The Senate met at 2 p.m. and was called to order by the Honorable Richard M. Burr, a Senator from the State of North Carolina.

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

Let us pray.

God, the fountain of every blessing, we thank You for the life and legacy of Pope John Paul II. You blessed our world with his intellectual strength and compassionate heart. You challenged our spirits with his advocacy of justice and his pursuit of peace.

God of all mercies, comfort those who mourn. Be particularly near to the family of Doug Fertig, Director of Human Resources for our Senate family, who died on Friday. Remind us that nothing can separate us from Your love.

Bless today the work of our Senators. Empower them with increasing awareness and openness of heart. Give them wisdom and courage for the living of these days. We pray in Your eternal Name.

Amen.

PLEDGE OF ALLEGIANCE
The Honorable Richard M. Burr 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.

The House was not in session today. Its next meeting will be held on Tuesday, April 5, 2005, at 2 p.m.

APPPOINTMENT OF ACTING PRESIDENT PRO TEMPOR
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Stevens). The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, April 4, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Richard M. Burr, a Senator from the State of North Carolina, to perform the duties of the Chair.

Ted Stevens,
President pro tempore.

Mr. Burr thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE
Mr. Frist. Mr. President, the Senate returns to session today and joins the world in mourning the death of Pope John Paul II. I know many of my colleagues will want to pay tribute to one of our greatest spiritual leaders. Therefore, we will have a period of morning business throughout the day to accommodate those speeches. I also alert my colleagues that we are working on a Senate resolution which would pay the appropriate respect and tribute to Pope John Paul.

We have also returned to the sad news of the passing of one of our former colleagues, Senator Howell Heflin of Alabama. Our thoughts and prayers go out to his family.

With regard to the schedule this week, we have a busy legislative schedule with a number of scheduling challenges over the next several days. We hope to begin consideration of the State Department authorization bill tomorrow, on Tuesday. Chairman Lugar is preparing to bring that bill to the floor, and we hope to complete work on that over the course of the next couple of days. I hope we can reach an agreement that will allow that bill to come forward, with amendments relevant to the underlying legislation.

In addition, on Wednesday, there will be a joint meeting of the House and Senate to receive an address by Ukrainian President Viktor Yushchenko. That is scheduled for 11 a.m. We ask that Members be in the Senate Chamber at approximately 10:30 so we may proceed together to the Hall of the House of Representatives for that address.

Also this week, we have a couple of district judges who are available for consideration, and we will want to schedule those for floor action.

On behalf of the Republican and Democratic Policy Committees, I remind everybody that on Tuesday we will have a floor debate on the issue of Social Security. Senators Santorum, DeMint, Durbin, and Stabenow will participate in the scheduled debate. I encourage all Members to listen to this constructive conversation. I applaud...
both policy committees for preparing this format. I was pleased to work with the Democratic leader in securing a time for this debate tomorrow. This week, Senator COCHRAN will be marking up the supplemental appropriations bill. We hope to have that available next week.

Again, we have much on the plate for this week both in terms of floor schedule and other important Senate events. I look forward to a busy legislative period this spring, and trust all of my colleagues are rested and ready to proceed.

RECOGNITION OF THE MINORITY LEADER

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

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. REID. Mr. President, it is my understanding that the distinguished Republican leader is going to make a statement regarding the Pope. I think that is timely. I will do so at a later time today.

I wanted to pay tribute to Howell Heflin. He was a wonderful man who served in the Senate for 18 years. He actually revolutionized the court system in Alabama. The first amendment they ever had to their Constitution was a result of his reorganization of the court when he was chief justice of the Alabama Supreme Court.

Howell Heflin holds the record here, serving as a member of the Ethics Committee for 13 years. He did that with dignity during some of the most difficult times we have seen in the Senate with some of the problems Senators had.

I had the good fortune of traveling to Alabama yesterday to be with his widow Mike at that funeral in the rural community of Tuscaloosa, AL. That is where he had his home and law practice and where he died. He had very little suffering. He was 63 years old. He got sick one afternoon and died within an hour or two after that.

The Senate will always be a better place as a result of Senator Heflin having been a Member. Death comes at inopportune times. I want his widow to know that even though there were only a few Senators there, including Senator BINGAMAN, and Senator SHELBY, who had another funeral he had to go to, Senator SESSIONS was there, it came at such an inopportune time. It was the end of the recess period. People didn’t know about it, and it was hard for people to be there, but it doesn’t take away from the dignity of that proceeding. It was a wonderful funeral. I received a number of phone calls yesterday and today of people wanting to be there. For example, the wind was so heavy yesterday that they had to change the place of takeoff from Andrews to Dulles. As a result of that, Senator BIDEN, driving down from Delaware, could not make it. He had to drive 35, 40 miles.

Again, we send our condolences to Tom, his son, and Mike, his widow. As a Senate family, we felt so good about Senator Heflin in life and in death.

In a few days, Senator Sessions will be away with President YUSHCHENKO.

I also say this to the majority leader.

I had the good fortune during this break to lead a bipartisan CDE. We had the opportunity to sit down and talk to President Yushchenko. Here is a man who they think we know who tried to assassinate him. Here is a man whose face is a little disfigured, but his spirit is not. He has the ability, I believe, to bring about a change in that country that will be for generations to come. It is a burgeoning democracy. Things are on the move, and he has a dynamic personality. I am glad he is going to be able to address a joint session of Congress because he is what our country is all about. So I commend and applaud the Speaker for arranging for this man, a good man, to speak before a joint session of Congress. It will make us all better for having the ability and the opportunity to listen to him.

I apologize to the leader for taking more time than usual, but I will return at a later time and make some remarks about the Pope, who passed away.

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

HONORING POPE JOHN PAUL II

Mr. FRIST. Mr. President, today, this body, the Senate, and the world community grieve for the passing of Pope John Paul II. He passed away Saturday evening, April 2, in his bed overlooking St. Peter’s Square. Millions of Catholics and non-Catholics alike mourn the departure of one of the greatest statesmen and moral teachers of the modern era.

Pope John Paul set an extraordinary example of personal integrity and courage, not only for his fellow Catholics but for people of every religious and philosophical viewpoint.

Pope John Paul was born Karol Jozef Wojtyla on May 18, 1920, in Poland, a country which at the time was a desolate, impoverished, and war-torn place. By the time John Paul reached the age of 21, every close member of his family had died. Most people would have been devastated by such losses. But for John Paul, this early experience of suffering deepened his spirituality and his capacity to find meaning and purpose in life.

John Paul was ordained as a priest at the age of 26. In 1946, he became the Bishop of Krakow. Three years later, he was elevated to cardinal by Pope Paul VI. In 1978, he became the first non-Italian in 455 years to be elected Pope, succeeding Pope Pius XII.

For the next 2½ decades, Pope John Paul campaigned tirelessly for human rights and dignity throughout the world. He practiced and inspired resistance to the great totalitarian systems that rose and, with his help, fell in the 20th century. He had the key insight that, in his words, “the historical experience of socialist countries has sadly demonstrated that collectivism does not do away with individualism, but rather increases it, adding to it a lack of basic necessities and economic inefficiency.”

His historic trip to Poland in 1979 catalyzed the Solidarity movement and led to the peaceful dissolution of the Soviet empire.

John Paul fostered harmony between Catholics, Eastern Orthodox, and Protestant Christians. He reached out in friendship to Jews and members of other faiths, and he warmly promoted interfaith understanding.

He was the first Pope to visit a mosque and the first Pope to visit a synagogue. A poet, a playwright, and a philosopher, Pope John Paul II dedicated himself to the defense of the weakest and most vulnerable members of the human family.

He eloquently defended the right to life of every human being, irrespective of race or sex, age or size, stage of development, or condition of dependence. He believed that “science can purify religion from error and superstition. Religion can purge science from idolatry and false absolutes.”

On his visits to the United States, he called on all Americans to be faithful to the great principles of liberty included in our Declaration of Independence and in the Constitution. Even in his last frail moments, he remained devoted to God and the cause of justice. His selfless service to God and man will remain an inspiration to all people of good will across the globe.

I will close with a poem he wrote for his mother at the age of 19. It reflects his extraordinarily sensitive nature and closes with a prayer the world now sends out to him. It is entitled “Over This, Your White Grave”:

Over this, your white grave,
The flowers of life in white,
So many years without you,
How many have passed out of sight?
Over this, your white grave,
Covered for years, there is a stir
In the air, something uplifting
And, like death, beyond comprehension.
Over this, your white grave,
Oh, Mother, can such loving cease?
For all his filial adoration
A prayer:
Give her eternal peace.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of
morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I believe we witnessed acceptance from the other side for me to speak for 45 minutes. I might go 10 minutes longer. I ask unanimous consent that I be recognized for 55 minutes as in morning business.

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

CHINA'S SPREADING GLOBAL INFLUENCE

Mr. INHOFE. Mr. President, as I have done many times before on this floor, I rise to address a national security issue of the highest importance, one that the crows jewel of our national program which allowed for up to 10 nuclear warheads to be attached to the same missile. In 1995, we discovered that China has stolen this technology. Under President Clinton, U.S. companies were later confirmed in the Fox report. The report showed that reality surpassed our worst fears. China had been stealing U.S. nuclear secrets. The W-88 warhead, with which we are all familiar, was the crow jewel of our nuclear program which allowed for up to 10 nuclear warheads to be attached to the same missile. In 1995, we discovered that China had stolen this technology.

Under President Clinton, U.S. companies were later confirmed in the Fox report. The report showed that reality surpassed our worst fears. China had been stealing U.S. nuclear secrets. The W-88 warhead, with which we are all familiar, was the crow jewel of our nuclear program which allowed for up to 10 nuclear warheads to be attached to the same missile. In 1995, we discovered that China had stolen this technology.

Virtually every country we worry about possesses or has access to some form of chemical, biological, or nuclear weapon, but most lack effective delivery systems. China is a proven violator of nonproliferation treaties that keep such countries from gaining access to delivery system technology. According to State Department testimony, China has a "serial proliferation problem," and while the official line is to crack down on weapons trade, "reality has been quite different." In her January Senate confirmation hearings, Secretary of State Condoleezza Rice listed China as a country of proliferation concern such as Iran, Libya, and North Korea. The Commission report comments on China's continued assistance to countries of proliferation concern such as Iran, Libya, and North Korea. They are Cuba, Burma, North Korea, and Iran.

China's assistance to weapons of mass destruction-related programs in countries of concern continues despite repeated promises to end such activities and the repeated imposition of U.S. sanctions. The Bush administration and the Chinese have assisted such states to develop their nuclear infrastructure, chemical weapons capabilities, and ballistic missiles, notwithstanding a consistent history of denials. Libya's decision to open up its weapons of mass destruction programs and the revela
tion that Pakistan and China supplied uranium enrichment technology to Libya, Iran, and North Korea, provides new insight into China's legacy of a serial proliferation problem. China's continued failure to adequately curb its proliferation practices poses significant national security concerns to the United States.

Again, this is not new. As I stated on the floor on March 15, 1999, China has been stealing our nuclear secrets, but, as the Commission points out, China is now sharing its nuclear knowledge—some of it is quite possibly ours—with other countries. For years China has transferred ballistic and cruise missile technology to countries with troubling proliferation records, but these transfers have evolved to become even more problematic. As a quote from the bipartisan Commission that spent 4 years studying this relationship:

"... Chinese transfers have evolved from sales of complete missile systems, to exports of largely-dual use nuclear, chemical, and missile components and technologies ... Recent activities 'have aggravated trends that result in ambiguous technical aid, more capable missiles, lower range missiles, and secondary proliferation.' Continuing intelligence reports indicate that the Chinese cooperation with Pakistan and Iran remains an integral element of China's foreign policy ... Beijing's failure to control such transfers gives the appearance that these are allowed in accordance with an unstated national policy, China has generally tried to avoid making fundamental changes in its transfer policies by offering the United States carefully worded commitment to exploiting differences between agreements.

As further evidence of this disturbing proliferation, the CIA report to Congress in mid-2003 said that "firms in China provided dual-use missile-related items, raw materials, and/or assistance to ... countries of proliferation concern such as Iran, Libya, and North Korea."
Recently, Iran has been in the headlines because of its support for terrorism, threatening posture, and nuclear program. China supplying them with weapons technology is similar to the role the Soviet Union played in the Cuban missile crisis. It is probably worse because at least in Cuba, the U.S.S.R. maintained control of the weapons and technology. On the other hand, China is fully willing to proliferate regardless of the consequences. Some say the major issue is whether China has or does not have knowledge of what is going on.

With the delicate situation in North Korea, the Bush administration is holding that line. But the fact remains that at the very least, the Chinese Government is negligent in deterring such proliferation and apparently does not feel any pressure to do so. However, as some of these companies are closely linked with Chinese state military, it is clear that the government is not so ignorant as we may like to imagine.

This continued proliferation in the face of intense pressure to stop makes me ask the question: What is China getting from its arms sales? For China seems to be proliferate with countries that have been terrorist sponsors, such as Iran, Iraq, and Libya. These countries offer China something they desperately need, and that is oil. That is what is significant.

Energy security is a major problem facing China, which ranks No. 2 in the world for consumption. This is very interesting because right now we have been talking about the fact we have a very serious problem in not having an energy policy, not being able to pass an energy bill—it has been killed by people who think we do not need to run this great machine called America.

Since my floor speeches in 1998, China’s oil reserves doubled, and it surged upwards of 57 percent in the last year alone. I have a chart that shows what could very well happen in the future. This chart starts in 1990 and goes to 2025 and shows what China’s projected consumption versus production is. The red line is consumption. The green line is production. We can see they do not have production. They have to get production from somewhere. That is something to which we should be most sensitive. China’s oil production is topped out while its demand continues to rise at an alarming pace. Some analysts project China’s oil needs may quadruple by 2020 and will double by 2030. This need for energy security may help explain Beijing’s history of assistance to terrorist-sponsoring states with various forms of weapons of mass destruction-related items and technical assistance, even in the face of U.S. sanctions. But this pursuit of oil diplomacy may supplant just energy supply. Beijing’s bilateral arrangements with oil-rich Middle Eastern states also helped create diplomatic and strategic alliances that were hostile to the United States. For example, with U.S. interests precluded from entering Iran, China may hope to achieve a long-term competitive advantage relative to the United States.

Over time, Beijing’s relationship-building may count U.S. power and enhance Beijing’s ability to achieve military and diplomatic outcomes. One of Beijing’s stated goals is to reduce what it considers U.S. superpower dominance in favor of a multipolar global power structure in which China attains superpower status on par with the United States.

In Venezuela, anti-American President Hugo Chavez announced a $3 billion trade strategy with China, including provision for oil and gas deposits. Army GEN Bantz Craddock, who heads the United States Southern Command, stated that China is increasing its influence in South America, filling a vacuum left by the United States.

In his March testimony, General Craddock called China’s progressive interest in the region “an emerging dynamic that could not be ignored.”

I have been traveling to Africa for many years. The Chinese are everywhere. I just got back last night from Africa. I saw a conference building being constructed, given to them free, from China, and we know what kind of relationship that gives them. I saw a conference center being constructed in the Congo. I saw a large sports stadium. Both were donated by the Chinese. China has been expanding its influence throughout Africa with projects like this.

One thing I heard was: The U.S. tells you what you need, but China gives you what you want.

Has China suddenly become compassionate and generous? I think the fact that these countries have large oil and mineral deposits paints a real picture.

In the Middle East, Beijin recently signed a $70 billion oil and gas deal with Iran from which it receives 14 percent of its oil imports. Naturally, China has come out firmly against the U.S. Security Council holding Iran economically accountable for its nuclear program.

I was just in Sudan 2 days ago. Likewise in Sudan, China seeks to diffuse or delay any U.N. sanctions against Khatoum. It hardly seems coincidental that 7 percent of its oil imports comes from that conflict-stricken country, a supply that China seems ready to protect.

At this point, I will pause and tell my colleagues the experience we had just 2 days ago in that area in Uganda, just across the Sudan border. We were working with President Museveni. We actually went up to the area called Gulu, which is right on the Sudan border where the terrorists are coming across maiming children, cutting their limbs and their lips off. It is horrible. It is beyond description. I do not think there has been anything like that since the Holocaust. Yet China is supporting that.

Not only are they willing to use the U.N. to safeguard its energy sources but also its regional influence. This is not new. In 2003, the United States spearheaded the proliferation security initiative as a multilateral weapons of mass destruction interdiction strategy.

The initiative has proven effective, particularly in the interception of centrifuge parts bound for Libya. The Bush administration believes this success was a major reason Libya peacefully ended its nuclear program.

Major European and Asian countries have joined and China was invited to participate and refused, citing dubious concerns about the delicate situation in that country with North Korea. To quote the Commission: China appears to be working through the United Nations to not only undermine the initiative but also to render it globally ineffective. China has been successful in getting the United States to drop a provision on the interdiction of foreign vessels carrying banned weapons on the high seas.

I think it is worth repeating what the Commission statement said:

One of Beijing’s stated goals is to reduce what it considers U.S. superpower dominance in favor of a multipolar global power structure in which China attains superpower status on par with the United States.

The tense situation in Taiwan continues to simmer. A few days ago, the Chinese Communist Party formalized a new stance on Taiwan. The following was approved by the National People’s Congress:

If possibilities for a peaceful reunification should be completely exhausted, the state shall employ nonpeaceful means and other necessary measures to protect China’s sovereignty and territorial integrity.

This represents a change from earlier ambiguous language that would have allowed China flexibility to consider other options should a conflict arise. As it is, China has taken away its alternatives.

This is a direct threat. The Chinese are solidifying and increasing their presence in east Asia. When not using overt political influence, they are expanding economically.

As political economist Francis Fukuyama observed:

The Chinese [have been] gearing up a series of multilateral initiatives of their own, including Asean Plus One, Asean Plus Three, a China-ASEAN Free Trade Area, a Northeast Asian Free Trade Area and so on in seemingly endless profusion.

The purpose of these proposals, it seems fairly clear in retrospect, was to allay fears of China’s growing economic power by offering selective trade concessions to various Chinese neighbors. The Chinese seized the path to the East Asian Summit last December by offering its Asean neighbors a free trade agreement that would open access to much of the Chinese market.

Asean Plus Three appears to be a weak and innocuous organization. But the Chinese...
China is also expanding militarily. Their string of pearls strategy includes a listening post in Pakistan, billions of dollars in military aid to Burma, military training and equipment to Cambodia, increased naval activities in the South China Sea, and expanding cooperation with Thailand and Bangladesh.

The purpose of this strategy is to create a military corridor for the Middle East to mainland China that would be impervious to potential American oil embargo. As a recent internal Pentagon report outlines:

China . . . is not looking only to build a blue-water navy to control the sea lanes, but also to develop undersea mines and missile capabilities to deter the potential disruption of its energy supplies from potential threats, including the U.S. Navy, especially in the case of Taiwan.

The weapons in which China is investing include cruise missiles, submarines, long-range target acquisition systems, specifically cutting edge satellites, unmanned aerial vehicles, and the advanced SU–30 fighter aircraft, and I have to pause at this moment and say something about someone to this day I still think is a real American hero, GEN John Jumper, the Chief of the Air Force. Back before he was in that position in the late 1990s—I believe it was 1998—he had the courage to stand up and publicly say something, and it certainly was not endorsed or wanted by the Clinton administration, but he said we have to do something. We have stopped our modernization program so now Russia is selling tactical vehicles, air vehicles, that are better than our fighters. He is talking about the SU–30 series, better than our F–15s and F–16s.

There are a lot of people who do not want us to advance militarily and believe we should not do anything to give our troops and our airmen the very best equipment. There are people who are trying to keep us from developing the F–22 and the joint strike fighter so that we again will gain superiority. Right now we do not have it.

China has bought in one purchase, and this has been several years ago, 240 of the SU–30s and probably a lot more, but that is what we found out. The new intelligence report states that China has accelerated its amphibious assault ship production. It plans to build 23 new boats capable of ferrying tanks and troops across the Taiwan Strait. This development is potentially destabilizing and has alarming implications.

We have to keep in mind they now are buying this capability to get across to Taiwan after for the first time coming out and directly threatening Taiwan.

A further concern is China's investment in nuclear submarines. It recently launched the type 094 class, the first capable of striking the continental United States with nuclear missiles from its own waters. It can strike the United States of America from its own waters. They have launched this class of a nuclear missile—or the ability to deploy it.

China has also been developing the JL–2 submarine-launched ballistic missile, expected to have a range of 4,600 miles. These represent a departure from traditional Chinese deterrent strategies. They have little tactical purposes. They will not be used in a regional battle. Rather, their importance is strategic.

China has modernized its military at an unprecedented rate. According to testimony from Dr. Evan Medeiros of the RAND Corporation, between 1990 and 2002 China’s official defense budget for weapons procurement grew approximately 1,000 percent. That is 1,000 percent in a 12-year period. Nearly every year since 1997 has seen a defense budget increase of 13 percent, an increase far above China’s GDP growth average of 8.2 percent over the same years.

In comparison, President Bush’s fiscal year 2005 budget increase in defense spending is 4.8 percent. Keep in mind, we are currently engaged in two major operations and operations in smaller ones as part of the global war on terror. Yet this is just China’s officially announced defense budget.

The Commission and the Defense Department assess:

The PLA defense budget is grossly underestimated, and the world is not even close to much of China’s military modernization program.

So when we are talking about what China is putting into their military program, we recognize that this may be 50 percent of what they are really putting in it because we have no way of knowing.

Our intelligence does show in an unclassified form that they are doing a lot more than the reports they send out. The Commission estimates the actual defense budget is two to three times the stated amount.

In the midst of this ominous military expansion, the European Union is planning on lifting its arms embargo against China. The embargo was put in place after the 1989 Tiananmen Square massacre to reflect China’s appalling human rights record. The European Union claims the embargo is no longer effective but ignores the obvious. Why would the embargo without replacing it with a better one?

Their solution, an informal code of conduct, allows for no comprehensive enforcement. Without uniform and enforceable standards, competent European firms will be left to themselves to determine acceptable arms sales. Even with the embargo, Europe’s sales to China recently doubled this past year to a half billion dollars.

Underneath all of the semantics, the EU accepts to have more to gain in Europe than by maintaining what principled respect for human rights it once had. Any weapons technology China buys will only add to its leverage against Taiwan and our other Asian allies. If the embargo is lifted, Europe and Russia will be in competition to sell China increasingly higher technologies. We can also expect the EU technology to proliferate beyond China to states that would glad-handedly use it against the United States. The EU does not consider this a strategic threat.

The United States-China Commission report observes, however, that access to more advanced systems and integrating technologies from Europe would have a much more dramatic impact on overall Chinese capabilities today than say five or ten years ago. For China has been unable to acquire systems from the West. Analysts believe a resumption of EU arms sales to China would dramatically enhance China’s military capability. If the EU arms embargo against China is lifted, the U.S. military could be placed in a situation where it is defending itself against arms sold to the PLA by NATO allies.

With all the other problems that we have had recently with some of our multinational groups, this is really not surprising.

Imagine, we share military technology with our European allies and then find our security threatened and possibly our servicemen killed by this same technology. We cannot allow for this potential to exist.

Because of China's centralized economy, economic issues are irrevocably intertwined with security implications.

The Commission reports:

The Chinese government has selectively chosen firms—predominantly State-owned enterprises, SOEs— to list on international capital markets . . . Many SOEs were previously controlled by the People’s Liberation Army, PLA, and there is concern that unofficial links to the PLA remain intact after privatization . . . As of 2002, more than three-quarters of companies listed as A shares in China’s capital market are State-controlled.

These include known subsidiaries such as NORINCO, which was sanctioned by the U.S. Government on four separate occasions in 2003 for offenses including missile proliferation, sales of equipment to Iran that could be used in a WMD or cruise or ballistic missile program.

Chinese firms lack adequate disclosure; as the case of NORINCO demonstrates, American investors may unwittingly be supporting companies that oppose our national security.

One company, China National Nuclear Corporation—CNNC—is currently slated to receive $5 billion from the U.S. Export-Import Bank to build nuclear power plants in China. However, there are two problems: first, this company was discovered to be sending Pakistan prohibited materials that weaponize uranium. Sanctions were imposed for 1 month and removed. Later that same year, a subsidiary of CNNC was discovered to be selling more illegal materials to Pakistan. Connections have also been made to Iran's weapon program. Second, the Export-Import Bank of the United States compensated the credit, the U.S. Treasury will have to back this loan, either by direct payment or guarantee. Ultimately, American taxpayers
will be aiding a Chinese company that is a known proliferator. I look at these things and ask why doesn’t that bother anybody? Nobody is talking about it.

Another issue is China’s purchasing of U.S. companies. On March 9, the Congressional-Executive Commission on China’s website lists a number of Chinese acquisitions of U.S. companies. The $1.75 billion deal creates the third largest PC maker in the world. China will have as its flagship product a computer that is 50 percent cheaper than what the U.S. can produce. This is something that has restricted the growth of U.S. technology companies.

No. 4, the European Union is projected to lift its arms embargo on China by this summer, an embargo that was meant to pressure China to improve its human rights record. That record has not improved. Europe has also failed to address the question: What country will China most likely use the new European technology against? It is ultimately the United States.

No. 5, despite Justice Department and Homeland Security concerns, China’s Lenovo Group is taking over IBM’s PC manufacturing business, based in North Carolina. This is revealing of a distressing trend that threatens the U.S. industrial base. Our practice of outsourcing military equipment is also of deep concern.

China continues to repress religious and human rights, and intimidate our Asian allies while expanding their influence in areas like South America and Africa. The recent Taiwanese “anti-secession” bill is further evidence of this pernicious trend.

No. 7, according to the FBI, cases of Chinese espionage in the States are increasing at 30 percent annually in some places. Civil aircraft that the U.S. sold to China appear to be outfitted with military surveillance equipment. Revelation of such activities garners few headlines because this behavior is nothing new. They have been doing it for a long time and no one seems to care.

Indeed, we are used to this pattern and have become all too complacent about it. Scolding the Chinese for their disregard for proliferation treaties, while providing them unprecedented economic benefits, is a bizarre foreign policy. We must link China’s trading privileges with its human rights record and its conduct abroad, including its weapons proliferation. As China’s No. 1 importing customer, accounting for 36 percent of China’s exports, we have the influence. I agree that the way we handle an emerging China must be dynamic, but it must not be weak. As the Commission report concludes:

We need to use our substantial leverage to develop an architecture that will help avoid conflict, attempt to build cooperative practices and institutions, and advance both countries’ long-term interests. The United States has the leverage now and perhaps for the next decade, but this may not always be the case. We also must recognize the impact of these trends directly on the domestic U.S. economy, and develop and adopt policies that ensure that our actions do not undermine our economic interests . . . . the United States cannot lose sight of the important goals, and must configure its policies toward China to help make the materialize . . . . If we falter in the use of our economic and political influence now to effect positive change in China, we will have squandered an historic opportunity . . . . China will likely not initiate these policies toward more peaceful economic and political reforms without substantial, sustained, and increased pressure from the United States.

There is an inherent tension between drawing China to freedom through repressive policies, and protecting U.S. security. I fear we have conceded far too much and contributed to the emergence of a very real threat.
Finally, I wish to applaud the U.S.-China Economic and Security Review Commission. Their efforts to provide this body with a clear picture of a very complex and multifaceted situation have been illuminating and challenge us to face these real problems. Thank you for your hard work.

The Chinese have something called an idiom, a four-character phrase that is sometimes used to simplify a complex thought. I would borrow one to describe the current situation: “One who obeys the Wagtail but not from one’s heart.” Unless our relationship with China is backed up with strong action they will never take us seriously. We will certainly see more violations of proliferation treaties and in the context of the growing threat of terrorism. That is unacceptable. We have also ignored the danger that China is becoming in its own right. Some think that I am alarmist. If China breaks its consistent pattern of human rights abuses, military and economic expansionism, and illegal weapons proliferation, I am prepared to concede my concerns are unfounded. But I fear that the next few years will continue to confirm an obvious trend. The time to act is now, before the problem is beyond the realm of policy we urgently need a coherent strategy for dealing with China, one that allows room for China’s changing role without sacrificing our national security and other interests.

As I have demonstrated before, we are on a collision course with China on all levels: economically, militarily, and ideologically. The situation has only worsened since my previous floor speeches about China in 1999. We are two trains accelerating in different directions on the same track. After the last decade I think we have seen that appeasement doesn’t work; it’s time to deal in a very real way with our unpaid bills.

I often think about the appeasement policies we sometimes have against these countries. I think it was Horace Mann who said: “No man survives when freedom fails. The best men rot in filthy jails. Those who cried ‘appease, appease’ are hanged by those they should have helped and rejected persons or world leaders who disagreed with them. Under his leadership, the Communist domination of Poland came to an end. His steady beliefs and convictions helped inspire peace and human dignity throughout the world. He taught not just Catholics, but people of all religions, the power of faith, principles and courage. And he taught us to use this power to address the social and economic issues that we face each day with truth and morality.

While people may disagree with his conclusions on specific issues, John Paul II’s consistent efforts to promote the value of all people remained steadfast. He led by example, exposing overruns in the world—those infested with poverty to lands overrun with land minds—and he did so without alienating or rejecting persons or world leaders who disagreed with him. Under his leadership, the Communist domination of Poland came to an end. The Vatican and the State of Israel established diplomatic relations, and an unprecedented effort to cleanse the church’s conscience began.

On his fifth and final trip to the United States in 1999, Pope John Paul II reminded a flourishing country to look beyond material growth and address the poverty, the spread of gangs, drugs and violence staring us in the face.

Just a few years later, he stood with us, a broken nation, on September 11, 2001, to help victims, friends, and families. And now, in grief for those loved ones and turn their loss into good.

Today I stand with Arkansans to offer prayer and to pay homage to Pope John Paul II, one of the most inspirational leaders of our time and a great defender of faith.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 30 minutes.
END-OF-LIFE CARE

Mr. WYDEN. Mr. President, late last week, the Nation witnessed the end to a saga that was heartrending not only for the medical circumstances of the young woman at its center, but for the tragic controversy that surrounded it.

The Congress has spoken once about Terri Schiavo in the near past, when the Senate’s Committee on Health, Education, Labor, and Pensions is expected to hold hearings about one of the issues Ms. Schiavo’s situation brought to the spotlight; the rights of the incapacitated or mentally challenged to secure the country’s clearly desired state, then this body ought to fall silent and listen harder before acting.

In many ways, this is the central question of whether the Federal Government will seek to expand its reach when the citizens wish for more individual empowerment. Presented with that question 2 weeks ago, the Senate got it wrong. The American people have made it clear that moving forward, there ought to be a course correction.

True leaders will approach these choices dispassionately with a set of impartial principles.

I will spend a few minutes discussing what I think those ought to be. First, the Senate should help empower Americans to make their own choices about the end of life, whatever those choices should be. Policy ought to be grounded on the principle that Americans setting their dining room tables, in discussing their wishes and their fears with their loved ones, and asking in the end that government should make sure their desires are carried out. The choices they have to discuss—discuss in their homes and in their hospitals to be expanded, not weakened, by Government and bureaucracy. Our policies should help their wishes to be honored by their families and their health care system—lives sustained as they wish or unwanted treatment ended as they wish.

Second, as the Senate looks at the end of life, the Senate needs to look at the entire picture. End-of-life care is more than respirators and feeding tubes and living wills. The Senate has to get beyond today’s hot-button questions. The Senate ought to look at the fundamentals: conquering pain, expanding hospice care, capping the great potential of comfort care, which is known as palliative care. Supporting new ways to live, whether Americans to make their own choices about the end of life, whatever those choices should be. Policy ought to be grounded on the principle that Americans setting their dining room tables, in discussing their wishes and their fears with their loved ones, and asking in the end that government should make sure their desires are carried out. The choices they have to discuss—discuss in their homes and in their hospitals to be expanded, not weakened, by Government and bureaucracy. Our policies should help their wishes to be honored by their families and their health care system—lives sustained as they wish or unwanted treatment ended as they wish.

Second, as the Senate looks at the end of life, the Senate needs to look at the entire picture. End-of-life care is more than respirators and feeding tubes and living wills. The Senate has to get beyond today’s hot-button questions. The Senate ought to look at the fundamentals: conquering pain, expanding hospice care, capping the great potential of comfort care, which is known as palliative care. Supporting new ways to treat a very ill patient physically, spiritually, and emotionally, long before the last days of life, is a good use of the Senate’s time.

The third lesson the Senate must address end-of-life issues with respect for constitutional boundaries that have been dangerously dismissed to date. For the last 2 weeks, issues of separation of powers and federalism have received virtually no attention. The Senate needs to reflect on the roots and the reason of federalism, which has given the States control over medical practice for more than 200 years. There is a line the Senate must not cross again. Beyond that line are the constitutional rights of States to ultimately, the rights of our citizens.

Those individual rights, or citizens rights, ought to be the Senate’s first guideline in moving forward. I realize the temptation is to frame the debate entirely in terms of the heartbreaking situation of Ms. Schiavo. I believe it would be a mistake, however, to base Federal law on the basis of the tragic chaos that transpired in that woman’s family. Helping Americans setting their dining room tables, in discussing their wishes and fears with their loved ones, and asking in the end that government should make sure their desires are carried out. The choices they have to discuss—discuss in their homes and in their hospitals to be expanded, not weakened, by Government and bureaucracy. Our policies should help their wishes to be honored by their families and their health care system—lives sustained as they wish or unwanted treatment ended as they wish.

So the national discussion about end-of-life choices should include information that will ensure that wishes be carried out, not just stated. As national leaders, Senatorial leaders, those of us in the Senate can promote this discussion.

Most folks looking into advanced directives today seem to think they can just avoid a controversy through a living will. Maryland Attorney General J. Joseph Curatola recently reported that 37,000 people in his State alone downloaded the forms over a period of 7 days. That is compared with 600 downloads during just 1 week in January. But, as I have indicated today—and I know it will be surprising to many Americans—the reality is the laws vary with respect to living wills and advanced directives, and often they do not ensure enforcement of a patient’s wishes. Therefore, Americans need to know about vital mechanisms in addition to the living will. For example, the health care proxy, which designates one person if a person becomes incapacitated, is another approach that may be a value to our citizens because it leaves no doubt as to who speaks for those who cannot speak for themselves.

There are other options that can help ensure the effectiveness of an advanced directive. My home State uses a document called a “POLST,” which stands...
for “Physician Orders for Life-Sustaining Treatment,” a bright-pink document that physicians place in patients’ charts to help nurses and hospice workers and other providers follow the wishes of the patients for end-of-life care. Studies show these physician orders are a factor in the preservation of individualized plans that ensure the preservation of all that patients desire.

There are various approaches being tested today. States as well, and the Senate should promote them. One of our most valuable guidelines in moving forward should be the 1990 Patient Self-Determination Act. Its spirit and letter ought to be honored for two reasons. First, the law was passed by the Congress to encourage and ease the use of States’ advanced directives. It requires many Medicare and Medicaid providers to discuss advanced directives and how they will be carried out. Its requirements in that respect are as correct today as they were 15 years ago.

The second requirement of the 1990 Patient Self-Determination Act is just as important. It prohibits discrimination against those who do not have an advanced directive. Now, it is estimated that as many as 75 percent of Americans do not have an advanced directive to guide their end-of-life choices. Under the Patient Self-Determination Act, mandating different and discriminatory treatment for Medicare and Medicaid patients without advanced directives is specifically ruled out. That is the kind of protection I believe all Americans deserve: protection that ensures the preservation of all their choices.

Now, I am grateful that Senator HARKIN and others are tackling vital issues, important issues that often go ignored, such as the concerns of those who are disabled. Americans should expect the Senate, however, to do even more.

In this Congress, I will advocate vigorously for three pieces of legislation that take an appropriate Federal approach to key end-of-life issues. If the Senate has a commitment to consider the end of life seriously, I would expect those bills to come to a vote. They all involve issues I have been working on since the early 1970s when I was a director of the Oregon Gray Panthers and taught gerontology at several Oregon universities. I have been working to improve care for older people who are dying throughout my service in the Congress and as a member of the Aging Committee in both the House and the Senate.

For more than a decade, the people of my home State of Oregon have had a passionate and thoughtful debate on end-of-life issues. Through all of this, I have found that our health care system often neglects how people die and how important it is to make dying patients and their families more comfortable.

Almost half of the dying experience moderate to severe pain in the last days of their lives. It does not have to be that way. The distinguished President of our authorities on medical technology, and he knows medical technology and know-how exist today to reduce the suffering that I am describing. What does not exist is a medical system that supports clinical trials of advanced directives or a system to support patients and families as they try to find help for pain.

I intend to reintroduce the Conquering Pain Act, a bipartisan bill I have written that recognizes that too often at the end of life pain goes untreated for the dying patient. The Conquering Pain Act does not tell providers how to practice medicine. It certainly does not override the States’ constitutional right to oversee medical practice. But it does serve to ensure that patients in every corner of our country, 24/7, 7 days a week, can get access to help as they try to deal with pain. Its legislation creates six regional Family Support Networks to assist physicians and families of patients in pain, and it ensures that in every single community in this country Americans know where to turn to get information and help when loved ones are suffering. It is significant that the providers in their health care providers and their families will have resources to ease suffering. I believe the ability to see a loved one’s pain properly treated can help families across this country. It certainly will add dignity and preserve choices at the end of life.

My second effort will focus on the vital work of hospice programs. More Americans are familiar with hospice today through Ms. Schiavo’s case, but its true purpose may still be somewhat unclear. Hospice programs provide a range of services to control pain and other symptoms, maintain dignity, and provide comfort care, primarily to individuals in their own homes. But the hospice benefit under Medicare needs to be improved. Today, about 20 percent of patients who die in the United States receive hospice care, and of that low number few begin their care early enough to receive the full benefit of hospice. Medicare requires patients and doctors to stop all treatment that might bring a cure before they can begin hospice treatment. I do not believe—I do not think Senators will believe—that patients should be required to abandon all hope of recovering or to abandon the care they need, but that is what the Medicare law states today. It makes no sense, and it ought to be changed.

My Medicare Hospice Demonstration Act permits patients to seek hospice care as they seek a cure. It will not require patients and their families to abandon hope even as they move towards acceptance. For many, it will result in better care, more control, and more peaceful passage through the end of life.

Finally, the Senate ought to promote training in what is called comfort care or palliative care in our medical schools. This is a practice that is important for the Senate to understand. Comfort care, palliative care, helps terminally ill patients live as actively as possible and helps their families cope. It neither hastens nor postpones death. It is offered in hospice programs, in the last days of life. Its purpose is not to cure, but it prevents and relieves suffering by identifying, assessing, and treating pain and other problems. Those can include physical problems, emotional problems, and even spiritual concerns. Palliative care is appropriate for people living with advanced illnesses. It is even compatible with aggressive efforts to prolong life, such as chemotherapy or radiation therapy.

The Palliative Care Training Act will ensure that our country has more trained professionals to offer these critical comfort care services. The legislation addresses a need that the Senate has ignored too long. Without it, our citizens will not have enough dedicated professionals to meet this enormous need.

As the distinguished Presiding Officer and I have discussed often, we are in the middle of a demographic revolution. We will have many more older people in our country in the years to come. More medical science will not be appropriate for individuals to live beyond 100, and with Americans living so much longer than they did a century ago, it is important they have options that work for them. And demand for comfort, for palliative care, certainly goes on growing.

With all the American health care system has to offer, there has to be better care for patients and their families at the end of life. I hope these three bills I have described will get careful and thoughtful examination in the days ahead and in the hearings that will begin later this week in the committee on which the distinguished Presiding Officer serves.

As I have indicated, I believe the Senate has not been appropriately careful in recent weeks. When this body first considered legislation regarding Ms. Schiavo, I made my objections known. I was compelled to block the initial version of the legislation, a bill that was put forward without hearings, without discussion, and one that threatened to turn the Congress into a convention of case-by-case medical care. In my view, that legislation intruded dangerously on States’ rights to determine medical practice.

I worked with colleagues so Congress could pass bipartisan legislation that in my view didn’t set that dangerous precedent, particularly as it related to my own State’s law that the people of Oregon have now approved twice. I didn’t filibuster that final bill, which I had concerns about, but my concerns remain. I do not wish to see the steps of the Capitol as the new gathering place for Americans to bring their difficult family disputes at the end of life.

Unfortunately, Congress has now opened the door to both those possibilities.

April 4, 2005

CONGRESSIONAL RECORD — SENATE
The Senate has a renewed responsibility to do better. Each State’s constitutional right to determine medical practice exists whether the Congress agrees or disagrees—to put it bluntly, whether Congress likes it or not. Congress cannot legislate to set aside the principle of States rights. It then is to the State is right. In the same way, the checks and balances the Founding Fathers set among the executive, legislative, and judicial branches, those powers are not meant to be co-opted because they produce an outcome that is unacceptable to some Americans. Before acting, the Senate ought to consider the very nature of federalism that has brought and held our States together for more than two centuries. Then the Congress should think carefully about whether it makes sense to tear down a basic pillar of our national contract.

This body writes Federal laws. If the Senate does not like the effect of a Federal law, its prerogative is to change it. It is not the Senate’s prerogative to play constitutional chicken when matters happen outside of our jurisdiction. That is true no matter how strong our personal passions may be.

I fought for the rights of my State and its voters to decide the issue of physician-assisted suicide at home in Oregon. As I make this point, I want to point out that I voted twice against this law as an individual citizen. On two occasions, I cast my personal ballot against legalizing assisted suicide in my State. In addition, I voted against Federal funding of assisted suicide as a Member of this body. But the people of my State have spoken on an issue they have a right to decide at home in Oregon. As I have said in this body, I intend to defend their right to make that decision in every way I can.

In the case of Ms. Schiavo, I believe that Floridians, through their representatives in the State legislature, deserve the same leeway to decide such medical matters for themselves. When Congress ignored the fact that Florida’s legislature was still working on the case and ignored the right of the State courts to rule, it sought to weaken Florida’s rights, Oregon’s rights, and the rights of every State in our Nation. Any legislation this body passes now should not pose the same constitutional threat. The legislation I have outlined today is not, and I do not oppose any legislation that does so again.

It is an imperfect process even for States to rule on medical matters. End-of-life issues are about the heart and the head, about our personal morals as well as the law. Letting States decide is the rule of the Constitution I have sworn to uphold, and I intend to stand up for that principle. It is a critically important principle that the Senate stand for. And it is a principle that ought to dictate our actions before any legislation is produced.

The Senate should ask: Does any legislation on end of life meet key tests? Does it clarify and expand and ensure the choices that individuals and families can make? Does it act as the humanitarian or the head, about our personal morals, the Senate wishes to express, whether those wishes are to have life sustained or unwanted treatments withheld? Does it protect the rights of those in the disability community and those who are incapacitated, particularly when they have the opportunity to make their wishes known? Does it speak more than the political debates of the moment and truly take in hand the basic issues at the end of life? Does it contribute to less pain, better care, and more peace for those at the end of life? Does it fully meet the responsibility of the Senate without usurping the constitutional role of the States and the judiciary? And finally, does it meet the obligations of the Senate to the American people without extending our reach into their personal lives?

The Senate has an obligation to learn from the events of the last 2 weeks. Before acting, let us think. The Senate must equal its effort and its duty to do its duty with honor for those at the end of life. The Senate must equal their effort and their duty to do so.

The truth is, Americans’ end-of-life choices should not be made by strangers in the Congress, pushed by the passion of one case or the political priorities that press on every side. Americans are going to continue to wrestle with end-of-life care for themselves and their loved ones for as long as breath is drawn on this soil. Americans will bring all they have to bear ethically, morally, and spiritually to make the best decisions for themselves and to honor the decisions of their loved ones. The Senate must equal their effort and do its duty with honor for those at the end of life.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, what is the parliamentary procedure we are in at the moment?

The ACTING PRESIDENT pro tempore. The Senator from Florida should know that we are in morning business and there is a 10-minute limit on the Senator’s remarks.

USS “JOHN F. KENNEDY”

Mr. NELSON of Florida. Mr. President, I am introducing a bill today that I will offer as an amendment to the supplemental funding bill for defense which is supposed to come out of the Appropriations Committee this week and will be coming then more than likely to the floor. This supplemental appropriation bill is a must-pass bill because it contains the funding for additional expenses on the war in Iraq. As such, it becomes a vehicle through which I can try to attach an amendment that would have a significant policy effect upon our defense posture.

It is no secret that a number of us have joined in opposing the Pentagon’s proposal to scrap one of the aircraft carriers. The aircraft carrier they have selected is the John F. Kennedy, which is home ported at Mayport Naval Station, which is in Jacksonville, FL. Naturally, I speak for the interests of the folks in the State of Florida, but I speak with a much larger vision about the defense interests of our country.

For example, if the Pentagon, which I think has made a wrongheaded decision on budgetary reasons—they think it is going to save them a billion dollars when in fact it is not, but even so, if that were true, in the middle of a war is not the time for us to be reducing our ability to protect our forces around the world with these floating airfields that we call aircraft carriers. And we only have 12. The Pentagon is proposing to scrap one of the 12.

There is another reason. As a result of the announcement that was made by the Navy this past Friday night after the President and the Speaker had wound through with the plans on the Kennedy by scrapping the plans for rehabbing it in dry dock. It is not a surprise, but it is a confirmation that it is the John F. Kennedy they are planning to axe. The significance of this is that it leaves all of our remaining carriers in the Atlantic fleet home ported in one port—Norfolk, VA.

The significance of that is in testimony in our Senate Armed Services Committee, over and over, four star admirals have come in front of us and said: Don’t keep all of your carrier assets in one place. Spread them out.

It is no secret that when a terrorist is looking to do some damage of closing up a port, particularly a port that is upriver such as Norfolk, with some one or several carriers that could be in port, just sinking debris in the channel could close up the port. That is not the defense posture we want.

So there is no one who is in the uniformed military who thinks you should not spread your assets. As a matter of fact, on the west coast, on the Pacific fleet, we have three ports for aircraft carriers. The response is: If you are going to scrap, scrap the whole business. The significance of this Kennedy is that it means that it leaves all of our remaining carriers in the Atlantic fleet home ported in one port—Norfolk, VA.

The significance of that is in testimony in our Senate Armed Services Committee, over and over, four star admirals have come in front of us and said: Don’t keep all of your carrier assets in one place. Spread them out.
carrier on the east coast of the United States, and all of them are homeported in one place. That is not the defense posture the United States should be in.

It is another thing to talk about the parole which I represent, of Jacksonville and Florida. That is certainly an economic hit because Jacksonville, even if they get a nuclear carrier—and by the way, 5 to 7 years down the road it is another administration—Congress has to make those decisions—but in the meantime, Jacksonville doesn't have a carrier for 5 to 7 years, with the economic hit that takes place and the Nation doesn't have its carrier assets spread on the Atlantic coast of this country. That is not a position we should have.

I am going to offer a compromise, since it seems that the Pentagon is absolutely intent on scrapping—they call it mothballing—this carrier. The compromise I am suggesting, and I talked to the Vice Chairman of the Joint Chiefs just moments ago, is since the Navy and the Pentagon have decided they are not going to rehab the John F. Kennedy in a dry dock and save that expense, but the Kennedy can remain operational next 3 to 4 to 5 years without being rehatted in dry dock, let us keep our assets dispersed on the east coast until these decisions are made and the facilities are changed so we can spread our nuclear carrier assets.

That does another thing for the defense policy of this country. There is a question coming up in 2008, when the conventionally powered aircraft carrier Kitty Hawk is scheduled to be decommissioned. She is now home-ported in Japan because Japan, the Japanese Government, has had a policy of not accepting a nuclear carrier. What happens if by 2008 the Japanese Government does not change the policy and will not receive a nuclear carrier? Then we ought to have the John F. Kennedy kept alive in an operational status where it can fill that role and, over the course of the next 3 years coming up to 2008—and we are in 2005 right now—we will know the status.

From the standpoint of defense policy, No. 1, of spreading our carrier assets, the compromise I am offering makes sense. No. 2, from the standpoint of being able to respond quickly if we ever have a conventionally powered carrier in Japan, we would have a backup conventional carrier in 2008 if the Japanese Government would not receive a nuclear carrier. And, No. 3, it would not disrupt the lives of all those Jacksonville families by suddenly abolishing one of our carriers and all of the 5,000 sailors and their families and perhaps other ships in the carrier battle group that would go away. It seems to me it is the prudent defense policy thing to do.

I know if I offer this, if it is not being considered in the Pentagon, that I am swimming upstream. But I think it is worth the fight, not only as a Senator representing Florida but as a member of the Senate Armed Services Committee; it is a matter of protection, of the defense interests of this country.

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

The Acting President pro tempore. The clerk will call the roll.

The Acting President pro tempore. Without objection, it is so ordered.

Hon. George Williams, a Protestant who believed in a world that was open and vibrant, they were active and people were there. In Russia, they were museums. We thought about that. We think about that today as we
Mr. ALEXANDER. Mr. President, I have heard remarks that I would like to make on two different subjects. One has to do with a visit by a delegation of Senators led by the Democratic leader, the Senator from Nevada, Mr. Reid, and then a brief remark about the proposal that we use the supplemental appropriations bill to turn State driver’s licenses into national identification cards.

First I will comment on the 8-day congressional delegation that I was a part of over the last recess. It was led, as I said, by the Democratic leader. Let me say first how much I appreciate the style of his leadership. He is the Democratic leader, and occasionally there is a partisan word in this place, but this was a bipartisan delegation. We visited eight countries in 8 days, including Jerusalem, which visited Palestinian territories—visited leaders of the Palestinian Authority—we visited Kuwait, Iraq, Georgia, and the Ukraine. In France, we received a NATO briefing from our ranking general.

It is important for this body to know that in all of his public and private comments, the Democratic leader spoke for the administration of the U.S. Government. In other words, whatever his private views of policy difference might have been, he did not express those outside of this country. I was not surprised by that—I think that is the way it ought to be—but I was impressed by that. I was impressed by that part of his attitude, by the bipartisan quality of the delegation, and by the hard work he expected of those on the delegation. I appreciated the chance to be included, and I appreciated his leadership.

As I am sure the Senator from North Carolina, who occupies the chair, knows, and the Senator from Texas feels the same way, there are so many thousands of people—in my case, Tennesseans—serving in Iraq and Kuwait that I almost felt at home visiting there last week. My wife Honey and I were greeted by a female Senator, went to the ladies restroom, a female soldier with an AK-47 went first, inspecting every stall.

I was reminded just a couple of days ago how dangerous it can be when I went to the funeral in Sevier County of SGT Paul W. Thomason, III, the first member of our National Guard unit, the 278th, to be killed.

It is very difficult to grasp the reality of the security situation in Iraq. It is hard to grasp it from television. On the one hand, there is the danger I just described. On the other hand, our casualties are significantly down. Twelve of the 17 Iraqi provinces, we were told by our commanders there, are relatively without incident. An average of 800 supply trucks convoy each day from Kuwait to the edge of Baghdad. Since August, there have been 166 attacks on these trucks, killing 2 soldiers.

Forty percent of those serving in Iraq and Kuwait are reservists or guardsmen. Several thousand of them are from Tennessee. Most left behind families, jobs, and mortgages for up to 18 months. Par from home, they are dealing with child custody, insurance, births, and deaths. Thirty percent of the members of the 844th unit, with whom I visited, are continuing their education online. I brought home information so I could help seven reservists who are having trouble with their citizenship applications.

Here are three other thoughts from that visit:

One, armored vehicles. Commanders in Kuwait assured me that no humvee or truck is now going into a combat zone without Level I or Level II armor.

Second, in the training of Iraq forces, we met with GEN David Petraeus, the former commander of Fort Campbell’s 101st Airborne Division, which is one of our most accomplished military leaders. He persuaded me and I think most other members of our delegation that training is proceeding in an impressive way. It is not complete, but we are making progress.

Finally, infant democracies. We have sacrificed many lives and paid a heavy price in dollars to invade Iraq and remove Saddam Hussein, but without that decision there would be no infant democracies in Iraq and Afghanistan. Georgia, Ukraine, and Kuwait would be less democratic, and Syria would not be pulling troops out of Lebanon. We in the world are safer without Saddam Hussein, who we designate of Iraq, if he is elected, told us, in his words, that Saddam had buried alive 300,000 people.

When will our troops come home? I do not know. I believe we must have a success strategy, not just an exit strategy. This strategy should be based on whether Iraqis can reasonably defend themselves and whether they have some sort of constitutional government. Having liberated Iraq, it is now our job to stay there until there is a perfect democracy.

We Americans are very impatient. We also sometimes have short memories. We are expecting the Iraqis to come up with a constitution by August. It took the U.S. 12 years to write a constitution after declaring our independence, another 130 years to give women the right to vote in this country, and nearly 200 years before African Americans were allowed to vote in every part of Africa. I hope after the two Iraq elections scheduled for the end of 2005 that we will begin to see large numbers of Tennesseans coming home; for our average stay in other instances where the United States has helped build nations, as in Germany and Japan, has been about 5 years.

The Presbyterian Chaplain of the 844th—which I visited—Rev. Tim Fary from Rhea County, I discovered I had met before. He was then 8 years old and I was Governor of Tennessee. I was playing a piano concert with the Chattanooga Symphony at a July concert at Chickamauga near Chattanooga. Tim Fary, 8 years old, was lost.

He told me: When I found my parents 2 hours later, I had a handwritten note that read, “Dear Tim: Thank you for your advice, Governor Lamar Alexander.” That note kept me out of trouble. I still have it.

We hope Tim’s prayers, as well as our own, will keep our brave Tennesseans safe so they can accomplish their mission and come home soon.

DRIVER’S LICENSES

Mr. ALEXANDER. Mr. President, I would now like to speak for 4 or 5 minutes on another subject. I again thank the Senator from Texas. This is a subject that I recently wrote an op-ed about, which was published last week in the Washington Post. Pleading that many of my colleagues might have been in places such as Texas or Tennessee or Iraq and might have missed
it. I will make virtually the same remarks here.

Specifically, I am concerned about the so-called “Real ID Act,” a bill recently passed by the House of Representatives that would require States to turn 190 million driver’s licenses into national identification cards with State taxpayers, I am afraid, paying most of the costs.

The first thing wrong here is that some House Members want to stick that appropriation card proposal on the appropriations bill that supports troops in Iraq. We should not slow down money for our troops while we debate identification cards.

The second problem is that States not only get to create these identification cards, States will likely end up paying the bill. This is one more of the unfunded Federal mandates that we Republicans especially promised to stop.

Supporters argue this is no mandate because States have a choice. Well, true, States may refuse to conform to the proposed Federal standards and issue licenses to whomever they choose, including illegal immigrants. But, if they do, States’ licenses will not be accepted for “Federal purposes” such as boarding an airplane. That is some choice. What Governor will deny his or her citizens the identification they need to travel by air or to cash Social Security checks or for “other Federal purposes.”

Of course, this identification card idea might backfire on us, the Members of Congress. Some feisty Governor might ask: Who are these people in Washington telling us what to do with our driver’s licenses and making us pay for them, too?

A Governor, let us say from California, might say: California will use its licenses for certifying drivers, and Congress can create its own identification cards for those who want to travel and do other federally regulated things. And, if they do not, I will put on the Internet the home telephone numbers of all the Congressmen.

That is what some feisty Governor might say.

If just one State refuses to do the Federal Government identification work, Congress would be forced to create what it claims to oppose, a Federal identification card for citizens of that State.

Finally, if we must have a better identification card for some Federal purposes, there may be better ideas than turning State driver’s license examiners into CIA agents. For example, Congress might create an airline traveler’s card, or there could be an expanded-use U.S. passport. Since a motive here is to discourage illegal immigration, probably the most logical idea is to upgrade the Social Security card, which directly relates to the reason most immigrants come to the United States, to work.

I have fought government identification cards as long and as hard as any-one in this Chamber. In 1983, when I was Governor of Tennessee, our Tennessee Legislature voted to put photographs on driver’s licenses. Merchants and policemen wanted a State identification card to discourage check fraud and teenage drinking. I vetoed this photograph license bill twice because I believed driver’s licenses should be about driving and that State identification cards infringed on civil liberties.

That same year, 1983, I visited the White House on the annual visit that Governors have with the President of the United States. As I got to the gate, a White House guard asked for my photo identification.

I said to the guard: We don’t have photo driver’s licenses in Tennessee. I vetoed them.

The guard said: Well, you can’t get in without one.

Fortunately, the Governor of Georgia, the late George Busbee, was standing there next to me. He had his Georgia photo driver’s license. He vouched for me. I was admitted to the White House.

The legislature at home overrode my veto, and I gave up my fight against the photo identification card. For years, the State driver’s licenses have served as a de facto national identification card. But they have been unreliable. All but one of the 9/11 terrorists had valid driver’s licenses.

Even today, when I board an airplane, as I did this morning, security officials look at the front of my driver’s license, which expired in 2000, and rarely turn it over to verify that it has been extended until 2005.

My point is, we already have a national identification card. They are called driver’s licenses. They are just ineffective.

I still detest the idea of a government identification card. South Africa’s experience is a grim reminder of how such documents can be abused.

But I am afraid this is one of the ways 9/11 has changed our lives. Instead of pretending that we are not creating identification cards, when we obviously are, I believe Congress should carefully create an effective Federal document that helps prevent terrorism with as much respect for privacy as possible.

I thank the Senator from Texas for his courtesy. I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Texas.

FEDERAL COURTS

Mr. CORNYN. Mr. President, I wanted to talk a little about our courts, and specifically our Federal courts, and even more specifically the United States Supreme Court.

Before I start, let me just say I have the greatest respect for our judiciary, the men and women who wear black robes—whether it is on a municipal court or a district or a circuit court like I served on in San Antonio, Bexar County, TX, for 6 years, or those who work on appellate courts, whether State or Federal, like I did on the Texas Supreme Court for 7 years.

For 13 years of my professional life, I have worn a black robe, judging cases, first presiding over the jury trials, and coming to have a great deal of respect for those men and women who serve on juries and decide hard cases, cases which, perhaps, they would prefer not have to sit in judgment of, some involving even the death penalty.

Given that, I want anyone to misunderstand what I say as being a blanket criticism of either the judiciary or the U.S. Supreme Court, in particular. From my own experience, judges, although they have important jobs to do, are no different than you and I. They are mere mortals, subject to the same flashes of mediocrity, sometimes making mistakes, and sometimes displaying flights of brilliance. These are not, as some people have suggested, high priests able to discern great truths that you and I are unable to figure out. They are generally very intelligent, with outstanding educational pedigrees, but no one has agreed that judges, particularly Federal judges, can be or should be a law unto them-selves.

Federal judges are appointed subject to advice and consent provisions of the Constitution for a lifetime. They do not run for election. They do not have to raise money as do other politicians. They do not have to worry about who envies them that.

But the idea is they are supposed to use that independence in order to be impartial umpires of the law—it is called balls and strikes—and they should use that independence that has been given to them in order to resist politics, in order to resist those who would suggest that in order to be popular you must subscribe to a particular way of thinking or a particular social or political or ideological agenda.

Given that framework the Founding Fathers agreed was so important and that I know we all agree is important today to preserve that independence as to preserve that judicial function, it causes a lot of people, including me, great distress to see judges use the authority they have been given to make raw political or ideological decisions. No one, including those judges, including the judges on the U.S. Supreme Court, should be surprised if one of us stands up and objects.

I make clear I object to some of the decisionmaking process occurring at the U.S. Supreme Court today and now. So far as the Supreme Court has taken on this role as a policymaker rather than an enforcer of political decisions made by elected representatives of the people, it has led to increasing divisiveness and bitterness of our confirmation fights that is a very current problem this body faces. It has generated a lack of respect for judges generally, particularly when the public expect a judge for making a policy decision born out of an ideological conviction any more than they would respect or deny
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eral Government, of the executive powers of the legislature. In other words, the Congress. Its sole purpose—that is, the Federal judiciary's sole purpose—was to objectively interpret and apply the laws of the land and in such a role its job would be limited.

Let me explain perhaps in greater de-
tail why I take my colleagues' time to
 criticize some of the decisionmaking
being made by some Federal courts in
some cases. This is not a blanket con-
demnation. I hope I have made it clear
I respect the men and women who wear the robe, but having been a judge myself I can state that part of the job of a judge is to criticize the reasoning and the justification for a particular judg-
ment. I certainly did that daily as a state supreme court justice. And I
might add that people felt free to criti-
cize my decisions, my reasoning and
justification for the judgments I would
render. That is part of the give and
take of this. I make my respect generally for the Federal judiciary, including the U.S. Supreme Court.

I am troubled when I read decisions such as Roper v. Simmons. This is a re-
cent decision from March 1, 2005. Let
me state what that case was about.
This was a case involving Christopher Simmons. Christopher Simmons was sent to the electric chair when he murdered Shirley Crook. This is a murder he planned to commit. Before committing the crime, this 17-
year-old who was 7 months shy of his 18th birthday, encouraged his friends to join him, assuring them that they could "not get caught because they were minors." Christopher Simmons and his cohorts broke into the home of an innocent woman, bound her with duct tape and electrical wire, and then threw her off a bridge, alive and con-
scious, resulting in her subsequent death.

Those facts led a jury in Missouri, using the law in Missouri that the
people of Missouri had chosen for them-
selves through their elected representa-
tives, to convict Christopher Simmons and
his cohorts broke into the home of an
innocent woman, bound her with duct tape and electrical wire, and then threw her off a bridge, alive and
conscious, resulting in her subsequent death.

Well, this 17-year-old boy, or young
man I guess is what I would call him,
Christopher Simmons, challenged that
jury verdict and that conviction all the
way through the State courts of Mis-
souri and all the way to the U.S. Su-
preme Court. And the United States
Supreme Court, on March 1, 2005, held
that Christopher Simmons or any other
person in the United States of America
who commits such a heinous and premedi-
tated and calculated murder cannot be
given the death penalty because it vio-
lates the U.S. Constitution.

In so holding, the U.S. Supreme
Court said: We are no longer going
to leave this in the hands of jurors. We do
not trust jurors. We are no longer
going to leave this up to the elected
representatives of the people of the re-
spective States, even though 20 States,
including Missouri, have the possibility
at least of the death penalty being as-
essed in the most aggravated types of
cases, involving the most heinous

Finally, I don't know if there is a
cause-and-effect connection, but we
have seen some recent episodes of
courthouse violence in this country—
certainly nothing new; we seem to have
run through a spate of courthouse vio-
lence recently that the public, that it builds and builds to
some connection between the percep-
tion in some quarters on some occa-
sions where judges are making polit-
ical decisions yet are unaccountable to the
public, that it builds and builds to the
type of incidents that have been involved in violence, certainly without any jus-
tification, but that is a concern I have
that I wanted to share.

We all are students of history in this
Senate. We have all been elected to
other bodies and other offices, and we
are all familiar with the founding doc-
uments, the Declaration of Indepen-
dence, the Constitution itself. We are fa-
miliar with the Federalist Papers that
were written in an effort to get the Constit-
ution ratified in New York State. Alexander Hamilton, apropos of what I will talk about, authored a series of essays in the Federalist Papers that opined that the judicial branch would be what he called the "least dangerous branch of government." He pointed out that the judiciary lacked the
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of the legislature. In other words, the Congress. Its sole purpose—that is, the Federal judiciary's sole purpose—was to objectively interpret and apply the laws of the land and in such a role its job would be limited.

Well, finally—and this is the part I
want to conclude on and speak on for a
day, how do they evolve to be
something different the next day? And
what is a "maturing society"? How do
we determine whether society has ma-
tuned? How do we know we have a Federal system, and the
national Government does not dic-
tate to the State governments all as-
pects of criminal law. In fact, most
criminal law is decided in State courts
in the first place.

Nevertheless, the Supreme Court of
the United States, in a 5-to-4 decision,
looked for an "emerging consensus" and in the process wiped 20 States' laws off the books. I will not go into the
tails of how they found a consensus, but suffice it to say it ought to be that
in a nation comprised of 50 separate sovereign State governments, where 20
States disagree with the Court on its
decision that wipes those 20 States'
laws off the books, it can hardly be
called a consensus, if language is to
have any meaning.

Secondly, the Court said: We will also look to our own decisions, our own
decisions, our own conscience, in deter-
ding whether this death penalty convic-
tion was constitutional. This ought to give you some indication of the problems we have with the
Supreme Court as a policymaker with no fixed standards or objective standards by which to determine its decisions to
be constitutional. And I believe the Court em-

sions of the legislature. In other words,
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Well, finally—and this is the part I
want to conclude on and speak on for a
few minutes—the Court demonstrated a disconcerting tendency to rely on the laws of foreign governments and even treaties in the application and enforcement of U.S. law. This is a trend that did not start with the Roper case, but I did want to mention it in that connection.

