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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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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 RESCISSIONS)]**

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