

through trade, will redound to our economic benefit as well as to our sense of national comity with our neighbors in the hemisphere.

Mr. DEWINE. Mr. President, I thank my colleague who has been such a leader on this issue.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Massachusetts.

PROVISIONS IN THE OMNIBUS APPROPRIATIONS BILL

Mr. KENNEDY. Mr. President, I expect that before long we will have the opportunity to get into the discussion of the omnibus proposal that has been referred to earlier this evening. I want to just bring some matters in the omnibus bill to the attention of our colleagues in the Senate and also to those in our country who are interested in where we are going to end up in the education provisions of this budget, and to also speak briefly about where we will be on the questions of health care as well.

In this omnibus proposal, as we said—it has been mentioned here—it is really a question of priorities and choices. What we are going to see is real cuts in the Head Start Program. It is a program that is a lifeline for millions of our children to help prepare them to enter grades K–12.

We have strengthened the quality of Head Start Programs in recent years, but we are going to see a real cut in the Head Start Programs under this budget. It is not even going to keep up to the current services. What we are going to see is a real loss to thousands and thousands of children across this country.

The most important programs we have in terms of educational achievement and accomplishment are the afterschool programs that make such a difference to children who may be falling behind, to help assist them to keep up with their classmates, and to also give them the help and assistance that makes a very important difference in terms of their own achievement and accomplishment.

This program is vastly oversubscribed. It is one of the most oversubscribed programs that we have in our educational arsenal. The reason it is oversubscribed is because it has had such success in helping and assisting needy children in our country. That program is going to be further cut under this proposal.

One of the key aspects of the No Child Left Behind was a recognition that what we needed in our schools across the country were smaller class sizes, well-trained teachers, curriculum reform, parental involvement, and afterschool programs. But one of the things we needed was going to be well-trained teachers. We made a commitment in the No Child Left Behind Program that we were going to enhance the teacher quality for the high schools in our country. That program is going

to be cut in terms of teacher quality in upgrading the skills of teachers in our high schools.

Our vocational educational programs, which are so important in permitting young people to acquire skills to be able to compete in an increasingly complex economy, those programs for vocational education are going to be cut.

As well, some 28 percent of the technology educational funding for programs that are in our schools to help our young people develop the insight into the new kinds of technologies which are so important for them to be able to succeed in their own education and to carry on their education will be cut.

Finally, the Pell grant remains at \$4,050 for the fourth consecutive year, while we have seen public college tuition has gone up more than 35 percent over the last 4 years. This is going to mean that tens of thousands—hundreds of thousands—of young students, who have the ability to be able to go on to college, will be denied that opportunity because the Pell grant is falling further and further behind.

If we are talking about an education budget, this is not the education budget.

HEALTH CARE

Mr. President, I want to make a brief comment, as well, on the health care crisis that we are facing. I think all of us understand the explosion of health care costs, the increasing number of the uninsured that exists in our society.

We know we passed a Medicare bill for prescription drugs that was more help and assistance to the pharmaceutical industry and the HMOs than it was to our senior citizens.

But it has been against that background, if we look at where we are in terms of the health care budget in this proposal, we have cut a quarter of a billion dollars in real terms from NIH.

Mr. President, this is the age of the life sciences. This is the age of the life sciences, with the human genome project, the increasing opportunities we are going to have with stem cell research, other types of research. We know the extraordinary progress we made out at NIH. We have the real possibilities of breakthroughs in so many different areas of health. If we were to solve the problems of Alzheimer's, we would empty two-thirds of the nursing home beds in my own State of Massachusetts. We are seeing a reduction in the NIH.

We have seen that the support for bioterrorism readiness in our Nation's hospitals is going to have a significant cut. The recruitment for the National Health Service Corps is cut by a third. That is a program that serves the underserved communities of this country. And the Office of Minority Health is cut by 10 percent.

Mr. President, the list goes on. Those who are strongly committed to having opportunities in education and also op-

portunities in the health care field recognize this budget really does not address the needs and the opportunities we have in these areas. I will have an opportunity to get into greater detail at another time about these underfunded programs on this particular proposal.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

OMNIBUS APPROPRIATIONS

Mr. FRIST. Mr. President, I know the last several hours have been difficult hours. A lot of people have been wondering exactly what is going on with the Omnibus bill, which people expect to vote on later tonight, which we will be voting on shortly. We will lay out the unanimous consent request in a few moments.

The language we have been talking about over the last 2, 2½ hours—I will refer to it as the Istook language—everybody agrees should not be in the underlying Omnibus bill. It was brought to people's attention when staff had looked at it late this afternoon, and everybody agrees it should not be in there.

The challenge we have had, from a procedural standpoint, is that the House has passed the Omnibus bill with that in it. Now we are to address it, and both Members of the House, including the Speaker, whom I have talked to directly, and our colleagues say it should not be there.

Procedurally, how do we accomplish that? Once we pass this bill, it would become the law of the land. It should not be there, but it would be there for a period of time. The potential for abuse would exist.

Mutually, we have agreed the only way to eliminate that is to send a correcting enrollment resolution back to the House of Representatives. The problem is they are not there. What we will do shortly—it will be in the UC—is we will pass that resolution, send it to the House. The House will receive that most likely on Wednesday. We also tonight will pass a continuing resolution, which we will comment on shortly, to allow business to continue tonight; and we will address the Omnibus and will vote on the Omnibus bill tonight and hopefully pass that bill. That bill will be sent to the desk, and it will be held there until the House acts, which will likely be Wednesday. At that point, and not until that point, this bill will actually be sent to the House or actually become law. Thus, there will be no window where this clause, this Istook language, will be law. It will not pass until it has been corrected in the bill, taken out of the underlying Omnibus bill.