But if the U.S. Supreme Court is not going to look to the laws of the United States, including the fundamental law of the United States, which is the Constitution, the interpretation of what is and is not constitutional under the U.S. Constitution by looking at what foreign governments and foreign laws have to say about that same issue, I fear that bit by bit and case by case the American people are slowly losing control over the meaning of our laws and the Constitution itself. If this trend continues, foreign governments may have a say in what our laws and our Constitution mean and what our policies in America should be.

Let me second to say this is as current as the daily news. As a matter of fact, I saw in the New York Times on April 2 an article concerning Justice Ginsburg, a member of that five-member majority in the Roper case. The article is entitled "Justice Ginsburg Backs Value of Foreign Law." Reading from this story, written by Anne Kornblut, it says:

In her speech, Justice Ginsburg criticized the rejection of the death penalty and the spirit in which they were written.

She is referring to a resolution I have filed, and I sent out a "dear colleague" today expressing concerns about this issue. But she said:

"Although I doubt the resolutions will pass this Congress—"

I don’t know where she gets her information. I think there is a lot of positive sentiment in favor of what the resolution says, and I will talk about that in a minute.

Although I doubt the resolutions will pass this Congress, I am a little surprised that a sitting U.S. Supreme Court Justice would engage in a debate about a current matter, which has yet to be decided by the Senate, which is a resolution expressing concern about the use of foreign laws and treaties to interpret what the U.S. Constitution should mean. I am a little surprised by it.

In a series of cases over the past few years our courts have begun to tell us that our criminal laws and our criminal policies are informed not just by our Constitution and by the policy preferences and legislative enactments of the American people through their elected representatives, but also by the rulings of foreign courts. I understand it is hard to believe, and most people listening to what I am saying are asking themselves: Could this be true? Is it possible? I know it is hard to believe, but in recent cases, including the Roper case, the U.S. Supreme Court has actually rejected its own prior decisions in part because a foreign government or court has expressed disagreement with the conclusion they had reached.

Until recently the U.S. Supreme Court had long held that under appropriate safeguards and procedures, the death penalty by the States regardless of the IQ of the perpetrator. The Court had traditionally left this issue untouched as a matter for the American people and each of their States to decide, as the Court said in a case called Penry v. Lynaugh in 1989. Yet because some foreign governments had frowned upon that ruling, the U.S. has now seen fit to take that issue away from the American people entirely. In 2002, in a case called Atkins v. Virginia, the U.S. Supreme Court held that the Commonwealth of Virginia could no longer apply its criminal justice system and its death penalty to an individual who had been duly convicted of abduction, armed robbery, and capital murder because of the defendant’s having been mildly mentally retarded.

The reason given for this reversal of the Court’s position that it had taken in 1989 to 2002? In part it was because the Court was concerned about “the world community” and the views of the European Union.

Take another example. The U.S. Supreme Court had long held that the American people in each of the States have the discretion to decide what kinds of conduct that have long been considered immoral under long-standing legal traditions should or should not remain illegal. In Bowers v. Hardwick in 1986, the Court held that it is up to the American people to decide whether criminal laws against sodomy should be continued or abandoned. Yet once again because foreign governments have frowned upon that ruling, the U.S. Supreme Court saw fit in 2003, in Lawrence v. Texas, to hold that no State’s criminal justice system or its criminal justice laws could be written in a way to reflect the moral convictions and judgments of their people.

The reason given for this reversal from 1986 to 2002? This time the Court explained that it was concerned about the European Court of Human Rights and the European Convention on Human Rights.

I have already mentioned the case of Roper v. Simmons. But most recently, in March 28, the U.S. Supreme Court heard oral arguments in a case that will consider whether foreign nationals duly convicted of the most heinous crimes will nevertheless be entitled to a new trial for reasons that those individuals did not even bother to bring up during their trial. As in the previous examples, the Supreme Court has already answered this issue but decided to revisit it once again. In 1998, in Breaad v. Green, the Court made clear that criminal defendants, like all parties of the law, have a right to sit in their court proceedings and bring their rights and must bring them up at the time the case is going on or be prohibited from raising those issues later on, perhaps even years later. That is a basic principle of our legal system. In this case, the Court has decided to revisit whether an accused who happens to be a foreign national, subject to the Vienna Convention on Consular Relations, should be treated differently from other litigants in civil litigation systems and in State and Federal courts or in the Federal system reviewing State criminal justice provisions.

Although this basic principle of American law may soon be reversed. Many legal experts predict that in the upcoming case of Medilline v. Dreke, the Court may overturn itself again for no other reason than that the International Court of Justice happens to disagree with our longstanding laws and legal principles. This particular case involves the State of Texas. I have filed an amicus brief, a friend of the court brief, in that decision, asking the Court to allow the people of Texas to decide their own laws and policies consistent with the U.S. States Constitution and not subject to the veto of the Vienna Convention on Consular Rights or the decision of some international court.

It is a serious risk, however, that the Court will ignore Texas law, will ignore U.S. law, will reverse itself, and decide in effect that the decisions of the U.S. Supreme Court can be overturned by the International Court of Justice.

I won’t dwell on this any longer, but suffice it to say there are other examples and other decisions where we see Supreme Court Justices citing legal opinions from foreign courts across the globe as part of the justification for their decisions interpreting the U.S. Constitution. These decisions, these legal opinions from foreign courts range from countries such as India, Jamaica, Zimbabwe, and the list goes one.

I am concerned about this trend. Step by step, with each case where this occurs, the American people may be losing their ability to determine what their laws should be, losing control in part due to the opinions of foreign courts and foreign governments. If this happens to criminal law, it can also spread to other areas of our Government and our sovereignty. How about our economic policy, foreign policy? How about our decisions about our own security?

Most Americans would be disturbed if we gave foreign governments the power to tell us what our Constitution means. Our Founding Fathers fought the Revolutionary War precisely to stop foreign governments—in this case, Great Britain—from telling us what our laws should be or what the rules should be by which we would be governed. In fact, ending foreign control over American law was one of the very reasons given for our War of Independence.

The Declaration of Independence itself specifically complains that the American Revolution was justified in
part because King George "has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws."

After a long and bloody revolution, we earned the right at last to be free of such interference. Rather, it is the people of the United States who then ordained and established a Constitution of the United States and our predecessors, our forefathers, specifically included a mechanism by which we, the people of the United States, could change it by amendment, if necessary.

Of course, every judge who serves on a Federal court swears to an oath to "faithfully and impartially discharge and perform all the duties incumbent upon me ... under the Constitution and laws of the United States, so help me God."

As you can tell, I am concerned about this trend. I am concerned that this sudden interest in foreign law is not just an anomaly. It is an erosion of the trust amongst legal elites—not only a distrust of our constitutional democracy, but a distrust of the American people and America itself.

As every high school civics student knows, a judge is supposed to follow the law, not rewrite it. Judges are supposed to enforce and apply political decisions that are made in Congress and that are signed into law by the President of the United States. Judges do not make those decisions or substitute their own judgments or those political judgments hashed out in the legislative process in this body and this Capitol. The job of a judge is to read and obey the words contained in our laws and in our judicial precedents—not the laws and precedents of foreign governments, which have no authority over our Nation or the American people.

I am concerned that some judges who simply don't like our laws—and they don't like the decisions made by Americans through their elected representatives here about what those laws should be—are using this as another way to justify their decision to overreach. So it appears they would rather rewrite the law from the bench. What is especially disconcerting is that some judges today may be departing so far from American law, from American principles, and from American traditions, the way they justify their rulings is to cite the law of foreign countries, foreign governments, and foreign cultures, because there is nothing left for them to cite for support in this country.

Citing foreign law in order to overrule U.S. policy offends our democracy because foreign lawmaking is obviously in no way accountable to the American people. Here again—and I started out by saying I am not condemning all Federal judges; I have great respect for the Federal judiciary—I am not condemning international law. Obviously, there is a way by which international law can apply to the United States, and that is through the treaty process, which is, of course, subject to ratification by the U.S. Congress.

There is an important role for international law in our system, but it is a role that is delegated to American people through the political branches—the Congress and the President—to decide what that role should be and indeed what that law should be; it is not a role given to our courts. Article I of the U.S. Constitution gives the President, not the courts, the authority to enact laws punishing "Offenses against the Law of Nations," and article II of the Constitution gives the President the power to ratify treaties, subject to the advice and consent and the approval of two-thirds of the Senate. Yet our courts appear to be, in some instances, overruling U.S. law by citing foreign law decisions in which the U.S. Congress had no role and citing treaties that the President and the U.S. Senate have refused to approve.

To those who might say there is nothing wrong with simply trying to bring U.S. laws into consistency with other nations, I say this: This is not a good faith attempt to bring U.S. law into global harmony. I fear that, in some instances, it is simply an effort to further a political or ideological agenda, because the record suggests that this sudden interest in foreign law is more ideological than legal; it seems selective, not principled.

U.S. courts are following foreign law, it seems, inconsistently—only when needed to achieve a particular outcome that a judge or justice happens to desire but that is flatly inconsistent with U.S. law and precedent. Many countries, for example, have no exclusionary rule to suppress evidence that is otherwise useful and necessary in a criminal case. Yet our courts have not abandoned the exclusionary rule in the United States. The question is, what role should be and indeed what that role should be and indeed what that law should be; it is not a role given to our courts.

I believe the American people—certainly the people in Texas—do not want their courts to make political decisions. They want their courts to follow and apply the law as written. I believe the American people do not want their courts to follow the precedents of foreign courts. They want their courts to follow U.S. laws and U.S. precedents. The American people do not want their laws controlled by foreign governments. They want their laws controlled by the American Government, which serves the American people. The American people do not want to see American law and American policy outsourced to foreign governments and foreign courts.

I have submitted a resolution to give this body the opportunity to state for the record that this trend in our courts is wrong and that American law should never be reversed or rejected simply because a foreign government or a foreign court may disagree with it. This resolution is nearly identical to one that has been introduced by my colleague in the House, Congressman Tom Feeney. I applaud his leadership and efforts in this area, and I hope both the House and Senate will come together and follow the footsteps of our Founding Fathers, to once again defend our rights as Americans to dictate the policies of our Government—inform but never dictated by the preferences of any foreign government or tribunal. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.
quote the other day. I was home this weekend with my wife and was looking over remarks made about John Paul II. The Archbishop said this:

He will be known, I firmly believe, as John Paul the Great in the long history of the church because of his profound writings and for his unceasing focus on the dignity of each and every human being and the paramount value of human life. To my mind, the pontificate was made possible by the providence of God and demonstrates God’s love for his church.

I agree with my friend Archbishop Flynn that John Paul II will be known in history as John Paul the Great.

The human family is plagued by many artificial divisions. Once in a while, a figure emerges whose ideas and example resonate across all boundaries and brings us together. John Paul II was such a person.

As a Jew, I feel a deep sense of personal loss because the person I looked to for leadership and who I deeply and profoundly respected has passed on. I have the image of John Paul II at the western wall, praying, inserting his prayer—

He was a man whose strength came from his love of humanity and his commitment to peace.

The Archbishop said this:

There is a piece I saw in Larry Flynn that John Paul II will be known in history as John Paul the Great.

Flynn that John Paul II will be known in history as John Paul the Great.

This weekend, the Catholic Church lost its spiritual leader and a spiritual leader of the world. Just because you are not of that faith does not take you away from the sublime greatness of this man. I acknowledge his spiritual power. In the book I read, I learned it was not unusual for Pope John Paul II to pray for 4 or 5 hours at a time. He was a man of great spirituality. Without any reservation, the world lost its spiritual leader and incredible role model. He displayed amazing strength, courage, and compassion throughout his life, his life of service to his fellow man.

As we know, he was born in Poland near Krakow. During his 84 years, he had enormous impact on the people and politics of his time. His lifetime and acts are not of that faith does not take away from the sublime greatness of this man. I acknowledge his spiritual power. In the book I read, I learned it was not unusual for Pope John Paul II to pray for 4 or 5 hours at a time. He was a man of great spirituality. Without any reservation, the world lost its spiritual leader and incredible role model. He displayed amazing strength, courage, and compassion throughout his life, his life of service to his fellow man.

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John Paul II was an ambassador of love, and his love will continue to bless the world. I said to my wife the other day: How blessed we are to have lived in his time.

John Paul the Great is no longer with us. He has taken all our souls in extraordinary ways. We thank God to have known him. Mr. President, I yield the floor, and 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescind.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

HONORING POPE JOHN PAUL II

Mr. REID. Mr. President, a number of years ago, maybe 15 years ago, I had the opportunity to read a biography of Pope John Paul II. It was a big book given to me by a friend. I started reading it and I couldn’t put it down. It is a tremendously interesting, fascinating, wonderful human being I came to appreciate. I did not know much about the Pope, but after reading that book I tried to read everything I could about him.

The only personal situation I ever had involving the Pope was shortly after I read that book I traveled to Central America with a congressional delegation. This was during the time of the Iran contra conflict. One of the people we met was the Interior Minister of Nicaragua, a Communist. I met him. He was a pleasant man. He was a Catholic priest.

He talked about the fact he had been to Nevada. He was a relief priest. He would relieve priests in rural Nevada for their vacations. He talked about Battle Mountain where he had administered the last rites to a sheep herder. He was a very pleasant man. I learned later, however, about a story when the Pope had been through Nicaragua earlier. There was a long line of priests, as is traditional in the Catholic faith, that kiss the ring of the father, the Pope. When this man came by, the Pope withdrew his hand. What this man had done in Nicaragua. He was a Communist, and he did not like what he had done, and he didn’t kiss his ring; the Pope pulled it back.

Pope John was a man of conviction and very strong feelings. One of the strongest convictions he had was about communism. He knew what it had done to his country of birth.

He is exemplary of why the former Soviet Union could beat down religion in every country—except Poland. It couldn’t do it. And Pope John was an example of how the Poles reacted to communism. They tried to shut the schools. The Catholic schools flourished during all the time of communism. They could not shut them down.

This weekend, the Catholic Church lost its spiritual leader and a spiritual leader of the world. Just because you are not of that faith does not take away from the spiritual greatness of this man. I acknowledge his spiritual power. In the book I read, I learned it was not unusual for Pope John Paul II to pray for 4 or 5 hours at a time. He was a man of great spirituality. Without any reservation, the world lost its spiritual leader and incredible role model. He displayed amazing strength, courage, and compassion throughout his life, his life of service to his fellow man.

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tive. Some say he was not progressive
even. But he made his mark wherever
he went.

I will remember the Pope for the strength he showed throughout his life. It all started in reading the book about
this great man. In the face of com-
munism, he stood with the people of
Eastern Europe and empowered them
in their pursuit of freedom. In the face
of hunger and despair, he challenged
powerful nations, including our own to
do more for, look out and lift up our
struggling neighbors. In the rush to
war, he sought peace always. At the
end of his days when sickness had
taken his physical strength, he still
showed grace and courage in tending to
his flock.

The last pictures we see of the Pope
in some of our minds’ eye, having gone
through surgery, he was still standing
in front of the throng that came to see
him, and still doing his very best to
speak. He couldn’t speak. How frus-
trating that must have been.

There are many lessons we can draw
from the life of Pope John Paul II. He
traveled the globe more than any Pope
in history. He was a skier in addition
to being the Pope. He skied while he
was the Pope.

He did not have to travel the world,
but he did, realizing that he brought
the spotlight of media and attention to
the cause of many who otherwise would
have been ignored.

He was shot by a would-be assassin.
As soon as he was physically able, he
got to the prison cell of the man who
shot him and forgave him in the prison
cell in a one-on-one meeting with his
would-be assassin.

We now know as a result of that as-
sassin’s attempt they developed a new
vehicle for him. In this age of terror,
the Popemobile is something we all un-
derstand. He waved to people from this
little bulletproof vehicle which he rode
around in like a golf cart. It was not
a limousine. It was the Popemobile.

He also reached out to leaders. He did
not always agree with these leaders he
reached out to, recognizing that prob-
lems are better solved by working to-
gether. In our own country, he reached
out to former Presidents Carter, Car-
son, Bush, and Clinton, and worked
closely with our current President. He
did not alienate or reject leaders who
disagreed with him. He sought common
ground in championing the causes of
his fellow man.

But ultimately, I believe the life of
Pope John Paul II is a reminder that
one man or one woman can make a dif-
ference. It does not matter where we are
born. It does not matter what we aspire
to early in life. It can change for
the better. It does not matter what
paths we have wandered. We all have
the ability to rise up and help our fel-
low man in immeasurable ways. There
is no better example of that than Pope
John Paul II.

As the world mourns the loss of the
Pope, may we keep that lesson in mind,
and find inspiration in his life and the
work he has accomplished.

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.

HONORING OUR ARMED FORCES

MASTER SERGEANT MICHAEL HIESTER
Mr. BAYH. Mr. President, I rise
today with a heavy heart and deep
sense of gratitude to honor the life of a
brave young man from Bluffton. Mas-
ter Sergeant Michael Hiester, 33 years
old, was one of four Indiana National
Guardsmen who died on March 26 when
a land mine exploded under their mili-
tary vehicle south of Kabul. With his
life before him, Michael risked every-
thing to fight for the values Americans
hold close to their hearts, in a land half-
way around the world.

A devoted father of two young chil-
dren, Michael served as a part-time
firefighter in his hometown of Bluffton,
in addition to being a member of the
Indiana National Guard. Like most
things Michael set his mind to, he was
successful in his military career. A
full-time Guardsman since 1990, Mi-
chael was promoted to master sergeant
3 months ago. He had previously served
his country in Bosnia as part of the Indiana Guard’s peace-
keeping assignment. According
to friends and family, Michael was also
a real estate appraiser and an avid ath-
lete who loved diving and cycling.
Mayor Ted Ellis shared memories of
Michael with the Associated Press,
saying, that he “was just the kind of
guy that every parent wants their child
to be like—outgoing and hardworking
and always thinking about something
that they could do out there for the
community.” I stand here today to ex-
press gratitude for Michael’s sacrifices
and for those made by the entire
Hiester family on behalf of our coun-
try.

Michael was killed while serving his
country in Operation Enduring Free-
dom. He was a member of the Indiana
National Guard’s 76th Infantry Bri-
gade. This brave young soldier leaves
behind his wife Dawn, a 6-year-old
daugther, Emily, and a 4-year-old son,
Adam.

Today, I join Michael’s family, his
friends and the entire Bluffton com-
unity in mourning his death. While we
struggle to bear our sorrow over this
loss, we can also take pride in the ex-
ample he set, bravely fighting to make
the world a safer place. It is his cour-
age and strength of character that peo-
ple will remember when they think of
Michael, a memory that will burn
brightly in our hearts.

Michael was known for his dedication
to family and his love of country.

Today and always, Michael will be
remembered by family members, friends
and fellow Hoosiers as a true American
hero and we honor the sacrifice he made while dutifully serving his coun-
try.

As I search for words to do justice in
honoring Michael’s sacrifice, I am re-
minded of President Lincoln’s remarks
as he addressed the families of the fall-
en soldiers in Gettysburg: “We cannot
deny, we cannot escape, the fact that
we cannot hallow this ground. The brave
men, living and dead, who struggled
here, have consecrated it, far above our
poor power to add or detract. The
world will little note nor long remem-
ber what we say here, but it can never
forget what they did here.” This state-
ment is just as true today as it was
nearly 150 years ago, as I am certain
that the impact of Michael’s actions
will live on far longer than any record
of his deeds.

It is my sad duty to enter the name
of Michael Hiester in the CONGRES-
SIONAL RECORD of the U.S. Senate for
his service to this country and for his
pursuit of freedom, democracy and peace.
When I think about this just cause in which we are en-
gaged, and the unfortunate pain that
comes with the loss of our heroes, I
hope that families like Michael’s can
find comfort in the words of the proph-
et Isaiah who said, “He will swallow up
death in victory; and the Lord God will
wipe away tears from off all faces.”

May God grant strength and peace
to those who mourn, and may God be with
all of us, as I know He is with Mi-
chael.

ARMY SPECIALIST BRETT M. HERSHEY

Mr. President, I also wish to honor
the life of a brave young man who grew
up in Indianapolis. Army SPC Brett M.
Hershey, 22 years old, was one of four
Indiana National Guardsmen who died
on March 26th when a land mine ex-
ploed under their military vehicle
south of Kabul. With his entire life be-
fore him, Brett risked everything to
fight for the values Americans hold
close to our hearts, in a land halfway
around the world.

A 2000 graduate of North Central
High School in Indianapolis, Brett was
just seven credits shy of graduating
from Indiana University in Bloom-
ington, when he left for Afghanistan.
Friends and teachers recount that at
North Central, Brett was a model stu-
dent with an ever-present smile, who
was involved in varsity lacrosse and
student government. Brett’s father, Nate, recalled his
brother’s vibrant spirit when speaking
to the Indianapolis Star saying, Brett
“loved people very well, and he loved
the thought of his God, his Jesus.
He was funny, witty and passionate
about just sucking the marrow out of
life. He always wanted people to know
they were loved.”

Brett was killed while serving his
country in Operation Enduring Free-
dom. He was a member of the Indiana
National Guard’s 76th Infantry Bri-
gade. This brave young soldier leaves
behind his mother Roxanne; his father Roger; his sister Abby; his brother Nathan; and his sister Nicole.

Today, I join Brett’s family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Brett, a memory that will burn brightly during these continuing days of conflict and grief.

Brett was known for his deep faith, his dedication to his family, and his love of country. Today and always, Brett will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Brett’s sacrifice, I am reminded of President Lincoln’s remarks as he addressed the families of the fallen soldiers in Gettysburg: “We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.” This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Kyle’s actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Brett M. Hershey in the CONGRESSIONAL RECORD of the United States Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Brett’s can find comfort in the words of the prophet Isaiah who said, “He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.”

