

To be vice admiral

REAR ADM. JOHN C. HARVEY, JR., 0000

DEPARTMENT OF HOMELAND SECURITY

GEORGE W. FORESMAN, OF VIRGINIA, TO BE UNDER SECRETARY FOR PREPAREDNESS, DEPARTMENT OF HOMELAND SECURITY, VICE FRANK LIBUTTI RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, October 21, 2005:

DEPARTMENT OF EDUCATION

MARK S. SCHNEIDER, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF EDUCATION STATISTICS FOR A TERM EXPIRING JUNE 21, 2009.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

DIANE RIVERS, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2009.

SANDRA FRANCES ASHWORTH, OF IDAHO, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2009.

JAN CELLUCCI, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2009.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHRISTINE M. GRIFFIN, OF MASSACHUSETTS, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2009.

NAOMI CHURCHILL EARP, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2010.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARK HOFFLUND, OF IDAHO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 3, 2008.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

THOMAS CRAIG WHEELER, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.

MARGARET MARY SWEENEY, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS.