

**SUPPORTING THE GOALS AND IDEALS OF LIGHTS ON AFTER-SCHOOL**

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 280 which was submitted earlier today.

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

The legislative clerk read as follows: A resolution (S. Res. 280) supporting "Lights on Afterschool," a national celebration of after school programs.

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

Mr. McCONNELL. 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 PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 280) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 280**

Whereas high quality after school programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high quality after school programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high quality after school programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's youth, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high quality after school programs engage families, schools, and diverse community partners in advancing the well-being of the Nation's children;

Whereas "Lights On Afterschool!," a national celebration of after school programs held on October 20, 2005, promotes the critical importance of high quality after school programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 14,300,000 children in the United States have no place to go after school; and

Whereas many after school programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

*Resolved* That the Senate supports the goals and ideals of "Lights On Afterschool!" a national celebration of after school programs.

**HONORING AND THANKING JAMES PATRICK ROHAN**

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 281 which was submitted earlier today.

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

The legislative clerk read as follows: A resolution (S. Res. 281) honoring and thanking James Patrick Rohan.

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

Mr. McCONNELL. 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 PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 281) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas Assistant Chief of Police James Patrick Rohan, a native of the State of Maryland, has served the United States Capitol Police for thirty (30) years with distinction, having been appointed as a Private on December 8, 1975;

Whereas Assistant Chief Rohan, having risen through the ranks to his current position over his longstanding career, has been instrumental in a variety of initiatives designed to enhance the security of the Congress;

Whereas Assistant Chief Rohan, who holds a Master of Science Degree in Justice/Law Enforcement from the American University and a Bachelor of Arts Degree in Law Enforcement from the University of Maryland, as well as numerous specialized law enforcement and security training accomplishments and honors: Now, therefore, be it

*Resolved*, That the Senate hereby honors and thanks James Patrick Rohan and his wife, Cecilia, and children, Ben, Natalie, Eric and David, and his entire family, for a lifelong professional commitment of service to the United States Capitol Police and the United States Congress.

**FAIR ACCESS FOSTER CARE ACT OF 2005**

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1894 introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 1894) to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies.

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

Mr. INHOFE. Mr. President, I rise today in support of the Fair Access Foster Care Act of 2005.

Therapeutic foster care is foster care for children with special medical, psychological, emotional, and social needs. These children need comprehensive support and attention, requiring a great deal of commitment and sacrifice from foster care parents.

Prior to the placement of a child, a potential therapeutic foster care parent must complete a certification process that involves a background check, a training program, and at least two home studies.

At Choices for Life Foster Care, Inc., a for-profit provider in Oklahoma City, counselors are in the home a minimum

of 2 hours every other week once a child has been placed.

Generally therapeutic foster care children are not permitted to attend daycare and require "line of sight" supervision. That is, therapeutic foster care children must be in view of the foster parents at all times, except when attending school and other approved activities.

Recruiting parents to provide therapeutic foster care is a never-ending job. There are always children waiting for a match to be found. Therapeutic foster care children stay in crisis shelters for the transition period, adding a great deal of stress to their lives.

Each State has a different standard for determining whether children need therapeutic foster care. Once a child is identified, most State governments contract with private agencies to place the child in a home.

In my State of Oklahoma, fifteen agencies contract with the State government to provide therapeutic foster care services. Of those 15 agencies, 5 operate under a for-profit status, 10 operate under a nonprofit status. The bottom line is that 62 percent of therapeutic foster care children are managed by for-profit agencies, and we must maintain the availability of care for these children.

Therapeutic foster care agencies receive funding from Medicaid and Title IV-E maintenance payments from the United States Department of Health and Human Service, HHS. The 1996 Welfare Reauthorization Act attempted to correct a discrepancy between treatment of children managed by for-profit agencies and by nonprofit agencies via removing the word "non-profit" from title 42 of the United States Social Security Code. Unfortunately, the deletion was only made in one of the three sections addressing this issue, thus causing therapeutic foster care agencies to remain subjected to arbitrary regulation.

Only recently was it brought to the attention of Oklahoma's Department of Human Services that additional legal changes were needed. Most State governments face the same problem.

My bill amends the United States Code to allow all therapeutic foster care agencies to receive maintenance payments from the United States Department of Health and Human Services.

The Congressional Budget Office has indicated that any costs associated with this legislation would be insignificant.

There are over 500,000 children in foster care today. A large number of these children require therapeutic care. The business model of for-profit agencies should not prohibit Title IV-E maintenance cost reimbursement. Now is not the time to prevent highly qualified agencies from placing these children in safe homes.

I have long been dedicated to quality care for my constituents in Oklahoma and across America. My bill to help alleviate the flu vaccine shortage, my

work to expand access to life-saving cardiac defibrillators, and my bill to freeze the Federal medical assistance percentage for 10 years to ensure that States continue to receive adequate Federal funding highlight this commitment.

I thank Mr. ROCKEFELLER, Mr. CRAIG, and Ms. LANDRIEU for cosponsoring this bill.

Please join me in supporting this bill to assist our States in the endeavor to serve these five-hundred-thousand-plus vulnerable children.

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

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

The bill (S. 1894) was read the third time and passed, as follows:

S. 1894

*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 "Fair Access Foster Care Act of 2005".