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Brett.

CAPTAIN MICHAEL T. FISCUSS

Mr. President, I honor the life of a brave young man from Milford. Captain Michael “Todd” Fiscus, 36 years old, was a member of the Indiana National Guard who died on March 26 when a land mine exploded under their military vehicle south of Kabul. With his entire life before him, Todd risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A devoted father of two daughters and a successful soldier, Todd joined the Indiana Air National Guard about 16 years ago before switching to the Army National Guard. In joining the Guard, Todd followed a family tradition of service, as his father, Captain Mike Fiscus, also serves in the Army Guard. Outside of his missions to Afghanistan and Bosnia-Herzegovina, Todd flew charter planes. His wife Paula shared memories of Todd with the Indianapolis Star, recounting that “he wanted to be out there making a difference.” A neighbor told a local television station, “As a neighbor and friend—his children, wonderful man—great father and a great husband.” I stand here today to express gratitude for Todd’s sacrifices and for those made by the entire Fiscus family on behalf of our country.

Today, I join Todd’s family, his friends and the entire Milford community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Todd, a memory that will burn brightly during these continuing days of conflict and grief.

Todd was known for his dedication to family and his love of country. Today and always, Todd will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Todd’s sacrifice, I am reminded of President Lincoln’s remarks as he addressed the families of the fallen soldiers in Gettysburg: “We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.” This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Kyle’s actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Michael “Todd” Fiscus in the CONGRESSIONAL RECORD of the U.S. Senate for his service to his country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Todd’s can find comfort in the words of the prophet Isaiah who said, “He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.”

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Todd.

SFC NORMAN “KYLE” SNYDER

Mr. President, I also honor the life of a brave young man from Carlisle. Army Specialist Norman “Kyle” Snyder, 21 years old, was one of four Indiana National Guard soldiers who died on March 26 when a land mine exploded under their military vehicle south of Kabul. With his entire life before him, Kyle risked everything to fight for the values Americans hold dear.

After graduating from Sullivan High School, Kyle joined the National Guard, a dream he had long held. A country music fan and friends, Kyle had hoped to attend college in the coming fall. By joining the National Guard, Kyle became a part of a long-standing family tradition of service, as most of his male relatives also served in the military. His mother, Donna Shots, recalled her son’s service to his country, saying “I am honored to know that my son served in the military, died honorably and I can hold my head up knowing he was proud and so am I to be an American.” Today and always, Kyle will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

Kyle was killed while serving his country in Operation Iraqi Freedom. He was a member of the Indiana National Guard’s 76th Infantry Brigade. This brave young soldier leaves behind his mother Donna Shots; his father Jerry Snyder; his sister Shelli Snyder; three half brothers Eugene Snyder and Craig Allen Snyder; and his grandparents, Azalia Barfield, Jane and Ron Moreland, Juanita Walters, and Norman and Susan Snyder.

Today, I join Kyle’s family, his friends and the entire Carlisle community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Kyle, a memory that will burn brightly during these continuing days of conflict and grief.

As I search for words to do justice in honoring Kyle’s sacrifice, I am reminded of President Lincoln’s remarks as he addressed the families of the fallen soldiers in Gettysburg: “We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.” This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Kyle’s actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Norman “Kyle” Snyder in the CONGRESSIONAL RECORD of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace.
when I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Kyle's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you as I know He is with Kyle.

FIRST LIEUTENANT EDWARD D. IWAN
Mr. NELSON of Nebraska. Mr. President, I rise today to honor First Lieutenant Edward D. Iwan of Albion, NE.

First Lieutenant Iwan was a man who led by example and his leadership deserves the utmost honor. He was raised on a farm near Albion, NE and was a 1994 graduate of Albion High School where he was active in Future Farmers of America and Student Council. First Lieutenant Iwan valued his church, family, and country; and following high school he served 3 years in the United States Army. He then returned to Nebraska and earned a Bachelor of Science degree in Criminal Justice. During college he remained active in the Armed Forces including the ROTC, National Guard and Army Reserve. In December of 2001, First Lieutenant Iwan returned full-time to the Army.

During his last tour of duty to our country this soldier was promoted from Second to First Lieutenant, served in several locations, and was deployed to Iraq in January of 2004 with the 2nd Battalion, 25th Infantry Regiment, 1st Infantry Division. First Lieutenant Edward D. Iwan was killed in action on Friday, November 12, 2004 during sustained combat in Fallujah, Iraq. This brave soldier led by example to the very end, when even as his unit was under attack, he continued to guide his troops. He was killed when a rocket propelled grenade struck his Bradley Fighting Vehicle. His final heroic moments resulted in the posthumous awards of a Purple Heart and Bronze Star.

I offer my sincere thoughts and prayers to the family and friends of First Lieutenant Iwan. His service to our Nation will forever be appreciated. He was an outstanding American, Nebraskan, and soldier who embodied the bravery, spirit, grace and values of our grateful Nation.

MARINE LANCE CORPORAL SHANE E. KIELION
Mr. GRASSLEY. Mr. President, I rise today to also honor Marine LCpl Shane E. Kielion of La Vista, NE.

Lance Corporal Kielion, a young man with a bright future, heroically served our Nation. As a 1999 graduate of South High School in Nebraska, he attended the U.S. Naval Academy and was employed before deciding to enter the United States Marine Corps in 2002. He wed his high school sweetheart, April, while being stationed in San Diego. Lance Corporal Kielion was assigned 3rd Battalion, 5th Marine Regiment, 1st Marine Division, 1 Marine Expeditionary Force, Marine Corps Base Camp in Pendleton, CA.

Lance Corporal Kielion died November 15, 2004, from injuries sustained from small arms fire as a result of enemy action. On that same day, Lance Corporal Kielion's son was born. Shane Jr. is a living remembrance of his father who was a brave and dedicated son, brother, friend, husband, and Marine.

I would like to extend my sympathy to all those who were blessed to know Lance Corporal Kielion and remind them that he will always be remembered as a brave and dedicated U.S. Marine. Loyal and honorable are two appropriate descriptions of LCpl Shane Kielion who will forever remain in the hearts and minds of those he left behind including his wife and son.

Mr. President, I rise today to honor Marine SGT Nicholas S. Nolte of Falls City, NE.

As a 1998 graduate of Falls City Sacred Heart, Nicholas S. Nolte demonstrated honor, dignity, and bravery in his decision to join the Marines after graduation. Sergeant Nolte was so dedicated to his service that he reenlisted after his original 4-year commitment and was assigned to the 2nd Low Altitude Air Defense Battalion, 2nd Marine Aircraft Wing, II Marine Expeditionary Force, Marine Corps Air Station, in Cherry Point, NC. He was also a member of the Presidential Helicopter Squadron HMX-1 where he honorably guarded and served President Clinton and Vice President Gore.

On November 9, 2004 while serving in Iraq, Sergeant Nolte was injured as a result of enemy action when a roadside bomb hit his vehicle in Al Anbar Province, Iraq. He later died from his wounds on November 24th at the National Naval Medical Center in Bethesda, MD.

Sergeant Nolte left behind his wife Melina and daughter Alanna. He is survived by many family, friends, and countrymen who honor his bravery for serving our Nation and fighting for our freedom. I would like to express my heartfelt thoughts and prayers for Sergeant Nolte's family. Sergeant Nolte will be remembered as a Marine who fought and died for liberty and freedom for all Americans and Nebraskans.

TRIBUTE TO STAFF SERGEANT DONALD D. GRIFFITH, JR.

Mr. GRASSLEY. Mr. President, I rise today to remember a fallen soldier, SSG Donald D. Griffith, Jr., a member of B Troop, 2nd Squadron, 14th Cavalry Regiment, 25th Infantry Division, Fort Lewis, WA. Staff Sergeant Griffith died on March 11, 2005, in Tal Afar, Iraq, when his dismounted patrol was attacked by enemy forces using small arms fire. My heart goes out to his parents and family, who reside in Mechanicville, IA, and his wife in Lakewood, WA.

Today, this Nation remembers and honors a man who sacrificed his life to defend his fellow soldiers and his country. With the death of Donald Griffith, this Nation lost a hero.

We know that there is no greater gift than the laying down of one's life for another. Staff Sergeant Griffith has given us that gift and we are forever grateful for his sacrifice. I ask that my colleagues join me in offering the memory of Donald D. Griffith, Jr. as we extend our thoughts and prayers to his family and friends.

TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. LEVIN. Mr. President, it is with deep sadness that I learned this past week of the passing of a dear friend and former colleague, Senator Howell Heflin.

My thoughts and prayers today and those of my wife, Barbara, are with his loving wife, Elizabeth Ann "Mike", and his family.

Everyone thought of Howell as "Judge" Heflin, even as he served in the Senate, because he forever looked and acted the part of the "country judge". He came to the Senate, as I did, in the class of 1978. Howell was then already a distinguished jurist, having served two years as chief justice of the Alabama Supreme Court. He went on to build a solid reputation and to play an important role in the life of the Senate over the next 18 years.

Howell Heflin, a man of not only intellect, but warmth and good humor, tackled some of the more thankless tasks in the Senate, including the arcane issues involving bankruptcy and administrative practice, and serving as the chairman of the Senate Ethics Committee in particularly turbulent times. He could always be counted on to approach difficult issues with careful thoughtful analysis, and to apply his balanced judgement objectively. For this reason, and others, Howell Heflin was respected on both sides of the aisle. In fact, he frequently served as a bridge between Democrats and Republicans in a way sorely needed in today's Senate. He was a true moderate, moderate in politics and by temperament. His demeanor, his objectivity, as well as his expertise, diligence and attention to the facts, have been missed and are among the very elements most needed now in this Chamber if we are to hope to remain the world's most deliberative body.

Howell Heflin served the people of Alabama, proudly. He served our nation with genuine dignity. And, today, as I look back on the life and career of Howell Heflin, I reflect on how proud I am of having had the opportunity to serve with this very special man, and to call him my friend.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator Kennedy and I introduce hate
crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last month, a 19-year-old gay man from New York was brutally murdered. The victim’s dismembered limbs were found chopped up. Brooklyn, including inside a subway tunnel.

I believe that the Government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol of a category that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

Mr. LEVIN. Mr. President, I am pleased to join Senator LAUTENBERG in introducing the Terrorist Apprehension Record Retention Act. I cosponsored the Terrorist Apprehension Record Retention Act because I believe it is common sense legislation which will strengthen our homeland security.

According to the Brady Handgun Violence Prevention Act, anyone seeking to purchase or obtain a permit to possess, acquire, or carry firearms must undergo a background check through the National Instant Criminal Background Check System, or NICS. This process requires the applicant to provide a variety of personal information including name, date of birth, current residence, and a check of citizenship, which is then compared with data in the NICS system to determine whether the person is prohibited by law from receiving or possessing a firearm. Disqualifying criteria include felony convictions and fugitive or illegal alien status. If no disqualifying information is found within 3 business days, the transaction is allowed to continue.

As part of the background check, applicants are also checked against known terrorist watch lists. However, under current law, membership in a known terrorist organization does not automatically disqualify an applicant from receiving or possessing a firearm. In cases where a positive match is made, Federal authorities search for other disqualifying information. If no disqualifying information can be found within 3 business days, the transaction is permitted to continue. In addition, all records pertaining to a positive match of an applicant to a terrorist watch list must, under current law, be destroyed within 24 hours if no disqualifying information is found.

A report released by the General Accounting Office on March 30, 2005, found that from February 3, 2004, through June 30, 2004, a total of 44 firearm purchase attempts were made by individuals designated as known or suspected terrorists by the Federal Government. In all 3 cases, the transactions were authorized to proceed because Federal authorities were unable to find any disqualifying information.

Federal Bureau of Investigation counterterrorism officials stated “receiving all available personal identifying information and other details from terrorism-related NICS transactions could be useful in conducting investigations.” Currently, counterterrorism officials do not have access to the majority of these records because they are destroyed within 24 hours of the transaction in the absence of disqualifying information.

The Terrorist Apprehension Record Retention Act addresses this issue by requiring that in cases where an NICS background check turns up a valid match to a terrorist watch list, all records pertaining to the transaction be retained for 10 years. In addition, the bill requires that all NICS information be shared with appropriate Federal and State counterterrorism officials anytime an individual on a terrorist watch list attempts to buy a firearm. Learning about a suspected terrorist’s purchase of a firearm could potentially be critical to counterterrorism investigators working to prevent a terrorist attack.

This bill takes a commonsense approach to assisting Federal authorities in monitoring and apprehending suspected terrorists without compromising the privacy rights of law-abiding citizens. I am hopeful that the Congress will take up and pass this legislation to give Federal and State counterterrorism officials the information they need to help keep our families and communities safe.

AFRO-COLOMBIANS AND THE LEADERSHIP OF THE CBC

Mr. OBAMA. Today I wish to commend Congressman Bobby Rush and other members of the Congressional Black Caucus for their work on behalf of Afro-Colombians. The consistent advocacy of the CBC on this human rights issue has been critical to increasing awareness and activism in the U.S. and Colombia. Significant progress has made through this alliance, and I look forward to working with the CBC and other community groups on this issue.

Throughout Latin America, Afro-Latino communities remain marginalized—socially, economically and politically. In the case of Colombia, the violence and disruption of the country’s 40-year civil conflict have disproportionately affected Afro-Colombians. Many are now refugees in their own country after being forced to leave their homes, and they face widespread racial discrimination as they try to rebuild their lives. Although Colombia’s constitution granted the Afro-Colombians territorial rights to the land they historically held, these rights are now being increasingly violated, as this land is taken from them. With little or no economic and educational opportunities, many Afro-Colombian youths have turned to coca cultivation or joined guerrilla forces.

With the rise of Afro-Colombian advocacy groups and NGOs in Colombia, I believe it is possible to foster meaningful partnerships and alliances for positive change in this region. In addition to the CBC, there are many members of the religious community—in my home state of Illinois and throughout the country—who are working on behalf of Afro-Colombians. I commend them on their dedication to this important cause. Together we can and will make a difference.

BUDGET ESTIMATE—S. 600

Mr. LUGAR. Mr. President, when the committee report (109–35) to accompany S. 600 was printed, the Congressional Budget Office’s cost estimate was not yet available. I ask unanimous consent that it now be printed in the CONGRESSIONAL RECORD. The same report contained a table with a clerical error. I ask unanimous consent that the corrected table be printed in today’s RECORD as well.

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


DEAR MR. CHAIRMAN:

In accordance with rule XXVI, paragraph 1(a) of the Standing Rules of the Senate, the committee provides the following estimate of the cost of this legislation prepared by the Congressional Budget Office.

U.S. CONGRESS,

CONGRESSIONAL BUDGET OFFICE,

Hon. Richard G. Lugar, Chairman,
Committee on Foreign Relations, U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN:

The Congressional Budget Office has prepared the enclosed cost estimate for S. 600, the Foreign Affairs Authorization Act, Fiscal Years 2006 and 2007. If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

Douglas Holtz-Eakin, Director.

Enclosure.

cc: Hon. Joseph R. Biden, Jr., Ranking Minority Member

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 600—FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

As reported by the Senate Committee on Foreign Relations on March 10, 2005

SUMMARY

S. 600 would authorize appropriations of almost $30 billion in 2006 and such sums as may be necessary in 2007 for the Department of State, international assistance programs, and related agencies. The bill also contains provisions that would raise the cost of discretionary programs for famine and reconstruction assistance, debt relief, public diplomacy, personnel, and other programs over the 2007–2010 period. CBO estimates that these provisions and the indefinite authorizations for 2007 would require appropriations of $34 billion over those four years. CBO estimates that implementing the bill would cost about $39 billion over the 2006–2010 period, assuming the appropriation of the necessary amounts.
CBO estimates that S. 600 would raise direct spending by $33 million in 2006 and by $87 million over the 2006–2015 period. S. 600 also would increase governmental receipts (i.e., revenues) by an insignificant amount each year by creating new criminal penalties related to law enforcement and protective functions of State Department special agents and guards. Finally, the Joint Committee on Taxation estimates that the bill would lower revenues by less than $500,000 a year by exempting employees of the U.S. Mission to the United Nations in New York City from paying taxes on their housing allowances.

S. 600 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

TABLE 1.—BUDGETARY IMPACT OF S. 600, THE FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

<table>
<thead>
<tr>
<th>Year</th>
<th>Estimated Authorization for Existing Programs</th>
<th>Estimated Outlays</th>
<th>Changes in Direct Spending and Revenues</th>
<th>Estimated Authorization for New or Expanded Programs</th>
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<td>$0</td>
<td>$131</td>
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<tr>
<td>2010</td>
<td>$0</td>
<td>$0</td>
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<td>$134</td>
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1 The 2005 level is the amount appropriated for that year.
3 These amounts do not include costs for section 213 of the bill because CBO cannot estimate the timing or amounts that may be necessary to implement those provisions.
4 In addition to the effects shown for direct spending, CBO estimates that provisions that would increase or decrease revenues would have a net effect of less than $500,000 each year over the 2006–2015 period.

BASIS OF ESTIMATE

The bill would authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007. It would be the first comprehensive foreign assistance authorization act since the mid-1980s—authorizing funding for most existing assistance programs and also several new ones. The bill also would raise direct spending by $33 million in 2006 and by $87 million over the 2006–2015 period. Finally, S. 600 would affect governmental receipts (revenues), but CBO estimates that the net effect would be less than $500,000 a year.

Spending Subject to Appropriation
S. 600 would authorize appropriations at the specified level of $29.8 billion in 2006 and for such sums as may be necessary for 2007 for the State Department, international assistance programs, and related agencies. Of the 2006 amount, nearly $0.6 billion would be for HIV/AIDS programs that are currently authorized in existing law. The bill would authorize new programs that would affect costs for stabilization and reconstruction activities and assistance, safe water, debt relief, public diplomacy, personnel, and other programs. CBO estimates that implementing these provisions would require additional appropriations of $0.7 billion in 2006 and $4.4 billion over the 2007–2010 period. For this estimate, CBO assumes that the authorized amounts will be appropriated near the start of each fiscal year and that outlays will follow historical spending patterns for the existing and similar programs.

Specified authorizations, the authorizations of appropriations in this bill cover the operating expenses and programs of the Department of State, the U.S. Agency for International Development, the Broadcasting Board of Governors (BBG), the Peace Corps, and the Millennium Challenge Corporation. The authorization levels for 2006 are equal to the President’s request for international affairs spending.

As shown in Table 2, S. 600 would authorize the appropriation of $10.3 billion for international development and humanitarian assistance programs—not counting HIV/AIDS programs, $3.3 billion for international security assistance programs, $9.2 billion for the State Department for programs related to the administration of foreign affairs, international organizations, and other associated programs, $1.2 billion for international broadcasting and exchange activities, and $0.1 billion for international commissions. Except where otherwise discussed, CBO estimated authorizations for 2007 at the amount specified in 2006 adjusted for inflation.

TABLE 2.—ESTIMATED AUTHORIZATIONS IN S. 600, THE FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

<table>
<thead>
<tr>
<th>Year</th>
<th>Estimated Authorizations for Existing Programs</th>
<th>Estimated Outlays</th>
<th>Estimated Authorizations for New or Expanded Programs</th>
<th>Estimated Outlays</th>
</tr>
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<tbody>
<tr>
<td>2006</td>
<td>$10,340</td>
<td>$2,910</td>
<td>$124</td>
<td></td>
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<tr>
<td>2007</td>
<td>$10,318</td>
<td>$2,950</td>
<td>$127</td>
<td></td>
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<tr>
<td>2008</td>
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<td>2010</td>
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<td>$0</td>
<td>$134</td>
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</tr>
</tbody>
</table>

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4 In addition to the effects shown for direct spending, CBO estimates that provisions that would increase or decrease revenues would have a net effect of less than $500,000 each year over the 2006–2015 period.

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The bill would authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007. It would be the first comprehensive foreign assistance authorization act since the mid-1980s—authorizing funding for most existing assistance programs and also several new ones. The bill also would raise direct spending by $33 million in 2006 and by $87 million over the 2006–2015 period. Finally, S. 600 would affect governmental receipts (revenues), but CBO estimates that the net effect would be less than $500,000 a year.

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Reconstruction and Stabilization Civilian Management Act of 2005

Title VII of the bill would authorize the President to provide assistance to stabilize and rebuild a country or region that is in, or emerging from, conflict or civil strife. The bill would authorize assistance to respond to international crises through a new emergency fund and it would establish an Office of Reconstruction and Stabilization within the Department of State to provide civilian management of stabilization and reconstruction efforts. The bill would authorize the appropriation of $24 million in 2006 and such sums as may be necessary in 2007 for personnel, training, equipment, and travel costs. It would authorize an initial appropriation of $100 million for the emergency fund plus a permanent, indefinite authorization of such sums as may be necessary to replenish funds expended. In addition, it would authorize the President to waive the percentage and aggregate dollar limitations in current law regarding various authorities to draw down or to transfer resources to respond to such crises.

Office of Reconstruction and Stabilization. Section 706 would authorize a new office within the Department of State with responsibility to monitor and assess international crises, to prepare contingency plans for various types of crises, to identify and train personnel with necessary skills for stabilization and reconstruction operations, and to coordinate the U.S. efforts should the President decide to take action. The Office of Reconstruction and Stabilization was created in August 2004. The bill also would authorize the establishment of a response readiness corps with up to 250 members to staff the office and for deployment on short notice, plus a readiness reserve from current federal employees and up to 500 additional personnel to support operations if needed. The costs of activating the corps would be paid from the emergency fund plus a permanent, indefinite appropriation of $100 million for the Office of Reconstruction and Stabilization within the Department of State to provide civilian management of stabilization and reconstruction efforts. The Office of Reconstruction and Stabilization was created in August 2004.