Procedurally, it means we will pass the continuing resolution tonight. We will have to do a modification of the adjournment resolution, but we will have one rollcall vote on the Omnibus. There will be a period of time of 30 minutes for debate prior to voting on that bill, and there will be a rollcall vote tonight. That is the first explanation.

I will turn to the Democratic leader to make it a little simpler than that and to comment on what we have agreed to.

Mr. DASCHLE. Mr. President, I think the majority leader has described the situation accurately, and I believe it is the best way in which to resolve what has been a very understandable concern on the part of so many Members on both sides of the aisle. I thank the distinguished Senator from North Dakota for first flagging this question and the issue and calling it to our attention, and all of those who have offered ways in which we might resolve the problem tonight.

The solution has four parts. First, we will pass the continuing resolution that will accommodate the time that will be required for us to resolve this matter.

The second will be that we will pass the conference report and, as the majority leader has noted, we will hold it at the desk.

The third is that we will pass a resolution that will allow the correction in the conference report, an enrolling resolution. That will be part of this process.

Fourth is that the House will take up the matter on Wednesday. We will hold it at the desk until that matter has been resolved, and then send it to the President once this work has been completed.

This is, by far, the safest and easiest and, in some ways, the most confident way in which to address this question. I think, having addressed it in these four parts, we can all be satisfied that we will have accomplished what we set out to do, which is fix the error and pass the legislation.

Many on our side may want to express themselves after we vote on it. People have expressed concern about other parts of the bill and, throughout the day, our colleagues have expressed themselves on the conference report in ways outside of this particular problem. But I think, procedurally, this is the right way to approach the matter.

I think, ultimately, it accommodates the concerns people have had on both sides of the aisle. I hope we can reach agreement tonight to allow this process to go forward.

Mr. KENNEDY. Will the majority leader yield for a question?

Mr. FRIST. Yes.

Mr. KENNEDY. What if the House doesn't act on it? What assurance do we have? Does the majority leader have assurance that the House will act on Wednesday?

Mr. FRIST. We expect them to act. They said they will act. This bill will

be held at the desk. If they don't act, this bill will not be sent over. That is part of the unanimous consent request.

Mr. KENNEDY. So it is the understanding of the majority leader that they will act on Wednesday. After that takes place, the ordinary procedure will be followed in terms of the enrollment and sending it to the President?

Mr. FRIST. That is correct.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I am relieved at what has been worked out here, because this will prevent this provision from ever becoming law. This provision never should become law. It would open up the possibility and potential for abuse. I want to repeat for the record that I have no doubt Senator STEVENS would never have used this provision for an untoward purpose. I feel the same way about Chairman YOUNG. The problem was this would have become the law of the land. There will be future chairmen of the Appropriations Committee. I think we all know enough about human nature that if there is potential for abuse, abuse is likely to occur. This is a place where we could have had very serious abuse, with the opening up of people's tax records and the use of those records to punish people, or to help people, or to do other nefarious things that should never be permitted in this country. So I am relieved this will not ever become law.

Mr. FRIST. Mr. President, as the Democratic leader suggested, we realize a number of people want to make further comments. The unanimous consent request we will propound shortly will allow for 30 minutes of debate. Other people have expressed an interest, after the vote, in being able to offer their views, which we encourage. That way, we can go ahead with our unanimous consent request after 30 minutes for debate, to be equally divided, and proceed with a rollcall vote.

UNANIMOUS CONSENT AGREEMENT

Mr. FRIST. Mr. President, I ask unanimous consent that immediately upon the granting of the following consent request, the Senate proceed to the consideration of H.J. Res. 114, a short-term continuing resolution; further, that the joint resolution be read a third time and passed, and the motion to reconsider be laid upon the table. I further ask unanimous consent that the Senate then immediately proceed to the consideration of the conference report to accompany H.R. 4818, the so-called Omnibus appropriations bill; provided further, that there then be 30 minutes for debate to be equally divided between the chairman and ranking member of the Appropriations Committee or their designees; further, that following that debate, the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate. I further ask

unanimous consent that following that vote, the Senate proceed to H. Con. Res. 528, a technical corrections resolution relating to the enrollment of the conference report; provided, that the amendment to the resolution which is at the desk be considered and agreed to and the resolution, as amended, be agreed to, and the motion to reconsider be laid upon the table. I further ask unanimous consent that the conference report to accompany H.R. 4818 remain held in the Senate until the House adopts H. Con. Res. 528, as amended.

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

MAKING FURTHER CONTINUING APPROPRIATIONS

The PRESIDING OFFICER. Under the previous order, the clerk will report H. J. Res. 114.

The legislative clerk read as follows:

A joint resolution (H. J. Res. 114) making further continuing appropriations for the fiscal year 2005, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the joint resolution is considered read a third time and passed and the motion to reconsider is laid on the table.

The joint resolution (H. J. Res. 114) was read the third time and passed.

CONSOLIDATED APPROPRIATIONS ACT, 2005—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the conference report to accompany H.R. 4818.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4818), making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD in November 19, 2004.)

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes equally divided between the chairman and ranking member of the Appropriations Committee. Who yields time?

The Senator from West Virginia.

Mr. BYRD. Mr. President, we are now in day 51 of the fiscal year. In order to finally bring the fiscal year 2005 appropriations season to a close, the Senate has before it a \$388 billion, nine bill, 3,016-page monstrosity of a bill. Here it is, right here on the desk. Take a look at it.