**SEC. 2. FOSTER CARE MAINTENANCE PAYMENTS TO PRIVATE FOR-PROFIT AGENCIES.**

Section 472(b) of the Social Security Act (42 U.S.C. 672(b)) is amended by striking "nonprofit" each place it appears.

**STATE HIGH RISK POOL FUNDING EXTENSION ACT OF 2005**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 181, H. R. 3204.

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

The legislative clerk read as follows:

A bill (H. R. 3204) to amend title XXVII of the Public Health Service Act to extend Federal funding for the establishment and operation of State high risk health insurance pools.

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

Mr. ENZI. Mr. President, I am pleased today to bring to the floor an amendment to H.R. 3204, The State High Risk Pool Funding Extension Act of 2005. The Senate companion, S. 288, sponsored by Senators GREGG and BAUCUS, was approved unanimously in February by the Health, Education, Labor, and Pensions Committee. A similar bill also unanimously passed the full Senate in the last Congress.

The amendment to H. R. 3204 that I bring before us today reflects much careful and bipartisan work, not only within the Senate, but with the House as well. After we pass this amendment and send it to the House, I expect our colleagues in that Chamber will approve it quickly, thus paving the way for a swift trip to the President's desk and into law.

This legislation extends and makes improvements in the Federal Health Insurance High Risk Pool Grant Pro-

gram originally enacted in 2002 as part of the Trade Adjustment Assistance Reform Act, TAA. This grant program provides critical assistance States both for the start-up of new risk pools and for the continued operation of existing ones.

State high risk pools are State-created nonprofit entities that provide access to health insurance for persons who are not covered under an employer plan or a government program, and whose medical profile makes it very difficult or impossible for them to find coverage in the individual insurance market.

These individuals are often the sickest and most vulnerable among us, and who, without access to high risk pools would otherwise fall through the cracks and be forced to bankrupt themselves onto the Medicaid rolls.

Nearly 200,000 people have purchased health insurance policies through high risk pools nationwide. In my home State of Wyoming more than 650 people have comprehensive health insurance thanks to the Wyoming Health Insurance Pool.

This insurance covers doctor visits, prescription drugs, home health visits, rehabilitation services, mental health, physical therapy, and maternity care. It is meaningful insurance coverage for people who would otherwise be uninsurable.

Under these programs, individuals pay capped premiums for their coverage, but such premiums generally cover only 50 to 60 percent of the total cost of their care. The rest of the expense must be made up by other revenues, typically through an annual assessment of insurance companies.

The current Federal Risk Pool Grant Program authorized up to \$40 million annually to help existing State high risk pools ease the steep losses requiring subsidies that they incur in these programs each year. Last year alone, total combined losses in State risk pools was more than \$539 billion, an increase of 12 percent over the previous year.

The legislation before us today would increase authorization for grants to existing risk pool programs from \$40 million to \$75 million per year through 2009. It would also extend through 2006 authorization for \$15 million annually for seed grants to States without risk pools that wish to establish them. Under this program, States would be eligible for grants of up to \$1 million for the creation and initial operation of a risk pool.

It is critical that Congress act swiftly on this important bill. Authorization for the current grant program expired at the end of fiscal year 2004, and all remaining funds will be exhausted upon the expiration of fiscal year 2005. Moreover, many State legislatures are assessing whether or not to move ahead with risk pool programs. Passage of this legislation would send the States a strong signal of continued and renewed Federal commitment to such programs.

In addition to extending and increasing authorization for Federal grant assistance, our legislation also makes a certain targeted improvements in how the Federal risk pool grants operate. For example, the bill would allow States a greater degree of flexibility in how they apply Federal grant dollars to their risk pool programs, and in the requirements for qualifying for grants. In part, this greater flexibility is an acknowledgement that State programs do vary and that a number of States are experimenting with new and innovative approaches in how they set up and administer their risk pool programs—approaches that in some cases may not fit easily into the Federal grant parameters as they are currently drafted.

The legislation also makes some adjustments in the way grant funds are allocated, such that each State will now receive a sufficient incentive to establish or improve its high risk pool. At the same time, the revised allocation system recognizes that some states have greater numbers of uninsured than others, and provides extra assistance to States that operate the largest risk pools.

The bill also includes a new bonus pool that can be tapped by States to offer lower premiums or improved benefits in connection with their high-risk pool, rather than requiring that all funds go to help defray operational losses. Up to one third of State's annual grant award could be used for this purpose.

The legislation before us today is the same as that which drew unanimous and bipartisan support in our committee, both in this Congress and the last. It would extend and improve a program that has helped thousands of medically vulnerable Americans maintain lifesaving health coverage and avoid potentially devastating financial ruin. It is an important part of this Congress's comprehensive efforts to make health care and health insurance more affordable and accessible for everyone.

I commend Senators GREGG and BAUCUS for their effective leadership on this important legislation, and to our committee's ranking member, Senator KENNEDY, for his hard work and commitment. I urge all of my colleagues to join me in giving this much needed legislation our full support.

Finally, credit should go as well to a number of current and past Senate staff, some of whom have worked for several years to bring this bill to fruition. We greatly appreciate the work of many, including David Bowen, David Fisher, Kim Monk, Stephen Northrup, Andrew Patzman, Stacey Sachs, Conwell Smith, and Vince Ventimiglia.

I urge the Senate to give this much needed legislation the strong support it deserves.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Enzi amendment at the desk be agreed to, the bill, as amended, be read a third