The bill also would authorize the establishment of a safe water assistance program within the Department of State to provide assistance to eligible countries to finance, implement, and to promote sound water management. In addition to grant assistance to local governments and nongovernmental organizations, it would authorize the President to create a pilot program with the authority to issue investment insurance, investment guarantees, and loan guarantees; to provide direct investment or investment encouragement; and to carry out special projects and programs for eligible investors to assist in the development of safe drinking water and sanitation infrastructure. It would authorize the appropriation of such sums as may be necessary over the 2006-2011 period to carry out the program.

The bill would, to the extent provided for in advance in appropriation acts, authorize the President to provide assistance under the pilot program in the form of partial loan guarantees of up to 75 percent of the total amount of the loan.

It is unclear whether the pilot program would be entirely new or would be an augmentation of the existing credit programs of the U.S. Agency for International Development and Overseas Private Investment Corporation. It is also unclear whether this new program would create federal or nonfederal entities (legal mechanisms) or whether credit reform treatment would apply. However, it is clear that the bill authorizes that resources devoted to providing safe water be increased. For the purpose of the estimate, CBO assumes that the bill would double the assistance for safe water provided to Sub-Saharan Africa in 2004, or an increase in 2006 of $50 million over the amounts otherwise authorized in the bill, and that amount would increase over the next five years to $70 million, or the amount spent in 2004 for water programs including those in Iraq. Because the recovery of water investments projects would be in local currencies, CBO assumes that investments relying on hard-currency credits would remain unattractive and would be little used.

Data for the Poor

Section 214 would authorize the appropriation of $100 million in 2006 for the cost, as defined by the Federal Credit Reform Act, of restructuring bilateral debts, for debt relief under the Tropical Forest Conservation Initiative, and for a contribution to the Heavily Indebted Poor Countries Trust Fund administered by the World Bank. In addition, section 221 would authorize the President to reduce the U.S. bilateral debt of low-income countries as part of multilateral debt-relief agreements. This is referred to as the Paris Club, limited to such extent or in such amounts as may be provided in appropriation acts. That authorization is the same as the authorization contained in general provisions of annual appropriation acts for nearly a decade.

The U.S. government has forgiven the bilateral debt that it once held for most of the world’s poorest countries; however, it still holds the debt of some of the world’s poorest countries such as the Democratic Republic of the Congo, Afghanistan, Sudan, Somalia, and Liberia. Congo, Congo has been offered multilateral debt relief by the Paris Club. At some point after 2006, the other poor countries may meet the minimum requirements for multilateral debt relief as stipulated by the bill. We cannot project the exact timing of such action, but given the experience of other countries emerging from internal conflict, we estimate that it would take at least two to three years after a reconstituted civilian government is established in those countries before any multilateral agreements would be negotiated. While the bill does not specifically authorize the appropriation of any funds, CBO estimates that the present level of $1 billion in debt held by the U.S. government to be between $500 million and $600 million. CBO estimates
that forgiving bilateral loans to Congo would cost about $235 million in 2007, an increase of $155 million over the amount authorized for 2006. CBO estimates that forgiving the bilateral loans to other poor countries would cost about $75 million a year over the 2008-2010 period, assuming appropriation of the necessary amounts.

Office Building for American Institute in Taiwan (AIT)

Section 211 would amend current law to authorize such sums as may be necessary for the construction of a new office building for the AIT in Taipei, Taiwan. Public Law 106-212 authorized the appropriation of $75 million for the facility without fiscal year limitation. According to the Department of State, the projected cost of the building is now $153 million, and roughly $20 million has been spent on site acquisition and design. CBO estimates a net increase in authorizations of $153 million in unobligated, unavailable balances.

In conclusion, the bill would authorize $25 million for the AIT in Taipei, Taiwan. Public Law 106-212 authorized the appropriation of $75 million and assumes that contributions to international organizations. Currency fluctuations over the longer term are extremely difficult to project, and they could result in spending either higher or lower than the amounts specifically authorized for contributions to international organizations and programs. Therefore, this estimate assumes no additional currency fluctuations in 2007.

Miscellaneous Provisions

Section 201 would extend the authority for the indefinite authorization of the President to spend up to $3 million annually for the operation and maintenance of United Nations facilities. Based on information from the Office of Management and Budget, CBO estimates that the funds would be transferred out of the funds otherwise authorized in the bill for Nonproliferation, Anti-Terrorism, Demining and Related (NADR) programs to fund these activities.

Title XXVIII would authorize a program for safeguarding and eliminating man-portable air-defense systems and decrease conventional arms.

The bill also contains provisions that would increase and decrease governmental receipts (revenues), but CBO estimates that the net effect of these provisions would be less than $500,000 a year.

TITLE XXVIII: ENHANCED SECURITY PROGRAMS

Section 201 would authorize the Secretary to designate a nonprofit organization as the Middle East Foundation and to fund the organization through grants. While the provision is silent on the level of funding, the President is requesting $25 million for the foundation.

Section 2211 would authorize appropriations for educating children in Afghanistan about the dangers of landmines.

The bill includes numerous provisions that would expand or introduce new reporting requirements and other provisions that would eliminate or consolidate existing reporting requirements.

Direct Spending and Revenues

CBO estimates that S. 800 would raise direct spending by $33 million in 2006 and by $87 million over the 2006-2015 period (see Table 3). The bill also contains provisions that would increase and decrease governmental receipts (revenues), but CBO estimates that the net effect of these provisions would be less than $500,000 a year.

Table 3. Estimated Direct Spending and Revenues in the Foreign Affairs Authorization Act, Fiscal Years 2006 and 2007

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Note: (*) less than $500,000.

Buying Power Maintenance Account

The State Department may maintain an appropriate level of program activity in the face of currency fluctuations through a Buying Power Maintenance Account. Under current law, the Secretary of State may transfer any current funds in excess of needs that result from an increase in the purchasing power of the dollar from accounts under “Aid to other Foreign Affairs” to the Buying Power Maintenance Account. The funds in the account are available for transfer back to those accounts only to offset future adverse fluctuations in exchange rates or overseas wage or price levels. The Secretary may also transfer unavailable balances into the Buying Power Maintenance Account, but only to the extent and in such amounts as specifically provided in advance in appropriation acts. No appropriation act has ever required that authority. Section 201 of the bill would strike the requirement for appropriation action, thus allowing the Secretary to transfer lapsed funds into the Buying Power Maintenance Account to become available to offset future adverse currency fluctuations.

According to the Treasury Combined Statement on Receipts, Outlays, and Balances, 2004, the Department of State had $80 million in unobligated, unavailable balances in various accounts in the Administration of Foreign Affairs for 2005. Under the bill, such balances could be transferred into the Buying Power Maintenance account upon enactment and made available for the purposes of the bill. In addition, CBO estimates approximately 0.5 percent of obligated balances, or about $20 million, would be deobligated each year and reappropriated under the bill. Because we estimate the dollar will decline in value over the next year, we estimate that about half of the funds would be transferred out of the Buying Power Maintenance Account and spent. In total, we estimate direct spending of about $80 million over the 2006-2015 period.

Medical Reimbursements

Section 206 would provide the State Department greater flexibility in retaining reimbursements for funding medical care provided to employees and eligible family members overseas. Based on information from the department, CBO estimates that it would collect and spend between $500,000 and $1 million a year.

Other Provisions

CBO estimates that several provisions in the bill would affect direct spending and revenues less than $500,000 annually.

Section 318 would exempt, for federal income tax purposes, housing allowances paid to heads of the foreign missions of the United Nations in New York City. The Joint Committee on Taxation estimates that the provision would reduce tax receipts by less than $500,000 each year, assuming it would be effective for allowances paid on or after October 1, 2005.

Sections 201 and 203 would raise government receipts (revenues) by establishing new criminal penalties that would be assessed against persons interfering with the laws, regulations, and instructions of the State Department special agents and guards. CBO estimates that the increase in revenues would not be significant in any year.
that would be established under the bill would increase direct spending from the Crime Victims Fund by less than $500,000 per year.

Section 205 would allow the State Department's International Litigation Fund to retain awards of costs and attorneys' fees as a result of a decision by an international tribunal. Based on information from the department, CBO estimates that the State Department would collect and spend less than $500,000 a year.

Section 214 would authorize the Secretary to provide museum visitor and educational outreach services and to sell, trade, or transfer documents and articles that are held at the United States Diplomacy Center. Any proceeds generated from these services or sales would be retained and spent by the center, and CBO estimates that this provision would have an insignificant net effect on direct spending.

Several sections in title III of the bill would amend retirement benefits for State Department personnel by slightly broadening the authority of the department to temporarily rehire Foreign Service retirees without terminating their pension benefits; changing personnel review and termination procedures for each Foreign Service class; establishing a 60-day deadline for the Office of Personnel Management to issue regulations in accordance with a previously enacted change in pension benefits for certain spouses of Foreign Service workers; and allowing employment of the Office of Coordination for Reconstruction and Stabilization to continue collecting full retirement annuities provided by the Foreign Service retirement system.

Under current law, Foreign Service retirement benefits are temporarily suspended during any period of reemployment by the federal government. CBO estimates that extending the provisions would increase direct spending by less than $500,000 annually over the 2005-2015 period.

Section 2207 would authorize the President to waive the requirement that a foreign government pay to the United States the net proceeds from the sale of any military equipment it has received from the United States on a grant basis. CBO estimates the forgone offsetting receipts would not be significant.

The budget, which is the subject of this report, cards

### The Budget

#### Mr. JEFFORDS. Mr. President, a Federal budget is about setting priorities, and the priorities contained in this budget are all wrong.

About a year ago, Tom Friedman of the New York Times, described the President's budget as "faith-based," Faith-based tax cuts were going to generate fiscal-balanced revenues. We were all going to be better off. Well, the deficit is skyrocketing, interest rates are going up, and additional revenues haven't magically appeared.

If the budget before us were to pass unchanged, the projections would increase each and every year for the foreseeable future. Vermonters understand this is a burden we don't want to pass on to our grandchildren. We have fallen into a borrowing pattern that makes this Yankee cringe.

But let me emphasize that the deficits that we are now facing are primarily caused by a drop in revenues, not by wasteful spending on such things as education, veterans' benefits, and Amtrak. We could eliminate all of the Federal Government's discretionary spending outside of defense and we would still have a deficit.

On the mandatory side of the budget, I agree that we need to get a handle on increases in Medicaid spending and the pressure on Social Security due to the aging baby boom generation. But this budget fails to confront these challenges and in the case of Social Security pretends there is no problem.

How can we pass a budget that ignores the cost of the Iraq War after September 30? How can we pass a budget that includes more tax cuts for the few, but doesn't budget for the reform of the alternative minimum tax or the President's own Social Security proposal?

How can we pass a budget that forces us to "pay for" any increases in programs for our neediest citizens and doesn't require us to "pay for" tax cuts for the well-to-do? If we are to reinstate the pay-as-you-go rule, then it should, as it always has, include paying for both new spending and new tax cuts.

Speaking of tax cuts, I have grown very tired of the economic double-speak now in fashion. If tax cuts were the policy of choice when we had large surpluses, and they are still the policy of choice when we now have large deficits, this is the worst tax cut now. How can appropriate policy? Perhaps the families in Vermont who used up their heating assistance funds before winter was over, or the veteran on a waiting list for a medical procedure at a VA hospital, perform an increase in government spending to a tax cut.

Priorities, it is all about priorities. We are 2 years into a war. American service men and women continue to come home with horrific wounds, both physical and mental. While the Department of Defense is keeping wounded soldiers in its medical system for longer periods of time and is shouldering a greater share of the costs, the long-term costs of health care and rehabilitation still fall heaviest on the Veterans Administration.

This budget responds by underfunding the VA by almost $16 billion over the next 5 years. How can we do that, when the President in good conscience insist on maintaining large numbers of troops in Iraq, and yet refuse to provide for the health care needs of veterans? This is unacceptable.

This budget drastically cuts the Community Development Block Grant, CDBG, program and other programs that our communities rely on. These programs now benefit so many Vermonters who struggle to make ends meet. This budget would consolidate 18 programs, including the CDBG, and slashes their funding by 34 percent. In Vermont, this budget would most harshly affect middle and low-income citizens by making safe and affordable housing unattainable, ending quality childcare programs, and compromising nutrition assistance. Funding for these important economic development programs must be restored.

I am very concerned that agriculture, conservation, and food assistance programs are faced with drastic cuts in funding. The Milk Income Loss Contract Program, MILC, which the President saw fit to include in his proposed budget, has been left out of this budget resolution. The MILC Program is necessary to help family farmers through tough times when milk prices are low.
This budget would also seriously compromise conservation programs that are used to restore our land and clean our water. Perhaps most unsettling will be the cuts to food assistance and nutrition programs, including food stamps. In Vermont, 30 percent of children and some households that depend on food stamps for their basic needs and the medical safety net for their healthcare.

Vermont, together with States throughout the Nation, is facing a serious fiscal challenge in providing the most basic level of healthcare to our most vulnerable citizens. Instead of facing that fact and providing temporary fiscal assistance to the States, the President called for billions of dollars in cuts in the Medicaid program, which the Senate fortunately rejected.

I am most disappointed that the Senate did not vote to provide additional funding for the Nation’s water infrastructure. Spending on environmental programs from the national parks to programs that keep our water, land, and air clean will have to be reduced if this budget is enacted.

Priorities, it is all about priorities. Even though education amendments passed yesterday, I supported, that added money back to the Senate budget proposal, that is still insufficient to adequately fund important Federal education initiatives. I remain concerned that the budget resolution will eliminate funding for several key education programs, such as the $1.3 billion Perkins Career and Technical Education Act. This is especially depressing since just last week the Senate, on a vote of 99-0, passed the Perkins bill. Then just a few days later, no funding is provided in the budget to carry out the program that was just passed.

In addition, the budget proposal does not provide the meaningful increases necessary to carry out the 4-year-old No Child Left Behind Act and an updated IDEA law that was enacted last December.

President Bush often mentions that education is a priority. He and I obviously define priority differently. To me, priority means you pay for the promises you make. I do not believe priority means you sign laws requiring more accountability to improve student performance, and then, in the next breath, send up a budget that doesn’t provide the dollars needed to carry out the purposes of those laws.

I have spent a substantial part of my career calling for the full funding of special education. When the Individuals with Disabilities Education Act was enacted in 1975, Congress promised to pay 40 percent of the cost. In the current fiscal year, Congress will finance only 19 percent of the program, forcing States and localities to make up the difference.

I had hoped to fulfill this promise in each of the last few years by making IDEA funding mandatory. The President and his allies have said that mandatory funding is not necessary, that we can meet the promise of IDEA by increasing funding by $1 billion each year. In this budget, IDEA funding is increased by only half of that amount.

This budget tells our children, their parents, and our local taxpayers that they are not a priority, and that we will not keep our promises. I do not believe that the President and I are on the same page on this issue.

There is no question we are living through difficult budgetary times and savings must be sought at every opportunity. But we must not delude the American people into thinking that we can cut taxes, fight wars overseas, improve education, take care of our environment, and repair the Nation’s transportation and water infrastructure all at the same time.

I could not support the budget resolution because it did not adequately fund important domestic programs and promote tax cuts to the detriment of other priorities. At the same time, it did little to put our Nation’s fiscal house in order.

TRIBUTE TO AMERICA’S HEROES OF THE STORM

Mr. ISAKSON. Mr. President, throughout the week of April 8, 2005, The Weather Channel, based in Atlanta, GA, will air a special series, entitled Heroes of the Storm, honoring the Americans who performed the most exciting rescues depicted in the network’s acclaimed series Storm Stories. Featured in the tribute will be 28 heroes from 15 States and the District of Columbia. These heroes, like all who risk their lives for others, deserve our Nation’s admiration, recognition and thanks. I ask unanimous consent that the following list of heroes be printed in the RECORD.

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

Mary Teresa Bagshaw, Nurse, Crawford, Colorado
Richard Lee Fowler, Pilot, Longmont, Colorado
Dawud Amin, Firefighter, New Haven, Connecticut
Capt. Howard McCann, Firefighter, Madison, Connecticut
Brian Wetzler, US Coast Guard Pilot, Washington, District of Columbia
Brady Paul Brown, Paramedic (Retired), Dr. Dora, Florida
Alan Auricchio, US Coast Guard, Penbrok, Maine
Barrett Hoyt, Firefighter, Cordova, Maryland
Melvin Lee Johnson, US Naval Reserves, Baltimore, Maryland
Robert Sebeck, Firefighter, Abingdon, Maryland
Petersen Niles Decker, US Naval Reserves, Grose Pointe, Michigan
Orlin Anderson, Firefighter, Karlstad, Minnesota
Gary Wayne Casper, Las Vegas PD, Las Vegas, Nevada
Clint Malburg, Las Vegas PD, Las Vegas, Nevada
James T. Mitchell, Las Vegas PD, North Las Vegas, Nevada
Richard G. Servoss, Las Vegas PD, Las Vegas, Nevada
George Marinkov, US Coast Guard, Linwood, New Jersey

ADDITIONAL STATEMENTS

RETRIEval OF CAROL DiBATTISTE

• Mr. DOMENICI. Mr. President, I would like to extend my best wishes to Carol DiBattiste, whose last day as deputy administrator of the Transportation Security Administration was April 8, 2005. Carol DiBattiste is truly a living textbook version of a “public servant.” Her record is one of service to country, of a strong leader who gives unstintingly of herself to make sure that America’s defenses against terrorism are as strong as possible. I know that Carol’s dedication to this mission and strong leadership will be sorely missed by her colleagues at TSA and the Department of Homeland Security.

Ms. DiBattiste arrived at TSA in March of 2003 after more than 33 years of public service and two years at a private law firm. As the new Chief of Staff at TSA, she brought with her a sense of urgency that fit well in an agency committed to the security of the Nation’s transportation system. Ms. DiBattiste immediately put her unique experience and skills to work as a member of the TSA leadership team as it rushed to meet its mission.

Hard work has characterized Ms. DiBattiste’s public career. She enlisted in the Air Force in 1971, earned her B.A. degree magna cum laude in sociology/criminal justice from LaSalle University in 1976, her J.D. degree from Temple University School of Law in 1981, and her Master of Laws degree from Columbia University School of Law in 1986.

Before retiring from the Air Force as a major in 1991, her assignments included serving as chief prosecutor for the Pacific Region, faculty of the Air Force Judge Advocate General School, and chief recruiting attorney for the Air Force. Going forward, Ms. DiBattiste’s career took her to the Department of Justice where she was an Assistant United States Attorney for the Southern District of Florida and director of the Department’s Office of Legal Education. In 1993, Ms.
DiBattiste served with the Department of the Navy, where she was principal deputy general counsel, the service's second-highest ranking lawyer. In that role, she was responsible for resolving several high-profile matters, including the sexual harassment scandal dubbed "Tailhook" that occurred at the U.S. Naval Academy cheating case.

In 1994, Ms. DiBattiste returned to the Department of Justice as the director of the Executive Office for United States Attorneys. In that capacity, she was instrumental in investigating the Oklahoma City Bombing, Unabomber, Olympic Park Bombing and TWA 800 airliner crash. Between 1997 and 1999, she served with distinction as Deputy United States Attorney for the Southern District of Florida. In 1999, Ms. DiBattiste accepted the nomination of former President Clinton and served as Under Secretary of the Air Force where, among other duties, she chaired a task force that brokered an anti-harassment plan for the Department of Defense. Prior to joining TSA, Ms. DiBattiste was a partner at Holland & Knight LLP, where her practice areas involved corporate diversity counseling, government relations, and criminal enforcement.

Last July, TSA Chief of Staff DiBattiste became Deputy Administrator DiBattiste, a move that again recognized her many talents and leadership abilities. Deputy Administrator DiBattiste is one of the most admired executives of the Department of Defense. Prior to joining TSA, Ms. DiBattiste was a partner at Holland & Knight LLP, where her practice areas involved corporate diversity counseling, government relations, and criminal enforcement.

It is instructive to read what some of her friends and colleagues at TSA have to say about Ms. DiBattiste. From Tom Blank, the Chief Support Systems Officer: "Many times the sky was actually falling and when it was, Carol was in charge, put back all the pieces, made sure that they were valued, their opinions mattered, and that what they were doing was important, even vital to achieving TSA’s mission. For that, we all owe Deputy Administrator DiBattiste a great deal of gratitude."

In an interview with TSA’s newsletter, the Sentinel, Ms. DiBattiste said of the agency’s efforts, “Without question, America is safer since the stand-up of TSA, and TSA has done an excellent job of protecting the homeland. . . .” Then typically, she added that “there is a lot more to do.”

Mr. President, I realize we have much to accomplish as we enter into the new United States Senate, but I felt it was important that we thank this great American. I wish to congratulate Deputy Administrator Carol DiBattiste on a distinguished and selfless career; and to clearly state that the nation would be well-served if some time in the future she once again rejoined the ranks of public servant.

HONORABLE PETER B. TEETS

Mr. SESSIONS. Mr. President I rise today to honor a distinguished American and patriot the Honorable Peter B. Teets, former Acting Secretary of the Air Force and Under Secretary of the Air Force.

Secretary Teets left government service on March 25, 2005 to join his family in Colorado. He did so after four years of selfless devotion to his country serving in all of the key positions of our national security, and his family’s important work safeguarding and strengthening the Air Force.

I truly hope this is not the last time the nation will call upon Peter Teets and his family to serve this grateful Nation. Indeed, Pete has earned the right to return home and focus on the time and focus on family. His many friends in the Senate wish him and his family all the best in the days ahead.

We bid Pete a fond farewell and heartfelt thanks for a magnificent job as our Under Secretary of the Air Force. We are a better people and stronger Nation today because Pete Teets gave and accomplished so much. We will indeed miss America’s “Mr. Military Space” and wish him God’s everlasting blessings.

HONORING CAMERON TROOST

Mr. BAYH. Mr. President, I rise today to recognize the courage and sacrifice of Cameron S. Troost, a 10-year-old boy from South Bend, IN. Cameron suffered from pediatric bipolar disorder, a devastating but treatable brain disorder marked by severe fluctuations in mood, activity, thought, and behavior. In an effort to contribute to the search for a cure, Cameron volunteered to participate in a four-month long rigorous clinical study at the National Institutes of Mental Health in Bethesda, Maryland.

Though the exact prevalence is not known, the Child & Adolescent Bipolar Foundation estimates that at least three quarters of a million American children and teenagers currently suffer from bipolar disorder, many of whom are undiagnosed. Bipolar disorder is thought to affect 1-2 percent of adults worldwide. Fifty-nine percent of adults with bipolar disorder report that their symptoms first appeared during or before adolescence. The disorder is often ignored, and symptoms can emerge at any time in life.

Bipolar disorder has a significant impact on our society. Children with the
condition are at higher risk for school failure, substance abuse, and suicide. The terrible human and social costs highlight the importance of discovering better treatments, and ultimately a cure, for bipolar disorder. Few controlled studies have been done on the use of psychiatric medications in children. Cameron, however, is bravely doing his part to increase our knowledge of this disease. Cameron volunteered to leave home for several months to participate in a study that required he be locked in an 8-bed unit, submit to blood tests, brain scans, and other tests, go off all medication, and receive lithium or placebo, possibly risking his own well-being in the process. He consented to being forced into seclusion or medicated if his rages could not be controlled. All the while, Cameron kept up with a home school curriculum.

Cameron’s decision to travel far from home to participate in a difficult clinical trial potentially puts himself at risk for the benefit of others—will contribute to our understanding of pediatric bipolar disorder and how to treat it. His self-sacrifice will live on in the form of better treatment options for the many other children who, like him, must live with this condition. For that, Cameron deserves our most sincere recognition.

TRIBUTE TO WILLIAM “BILL” DAVID SMITH

Mr. SHELBY. Mr. President, today I pay tribute and honor a dear friend of mine who passed away recently. Bill David Smith, whom I have called a friend and relied on for half a century, passed away at the age of 72. He is survived by his beloved wife, Jane Bandy Smith, and two sons, David and Stuart. Bill David was passionate about all things in which he was involved, loved his career as a certificated public accountant and was very proud to be an Alabamian.

We became friends during our time at the University of Alabama, and I have always appreciated his counsel and support over the years. My wife, Annette, and I have shared many memories with Bill David and his wife, Jane, which we will cherish for years to come.

Bill David was born in Meridian, MS, and spent most of his youth in Gadsden, AL. Upon graduating from Alabama, he was an honor student and received both a bachelor’s and master’s degree in accounting. After graduation, he was a founding partner in the accounting firm, Morrison and Smith LLP. Bill David was actively involved in activities surrounding the accounting profession and served as President of the Alabama Society of Certified Public Accountants and Chairman of its State Legislation Committee. He was also a member of the Council of the American Institute of Certified Public Accountants.

Bill David was a member of the board of directors for the Alabama Trust Fund and the Business Council of Alabama. Dedicated to a number of civic organizations, he served on the Tuscaloosa County Juvenile Advisory Board and the Alabama Juvenile Justice Coordinating Council.

Beyond Bill David’s devotion to his work and his community, he was a dedicated friend to many. A good natured person with a huge heart, Bill David often showed compassion for those less fortunate. His quick wit and intelligence made him a policy issue and politics. He cared very deeply for his community and its people.

But most of all, my thoughts and prayers go out to Jane and their two sons. Bill David was a dedicated family man and his presence will be missed by those who knew him best. Indeed, we will all miss him.

WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION

Mr. LEVIN. Mr. President, from April 30 through May 2, 2005, more than 1,200 students from across the United States will take part in the national finals of “We the People: The Citizen and the Constitution,” the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and the Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress.

I am proud to report that a class from East Grand Rapids High School from Grand Rapids will represent the State of Michigan in this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation’s capital and compete at the national level.

While in Washington, the students will participate in an academic competition that simulates a congressional hearing in which they “testify” before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles and have opportunities to evaluate, adopt, and defend positions on relevant historical and contemporary issues. It is important to note that the Educational Testing Service, ETS, characterizes the We the People program as a “great examination.” Independent studies by ETS have revealed that We the People students “significantly outperformed comparison students on every topic of the tests taken.”

I congratulate East Grand Rapids students John Abraham, Ted Bosch, Ross Brenneman, Katherine Fasse, Bill Frayer, Kyle Fuller, Joe Gallmeyer, Will Gallmeyer, Katherine Harger, Jimmy Hogan, Christina Kim, Peter Meyer, Lenard Robert, Sarah Stevens, Tully Svekis, Alyssa Titche, Gab Tourek, Dimitri Wohns and their teacher, Pierre A. Siriois.

I wish these students the best of luck at the We the People national finals and applaud their outstanding achievement.

RECOGNIZING ROSEMARY FAY

Mr. BAYH. Mr. President, today I congratulate an extraordinary young woman, Rosemary Fay, aged 11. Rosemary, a sixth grader at St. Thomas Aquinas School in Indianapolis, was the winning writer for her age group of the USA Today National Sportsmanship Essay Contest. The essay contest was a part of the 15th National Sportsmanship Day, sponsored by the Institute for International Sport, to raise awareness about fair play, sportsmanship and ethics in athletics and society.

Nearly one thousand students submitted essays addressing sportsmanship and ethics or offering a personal reflection on the importance of sportsmanship. Students were asked to respond to the question, “Do you dare to play fair?”. A panel of judges chose the four winners, including Rosemary, who was the winning writer among middle school entrants.

In her touching reflection on the importance of sportsmanship, Rosemary gives her own definition of what it means to be a good sport. She writes, “Good sports are confident, competitive and capable, but most of all, they treat other people with respect and dignity. Their attitudes and actions show they have a higher purpose in life than just winning today’s game. Even when they lose, they are winners.” In this day of bitter disputes, when what is truly important is often overshadowed by a more immediate conflict, Rosemary’s essay shows us how to step back, remember the bigger picture, and be a good sport.

Rosemary also writes about the influence of good sports in her life, paying tribute to her teammates whose good sportsmanship extends beyond the field. Her essay concludes that “good sportsmanship can make a huge difference in a person’s life. I know, because I am fortunate to be on a team with truly great sports.” She credits her teammates with inspiring her to “perserve in sports.”

Hoosiers have always known the importance of sports to American life. Playing sports teach our children values like leadership, self-discipline, and the importance of hard work. Improving access to sports and afterschool athletic activities is a challenge that we must strive to accomplish, so that all students can benefit from the lessons outlined in Rosemary’s essay.

40TH ANNIVERSARY OF FRIENDSHIP INDUSTRIES OF HARRISONBURG

Mr. ALLEN. Mr. President, today I would like to recognize Friendship Industries of Harrisonburg, VA, for 40 years of service to persons with disabilities in Harrisonburg City and Rockingham County.
Friendship Industries has been a pioneer in the community since its inception. The mission of the nonprofit social service agency is to develop and maintain employment and training opportunities for persons with disabilities. The agency begins with a program called Work Adjustments. This program assists trainees with disabilities in their adjustment to a real work environment occurring within a supportive and sheltered atmosphere. The individual learns appropriate work behaviors and skills while developing the highest productivity internally as a sheltered employee, and sometimes gets placed into competitive or supported jobs in the community.

Friendship Industries started with 8 young men with mental retardation and has since grown to provide services for over 120 men and women with differing degrees of mental retardation, mental illness, and/or physical illness. The financial contributions to the community has increased as well. Starting with a mere $20,000, the budget of Friendship Industries now approaches $4 million. It employs 20 staff to run the program, and contributes over $1 million to the Ann Arbor area through wages, contract services and job training and services.

Mr. David Flick, president of Friendship Industries since 1976, has been instrumental in the growth and success of the program. With his leadership, the agency has expanded the access and breadth of the program by providing transportation to interested trainees and by forming a network of friendly area cohanies. I commend David for his unwavering support and passion for helping the disabled get back to work in the Shenandoah Valley.

I congratulate Friendship Industries on 40 years of dedication to improving the lives of persons with disabilities, and wish them continued success for many more years.

TRIBUTE TO BILL MARTIN

Mr. LEVIN. Mr. President, on behalf of Senator STABENOW and myself, I rise to bring tribute to Ann Arbor, MI, resident Bill Martin. On May 2 of this year, Senator STABENOW and I rise to recognize Boise State University's outstanding debate and speech team.

IN RECOGNITION OF HARRY VINES

Mr. CRapo. Mr. President, I rise today to recognize Boise State University's outstanding debate and speech team, the 'Talkin' Broncos, who captured the national title at the Biennial Pi Kappa Delta National Tournament in St. Louis on March 20. The open tournament is the Nation's oldest and largest team competition among 4-year schools with forensics programs. More than 470 competitors representing 72 schools and 29 States participated in the event. The 14-member championship team also brought home an impressive 22 individual awards.

Many in this Chamber appreciate the importance of speech and debate in the business of government. Forensic skills translate into effective communication, and not just in politics. These young women and men have developed techniques that will serve them throughout their lives, no matter what career they decide to pursue. They have demonstrated exceptional oratory capability and the quick and incisive thinking needed to communicate ideas and persuade others of the merits of their opinions in an expeditious manner.

I congratulate all the students on the team as well as their coaches and head coach Marty Most. I especially like to recognize John Petty, national champion in the broadcast journalism division; and Lacey Rammell-O'Brien and Nancy Henke for their recognition as two of only nine All-Americans. Over the years, Boise State has firmly established itself as a national force for forensics, and the fact that most of the students on the team are from Idaho high schools is a fine testament to the strength of the secondary academic programs in the state. This national title is especially noteworthy, and I am proud to honor Boise State University's tremendous achievement in the United States Senate today.

IN RECOGNITION OF HARRY VINES

Mr. LINCOLN. Mr. President, today I rise to pay tribute to Arkansas Harry Vines, president of the National Wheelchair Basketball Association. The National Wheelchair Basketball Association is the largest and oldest wheelchair sports organization in the world. Established in Champagne, IL, in 1948, the National Wheelchair Basketball Association has provided opportunities for individuals with physical disabilities to learn to play and compete in the game of basketball. For more than 50 years, thousands of individuals ranging from young children to disabled war veterans have benefited from the programs of the National Wheelchair Basketball Association.

Harry Vines of Sherwood, AR, has served as the National Wheelchair Basketball Association president since 2001. Mr. Vines is well known in Arkansas for his many volunteer activities. He has served as the coach of the Arkansas Rollin' Razorbacks, a wheelchair basketball team that he helped establish in 1978. In addition, Mr. Vines has coached the U.S. Wheelchair Basketball team four times in international competition and served in numerous administrative roles in the organization over the past 28 years.

On April 9, 2005, Mr. Vines, as the National Wheelchair Basketball Association President, will present the first series of National Wheelchair Basketball Association Spirit Awards in Phoenix, AZ. The Spirit Award recognizes the work of the many volunteers and organizations that support the National Wheelchair Basketball Association. The 2005 Spirit Award recipients are Evelyn Bologna of Lexington, KY; Jim Hayes of Arlington, TX; Tim Stout of
TRIBUTE TO THE MIDDLEBURY PANTHERS MEN’S ICE HOCKEY TEAM.

Mr. JEFFORDS. Mr. President, I rise today to congratulate the Middlebury College men’s ice hockey team on its March 19, 2005 victory in the NCAA Division III National Championship against St. Thomas University. This is the second straight national championship for the Panthers and their fourth in the past 6 years.

Over 120 years ago, Middlebury College began admitting female students, decades before many similar institutions were able to do so. Since that time, Middlebury has offered young men and women alike a superb liberal arts education amidst the beauty of the Green Mountains. Reflecting Middlebury’s proud and pioneering tradition of academic excellence and co-education, the women’s athletic program at Middlebury has developed into one of the best Division III athletics. Over the last 10 years, women’s athletic teams at Middlebury have captured 13 national titles.

The men’s hockey team has been one of the most consistently successful athletic teams at Middlebury. In the 2005 national championship, the Panthers exhibited their characteristic spirit and determination by overcoming an early 2-1 deficit to win by a final 4-3. I am pleased our local schoolchildren have the opportunity to see such accomplished and impressive student-athletes competing in Vermont.

I congratulate each member of the team: Head Coach Bill Mandigo, Assistant Coach Jean Butler, Team Trainer Rachel Eldredge, Team Physician Mark Peluso, Abby Kurtz-Phelan, Shannon Tarrant, Emily McNamara, Rose Babst, Liz Yale-Loehr, Allison Linti, Elizabeth Thalman, Shannon Sylvester, Emily Quizon, Jackie Cohen, Lindsay Jones, Tory MacNeil, Gloria Velez, Alison Graddock, Margaret MacDonald, Samantha Ritt, Lacey Farrell, Ellen Sargent, Lorna Giffis, Tania Kenny, Kerry Kiley, Abby Smith, Angie Todd, Nina Daugherty, and Kate Kogut.

Again, congratulations Panthers on another national championship. I wish you all the best next year.

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 President of the Senate read the following bills, which it requests the concurrence of the Senate:

S. 686. An act to provide for the relief of the parents of Theresa Marie Schiavo.

S. 686. An act to provide for the relief of the parents of Theresa Marie Schiavo.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 21, 2005, she had presented to the President of the United States the following enrolled bill:

S. 686. An act to provide for the relief of the parents of Theresa Marie Schiavo.

S. 686. An act to provide for the relief of the parents of Theresa Marie Schiavo.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1321. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the New England fishing capacity reduction initiative; to the Committee on Commerce, Science, and Transportation.

EC–1322. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, pursuant to law, a report entitled “Apportionment of Membership on the Regional Fishery
EC–1349. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Revisions to the Export Administration Regulations Based on the 2004 Missile Technology Control Regime Flenary Agreements; Addenda to the Entity List; Reconsideration of the ‘Missile Catch-All Controls’” (RIN 0999–AC24) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1350. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Kerman, California; Lockney, Texas; Lone Wolf, Oklahoma; Quanah, Texas; Orchard Mesa, Colorado; Rising Star, Texas; Twentynine Palms, California; and Waterford, California)” (MB Docket Nos. 04–301, 04–302, 04–303, 04–304, 04–306, 04–307, 04–308, and 04–309) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1351. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Gassville, AR and Nantucket, MA)” (MB Docket No. 04–298) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1352. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Durant, Oklahoma and Tom Bean, Texas)” (MB Docket No. 04–401) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1353. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Adams, Massachusetts; Ashtabula, Ohio; Crested Butte, Colorado; Lawrence Park, Pennsylvania; and Oshkosh, Wisconsin)” (MB Docket Nos. 04–358, 04–359, 04–360) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1354. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Walla Walla and Burbank, Washington)” (MB Docket No. 02–63) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1355. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lake Havasu City, Arizona and Pahraneg, Nevada)” (MB Docket No. 04–224) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1356. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Fort Buckner, Ozark and Slocome, Alabama)” (MB Docket No. 04–146) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1357. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lake Havasu City, Arizona and Pahraneg, Nevada)” (MB Docket No. 04–224) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1358. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Fort Buckner, Ozark and Slocome, Alabama)” (MB Docket No. 04–146) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1359. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lake Havasu City, Arizona and Pahraneg, Nevada)” (MB Docket No. 04–224) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1360. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Part 22 of the Commission’s Rules to Benefit the Consumers of Air-Ground Telecommunications Service,” (RIN 0550–AE11) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1361. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Part 22 of the Commission’s Rules to Benefit the Consumers of Air-Ground Telecommunications Service,” (RIN 0550–AE11) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1362. A communication from the Interim Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “In the Matter of Direct Broadcast Satellite Licenses” (FCC 04–271, AUC 05–02) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1363. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Revision of Export and Reexport Restrictions on Libya: Responses to Comments on the Proposed Rule” (RIN 0990–AD46) received on March 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1364. A communication from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a proposed rule entitled “Specified Indiciaatory Proceedings for Certain Holding Companies” (RIN 1550–AB96) received on March 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1365. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled “Proper Disposal of Consumer Financial Information Under the Fair and Accurate Credit Transactions Act of 2003” (RIN 1550–AB96) received on March 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1366. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “In the Matter of Federal-State Joint Board on Universal Service, National Telephone Cooperative Association Petition for Reconsideration (CC Docket No. 04–30); FCC 05–1) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1367. A communication from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Modification of Foreign Policy Controls on Certain Entities Sanctioned by the State Department and on Tula Instrument Design Bureau of the Russian Federation.” (RIN 1550–AD01) received on March 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1368. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Reconsideration” (RIN 0990–AD01) received on March 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1369. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Proper Disposal of Consumer Financial Information Under the Fair and Accurate Credit Transactions Act of 2003” (RIN 1550–AB96) received on March 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1370. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Revision of Export and Reexport Restrictions on Libya: Responses to Comments on the Proposed Rule” (RIN 0990–AD46) received on March 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–1371. A communication from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a proposed rule entitled “Proper Disposal of Consumer Financial Information Under the Fair and Accurate Credit Transactions Act of 2003” (RIN 1550–AB96) received on March 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1372. A communication from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a proposed rule entitled “Proper Disposal of Consumer Financial Information Under the Fair and Accurate Credit Transactions Act of 2003” (RIN 1550–AB96) received on March 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1373. A communication from the Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a proposed rule entitled “Proper Disposal of Consumer Financial Information Under the Fair and Accurate Credit Transactions Act of 2003” (RIN 1550–AB96) received on March 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1374. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations” (70 FR 5942) received
on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1375. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations” (70 FR 6938) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1376. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations” (70 FR 6938) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1377. A communication from the General Counsel, Office of Human Capital Management, Office of Congressional Affairs, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Changes in Flood Elevation Determinations” (70 FR 5996) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1378. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Changes in Flood Elevation Determinations” (70 FR 5996) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1379. A communication from the Assistant Secretary, Office of Human Capital Management, Office of Human Capital Management, Office of Human Capital Management, Office of Congressional Affairs, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Risk-Based Capital Standards: Trust Prepaid Life Insurance” (Docket No. R–1193) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1380. A communication from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “S1 CFR 315, 316, 351, 353, 359, 360 and 363, Regulations Governing Treasury Securities, New Treasury Direct System” received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1381. A communication from the Counsel for Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Parcels for the Federal Emergency Management Block Grant Program; Small Cities and Insular Areas Programs” ((RIN2506–AC17) (FR–4919–F–42)) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1382. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Non-Appropriated Fund Instrumentalities of the Department of the Treasury” ((70 FR 3972) (FR–5651–F–12)) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–1383. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the periodic report on telecommunications payments made to Cuba pursuant to Treasury Department Specific License No. 20008 to the Committee on Banking, Housing, and Urban Affairs.

EC–1384. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of a rule entitled “National Emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–1385. A communication from the Director, Office of Human Capital Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Secretary of Energy, received on March 28, 2005; to the Committee on Energy and Natural Resources.

EC–1386. A communication from the General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Reporting Requirements for Changes in Status for Public Utilities with Market-Based Rate Authority” (Docket No. NOXY–1994–1049) received on March 18, 2005; to the Committee on Energy and Natural Resources.

EC–1387. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Colorado Regulatory Program” received on March 24, 2005; to the Committee on Energy and Natural Resources.

EC–1388. A communication from the Assistant Secretary, Land and Mineral Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “43 CFR Part 160—Land Use Planning Authority” (Docket No. R–1193) received on March 24, 2005; to the Committee on Energy and Natural Resources.

EC–1389. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Authority’s report required by the Government in the Sunshine Act for Calendar Year 2004; to the Committee on Environment and Public Works.

EC–1390. A communication from the Acting Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a proposed bill for fiscal year 2006; to the Committee on Energy and Natural Resources.

EC–1391. A communication from the Director, Office of Congressional Affairs, Nuclear Materials Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Final Rule—10 CFR Part 35, ‘Medical Use of Byproduct Material’” (RIN3350–AH19) received on March 29, 2005; to the Committee on Environment and Public Works.

EC–1392. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control of Emissions of Nitrogen Oxides and Sulfur Dioxide” (FRL No. 7890–6) received on March 28, 2005; to the Committee on Environment and Public Works.

EC–1393. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NOx SIP Call” (FRL No. 7864–5) received on March 24, 2005; to the Committee on Environment and Public Works.


EC–1396. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to the States” (RIN0003–AG16) (FR–5650–F–12) received on March 24, 2005; to the Committee on Environment and Public Works.

EC–1397. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Final Authorization of State Hazardous Waste Management Program Revision” (FRL No. 7888–3) received on March 24, 2005; to the Committee on Environment and Public Works.

EC–1398. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Washington; Revisions to Control of Emissions of Nitrogen Oxides and Sulfur Dioxide” (FRL No. 7890–6) received on March 28, 2005; to the Committee on Environment and Public Works.

EC–1399. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NOx SIP Call” (FRL No. 7864–5) received on March 24, 2005; to the Committee on Environment and Public Works.

EC–1400. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the Commission’s March 2005 interim report entitled “Physician-Owned Specialty Hospitals”; to the Committee on Finance.

EC–1401. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report on the progress of the demonstration project required by section 303 of the Social Security Protection Act of 2004; to the Committee on Finance.

EC–1402. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, to the Board’s 2005 Annual Report; to the Committee on Finance.

EC–1403. A communication from the Regulator Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled “Nonpayment of Benefits When the Social Security Administration Receives Notice that an Insured Person Died” (RIN0060–AG16) (FR–5656–F–12) received on March 28, 2005; to the Committee on Finance.
EC-1405. A communication from the Regulation Coordinator, Centers for Disease Control, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Frivolous Arguments Regarding Waiver of Social Security Benefits Used to Avoid Tax” (Rev. Rul. 2005–17) received on March 24, 2005; to the Committee on Finance.

EC-1406. A communication from the Regulation Coordinator, Centers for Disease Control, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; Medicare Prescription Drug Benefit; Interpretation” (RIN0938-AN06) received on March 24, 2005; to the Committee on Finance.

EC-1407. A communication from the Regulation Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; Establishment of the Medicare Advantage Program; Interpretation” received on March 24, 2005; to the Committee on Finance.

EC-1408. A communication from the Regulation Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; Fire Safety Requirements for Certain Health Care Facilities; Amendment” (RIN0938-AN36) received on March 24, 2005; to the Committee on Finance.

EC-1409. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “‘Frivolous Arguments Regarding Waiver of Social Security Benefits Used to Avoid Tax’” (Rev. Rul. 2005–17) received on March 24, 2005; to the Committee on Finance.

EC-1410. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—April 2005” (Rev. Rul. 2005–23) received on March 24, 2005; to the Committee on Finance.

EC-1411. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Time and Manner of Reporting; Treatment of a Qualifying Dividend Income as Investment Income” (RIN1545aa-BD30) (TD 9191) received on March 24, 2005; to the Committee on Finance.

EC-1412. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Fringe Benefits Aircraft Valuation Formula” (Rev. Rul. 2005–14) received on March 28, 2005; to the Committee on Finance.

EC-1413. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Section 70(c), Installment Obligations and Contributed Contracts” (RIN1545-BB65) (TD 9193) received on March 28, 2005; to the Committee on Finance.

EC-1414. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “AMT and Refinements to the Tax Deduction for Helms” received on March 28, 2005; to the Committee on Finance.

EC-1415. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Taxable Income of a Partnership—Guidance: Home Based Business” (UIR No.: 262.18–01) received on March 28, 2005; to the Committee on Finance.

EC-1416. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Settlement Guidelines: Application of Section 1592; Application of Section 108 to Members of a Consolidated Group” (RIN1545-BC38, BC74, BC56 TD 9192) received on March 28, 2005; to the Committee on Finance.

EC-1417. A communication from the Director, Office of Federal Housing Enterprise Oversight (OFHEO), transmitting, pursuant to law, the report of the Endowment’s 2004 fiscal year usage of Category Rating Human Resource Flexibility; to the Committee on Health, Education, Labor, and Pensions.

EC-1418. A communication from the Secretary of Labor, transmitting, pursuant to law, the second annual report of the President’s National Hire Veterans Committee; to the Committee on Health, Education, Labor, and Pensions.

EC-1419. A communication from the Executive Director, the Chairmen of the Board, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Corporation’s 2004 annual report; to the Committee on Health, Education, Labor, and Pensions.

EC-1420. A communication from the Assistant Secretary for Administration and Management, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, Wage and Hour Division; to the Committee on Health, Education, Labor, and Pensions.

EC-1421. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits” received March 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1422. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Establishment and Maintenance of Records Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Correction” (Docket No. 2002N–0277) received on March 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1423. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Food Additives Permitted for Direct Addition to Food for Human Consumption; Acacia (Gum Arabic)” (Docket No. 2003P–0023) received on March 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1424. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Secondary Direct Food Additives Permitted in Food for Human Consumption” (Docket No. 2003P–0111) received on March 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1425. A communication from the Chief, Office of Regulations and Policy Management, Board of Veterans’ Appeals, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Board of Veterans’ Appeals; Appeals Regulations, Rules of Practice; Delegations of Authority” (RIN2900–AL96) received on March 28, 2005; to the Committee on Veterans’ Affairs.

EC-1426. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the report of a violation of the Antideficiency Act relative to violations of sections 1341 and 1517(a) of Title 31, United States Code; to the Committee on Appropriations.

EC-1427. A communication from the Director, Office of Federal Housing Enterprise Oversight (OFHEO), transmitting, pursuant to law, the report of the OFHEO’s Fiscal Year 2005 Performance Report; to the Committee on Homeland Security and Governmental Affairs.

EC-1428. A communication from the Director, Liaison Division, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Final Order on Federal Appropriations” (RIN1076–AE52) received on March 28, 2005; to the Committee on Homeland Security.

EC-1429. A communication from the Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Federal Agencies Permitted in Food for Human Consumption” (Docket No. 2003F–0023) received on March 18, 2005; to the Committee on the Judiciary.

EC-1430. A communication from the Secretary, the Department of the Interior, transmitting, a report relating to the Biennial Survey of Article III Judgeship Needs; to the Committee on the Judiciary.


EC-1432. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report of the Office of the Juvenile Justice and Delinquency Prevention for 2003–2004; to the Committee on the Judiciary.

EC-1433. A communication from the Assistant Chief, Regulations and Procedures Division, Department of the Interior, Bureau of Indian Affairs, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Establishment of the Trinity Lakes Viticultural Area” (RIN1513–A29) received on March 18, 2005; to the Committee on the Judiciary.

EC-1434. A communication from the Acting Under Secretary of Defense, Policy and Planning, transmitting, pursuant to law, a report entitled “Fiscal Year 2004 Competitive Sourcing Efforts” to the Committee on Armed Services.

EC-1435. A communication from the Principal Deputy, Personnel and Readiness, Office of the Under Secretary of Defense, transmitting, pursuant to law, the Department’s annual audit of the American Red Cross (ARC) consolidated financial statements for the year ending June 30, 2004; to the Committee on Armed Services.

EC-1436. A communication from the Assistant Secretary of Defense, transmit, pursuant to law, the Department’s annual report, as required by law, to the Department’s annual report, as required by law, to the Department of Defense (DOD) during fiscal year 2003; to the Committee on Armed Services.

EC-1437. A communication from the Acting Director, Office of Personnel Management and the Senior Executive, National Security
Personnel System, Department of Defense, transmitting, pursuant to law, a report entitled "Comments on Proposed Regulations for the National Security Personnel System From the Perspective of DoD Employees"; to the Committee on Armed Services.

EC-1438. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on the military operations of the Armed Forces and the reconstruction activities of the Department in Iraq and Afghanistan; to the Committee on Armed Services.

EC-1439. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of lieutenant general; to the Committee on Armed Services.

EC-1440. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Regulations for the Use of the Office of the Under Secretary for Defense's General Counsel"; to the Committee on Armed Services.

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. COCHRAN (for himself, Mr. BINGAMAN, Mr. HAGEL, Mr. KRs, and Mr. LUGAR):

S. 688. A bill to prohibit embezzlement in the Department of the Treasury; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. HAGEL):

S. 689. A bill to amend the Safe Drinking Water Act to authorize the President to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 690. A bill to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

By Mr. DOMENICI (for himself, Mr. NELSON of Florida, Mr. SANTORUM, Mr. ENZIGN, Mr. MARTINEZ, Mr. ALLEN of Washington, Mr. LUTHER, and Mr. BUNNING):

S. 691. A bill to modify the prohibition on recognition by United States courts of certain judgments relating to marriage and divorce proceedings; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 692. A bill to provide for the conveyance of certain public land in westernmost New Mexico by resolving a dispute associated with coal preference right lease interests on the land; to the Committee on Indian Affairs.

By Mr. CORNYN:

S. 693. A bill to provide for judicial review of rulemaking actions issued by the Department of the Interior, pursuant to law; to the Committee on the Judiciary.

By Mr. COLEMAN:

S. 694. A bill to amend the Workforce Investment Act of 1998 to provide for a job training grant pilot program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself and Mr. BYRD):

S. 695. A bill to suspend temporarily new shipper bonding privileges; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. FRIST, Mr. SHELBY, and Mr. SESSIONS):

S. Res. 93. A resolution relative to the death of Howell T. Hefflin, former United States Senator for the State of Alabama; considered and agreed to.

By Mr. BROWNBACK (for himself, Mr. BUNNING, Mr. BURNS, Mr. CHAMBLISS, Mr. CLINTON, Mr. DeMINT, Mr. DOMENICI, Mr. ENZI, Mr. GRASSLH, Mr. KERRY, Mr. KOHL, Mr. MARTINEZ, Mr. THUNE, Mr. DURBIN, and Mr. NEELSEN of Nebraska):

S. Res. 94. A resolution honoring Pope John Paul II; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. CASSIDY), the Senator from North Dakota (Mr. DORGAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 109

At the request of Ms. LANDRIEU, her name was withdrawn as a cosponsor of S. 109, a bill entitled the "Pharmaceutical Market Access Act of 2005".

S. 132

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 147

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 147, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

S. 185

At the request of Mr. NELSON of Florida, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation
and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

At the request of Mr. Bingaman, the name of the Senator from Utah (Mr. Hatch) was added as a cosponsor of S. 217, a bill to amend title 49, United States Code, to preserve the essential air service program.

At the request of Ms. Snowe, the names of the Senator from North Dakota (Mr. Dorgan), the Senator from Michigan (Mr. Levin), the Senator from Mississippi (Mr. Lott), the Senator from Nebraska (Mr. Nelson), the Senator from Kansas (Mr. Roberts) and the Senator from Maryland (Mr. Sarbanes) were added as cosponsors of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

At the request of Mr. Lautenberg, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 304, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

At the request of Mr. Lautenberg, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 308, a bill to require that Homeland Security grants related to terrorism preparedness and prevention be awarded based strictly on an assessment of risk, threat, and vulnerabilities.

At the request of Mr. Akaka, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 324, a bill to provide additional protections for recipients of the earned income tax credit.

At the request of Mr. Santorum, the names of the Senator from Louisiana (Mr. Vitter) and the Senator from Michigan (Ms. Stabenow) were added as cosponsors of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

At the request of Mr. Graham, the name of the Senator from Minnesota (Mr. Coleman) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-Regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

At the request of Mr. Smith, the names of the Senator from Rhode Island (Mr. Reeds), the Senator from Connecticut (Mr. Lieberman), the Senator from Michigan (Ms. Stabenow) and the Senator from Michigan (Mr. Levin) were added as cosponsors of S. 388, a bill to amend the Energy Policy Act of 1992 to direct the Secretary of Energy to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity in developing countries, while promoting economic development, and for other purposes.

At the request of Mr. Hagel, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of S. 388, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the investment in greenhouse gas intensity reduction projects, and for other purposes.

At the request of Mr. Hagel, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of S. 388, a bill to amend the Energy Policy Act of 1992 to direct the Secretary of Energy to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity in developing countries, while promoting economic development, and for other purposes.

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At the request of Mr. Hagel, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of S. 388, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the investment in greenhouse gas intensity reduction projects, and for other purposes.

At the request of Mr. DeWine, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

At the request of Mr. Hagel, his name was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

At the request of Mr. Hagel, his name was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

At the request of Mr. Corzine, the names of the Senator from Vermont (Mr. Jeffords) and the Senator from New Mexico (Mr. Bingaman) were added as cosponsors of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

At the request of Mr. Byrd, the names of the Senator from Wisconsin (Mr. Feingold), the Senator from Oregon (Mr. Wyden) and the Senator from Montana (Mr. Baucus) were added as cosponsors of S. 515, a bill to amend title 22, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Youth Challenge Program, and for other purposes.

At the request of Mr. Shelby, the name of the Senator from Montana (Mr. Burns) was added as a cosponsor of S. 520, a bill to direct the Secretary of State to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity in developing countries, while promoting economic development, and for other purposes.

At the request of Mr. Hagel, the name of the Senator from Alaska (Ms. Murkowski) was added as a cosponsor of S. 520, a bill to direct the Secretary of State to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity in developing countries, while promoting economic development, and for other purposes.
of S. 520, a bill to limit the jurisdiction of Federal courts in certain cases and promote federalism.

At the request of Mrs. Hutchison, the names of the Senator from New Jersey (Mr. Corzine) and the Senator from Delaware (Mr. Biden) were added as cosponsors of S. 521, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis B virus infection.

At the request of Mr. Dorgan, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue code of 1986 to extend for 5 years the credit for electricity produced from certain renewable resources, and for other purposes.

At the request of Mr. Byrd, the names of the Senator from California (Mrs. Boxer) and the Senator from New Jersey (Mr. Lautenberg) were added as cosponsors of S. 576, a bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

At the request of Mr. Conrad, the names of the Senator from Florida (Mr. Nelson), the Senator from Colorado (Mr. Salazar), and the Senator from Louisiana (Ms. Landrieu) were added as cosponsors of S. 601, a bill to amend the Internal Revenue Code of 1986 to include combat pay in determining an allowable contribution to an individual retirement plan.

At the request of Mr. Johnson, the names of the Senator from Oregon (Mr. Wyden), the Senator from Arkansas (Mrs. Lincoln) and the Senator from Rhode Island (Mr. Chafee) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

At the request of Mr. Santorum, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

At the request of Mr. Frist, the names of the Senator from North Carolina (Mrs. Dole), the Senator from Wyoming (Mr. Thomas), the Senator from North Carolina (Mr. Burr), the Senator from Louisiana (Ms. Landrieu) and the Senator from Mississippi (Mr. Cochran) were added as cosponsors of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

At the request of Ms. Collins, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 662, a bill to reform the postal laws of the United States.

At the request of Mr. Santorum, the names of the Senator from Texas (Mr. Cornyn), the Senator from Minnesota (Mr. Coleman) and the Senator from Mississippi (Mr. Cochran) were added as cosponsors of S. 677, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

At the request of Mr. Sarbanes, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the pay of members of the uniformed services and the adjustments in the pay of civilian employees of the United States.

At the request of Mr. Coleman, the names of the Senator from Missouri (Mr. Bond) and the Senator from Missouri (Mr. Talent) were added as cosponsors of S. Res. 31, a resolution expressing the sense of the Senate that the bill designated as “National Health Center Week” in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

At the request of Mr. Allen, the names of the Senator from Pennsylvania (Mr. Santorum), the Senator from Nevada (Mr. Ensign), the Senator from Louisiana (Mr. Vitter), the Senator from Vermont (Mr. Leahy), and the Senator from Georgia (Mr. Chambliss) were added as cosponsors of S. Res. 82, a resolution urging the European Union to add Hezbollah to the European Union’s wide-ranging list of terrorist organizations.

At the request of Mr. Thomas, the names of the Senator from Idaho (Mr. Craig) and the Senator from Colorado (Mr. Allard) were added as cosponsors of S. Res. 85, a resolution designating July 23, 2005, and July 22, 2006, as “National Day of the American Cowboy”.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Domenici (for himself, Mr. Bingaman, and Mr. Hagel): S. 689. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Environment and Public Works.

Mr. Domenici. Mr. President, communities within the State of New Mexico and the West are facing increases in their water costs. Many small communities and individuals are great. Indeed, in Albuquerque, NM, the natural levels of arsenic are around 13 parts per billion. This illustrates the problem that the new standards will create.

The bill that I introduce today recognizes that in some parts of America, the burden will be too great for some communities to bear. The bill does the following: (1) finds that small communities may not have the resources to meet the new arsenic standards and that Federal programs are not in place to address the issue; (2) creates a grant program for many small communities to help upgrade their water systems; (3) ensures that not less than 20 percent of the grant monies go to communities with less than 50,000 residents; and (4) authorizes appropriations of $1.9 billion for FY2006 and for each year through FY2011.

Let me tell you more about this problem. In New Mexico, the geology, the make up of the rocks and dirt, results in relatively high levels of arsenic in the groundwater. However, over time, New Mexico residents have not experienced higher levels of diseases associated with arsenic.

Be that as it may, the standard is in our future and many small communities throughout New Mexico and the West will not be able to meet the resulting financial burden. I am sure that if we have to fix our water plants to meet the EPA’s new standards, some in villages of 100 people where they have a small water system and no other water source, it will create a significant financial burden. Because of this, I believe it is important to aid communities in meeting the coming standards.

The financial burden facing many communities and individuals is great. The new standards could cost New Mexico communities between $370 million and $440 million to improve treatment systems, plus $18 million a year in operating costs. Albuquerque, NM, is looking at having to spend up to $150 million to come into compliance; Rio Rancho is looking at having to spend up to $150 million and $440 million to improve treatment systems. Many small communities in New Mexico and throughout the West are facing increases in their water resources.
bills of $50 to $90 a month per individual. I need not say that most people cannot afford such an increase.

Most of the technologies needed for water systems to remain in compliance with the new requirements are expensive and require a significant increase in the level of training and expertise of the public water system operators in New Mexico and throughout the Nation. This legislation will help these communities in expediting their systems and training their people.

We are forcing communities to comply with drinking water standards that many believe will not increase public health. The least we can do is help them without burden.

I ask unanimous consent that my statement and 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. 589

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “Community Drinking Water Assistance Act”.

SEC. 2. FINDINGS.
Congress finds that—
(1) drinking water standards proposed and in effect as of the date of enactment of this Act will place a large financial burden on many public water systems, especially those public water systems in rural communities serving small populations;
(2) small communities often cannot afford to meet water quality standards because of the expenses associated with upgrading public water systems and training personnel to operate and maintain the public water systems;
(3) small communities do not have a tax base to fund the costs of upgrading their public water systems;
(4) small communities face high per capita costs in improving drinking water quality;
(5) small communities that are not served by a safe public water system (including a community for which no project or activity to increase the population served by a public water system, except to the extent that the Administrator determines such a project or activity to be necessary—
(i) achieve compliance with a national primary drinking water regulation; and
(ii) provide a water supply to a population that, as of the date of enactment of this part, is not served by a safe public water system;
(6) eligible entity—The term ‘eligible entity’ means a small public water system that—
(A) is located in a State or an area governed by an Indian Tribe;
(B) if located in a State, serves a community that, under affordability criteria established by the State under section 1452(d)(3), is determined by the State to be—
(i) a disadvantaged community; or
(ii) a community that may become a disadvantaged community as a result of carrying out an eligible activity; or
(C) if located in an area governed by an Indian Tribe, serves a community that is determined by the Administrator, under affordability criteria established by the Administrator under section 1452(d)(3) and in consultation with the Secretary, to be—
(I) a disadvantaged community; or
(II) a community that the Administrator expects to become a disadvantaged community as a result of carrying out an eligible activity.
(7) PROGRAM.—The term ‘Program’ means the small public water assistance program established under section 1472(a).
(8) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services, acting through the Director of the Indian Health Services.
(9) SMALL PUBLIC WATER SYSTEM.—The term ‘small public water system’ means a public water system (including a community water system) that serves—
(A) a community with a population not more than 200,000 individuals; or
(B) a public water system located in—
(i) Bernalillo or Sandoval County, New Mexico;
(ii) Scottsdale, Arizona;
(iii) Mesquite or Washoe County, Nevada; or
(iv) El Paso County, Texas.

SEC. 1472. SMALL PUBLIC WATER SYSTEM ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish the Program to provide grants to eligible entities for use in carrying out projects and activities to comply with drinking water standards.

(2) PRIORITY.—Subject to paragraph (3), the Administrator shall award grants under the Program to eligible entities based on—
(A) first, the financial need of the community for the grant assistance, as determined by the Administrator; and
(B) second, with respect to the community in which the eligible entity is located, the per capita cost of carrying drinking water standards, as determined by the Administrator.

(3) SMALL COMMUNITIES.—In making grants under this section, the Administrator shall ensure that not less 20 percent of grant funds provided for each fiscal year are used to provide grants to eligible entities in communities with a population of less than 50,000 individuals.

(b) APPLICATION PROCESS.

(A) IN GENERAL.—A community that seeks to receive a grant under the Program shall submit to the Administrator, on such form as the Administrator shall prescribe (not to exceed 3 pages in length), an application to receive the grant.

(B) COMPONENTS.—The application shall include—
(A) a description of the eligible activities for which the grant is needed;
(B) a description of the efforts made by the eligible entity, as of the date of submission of the application, to comply with drinking water standards; and
(C) any other information required to be included by the Administrator.

(c) REVIEW AND APPROVAL OF APPLICATIONS.

(A) IN GENERAL.—On receipt of an application under paragraph (1), the Administrator shall review the application and forward the recommendation to the Council.

(B) APPROVAL OR DISAPPROVAL.—Not later than 90 days after receiving the recommendation of the Council under subparagraph (A) of this subsection, the Administrator shall—
(i) approve the application and award a grant to the applicant; or
(ii) disapprove the application.

(d) GRANT AMOUNTS.

An eligible entity that seeks to receive a grant under the Program shall not receive a grant in an amount exceeding the amount determined by the Administrator for the eligible entity under paragraph (b) of this section.

(e) COST SHARING.

Except as provided in paragraph (2), the Federal share of the cost of carrying out an eligible activity using funds from a grant provided under the Program shall not exceed 90 percent.

(f) WAIVER.

The Administrator may waive the requirement that the Federal share of the cost of carrying out an eligible activity using funds from a grant provided under the Program be not less than 90 percent if the Administrator determines that the cost of carrying out the activity is a special hardship if required to pay, the non-Federal share.

(g) ENFORCEMENT AND IMPLEMENTATION OF STANDARDS.

(A) IN GENERAL.—Subject to paragraph (2), the Administrator shall not enforce any standard for drinking water under this Act (including a standard promulgated under this Act) against an eligible entity during the period beginning on the date on which the eligible entity submits an application for a grant under the Program and ending, as applicable—
(i) the deadline specified in subsection (a)(3)(C)(ii), if the application is disapproved and not resubmitted; or
(ii) 3 years after the date on which the eligible entity receives a grant under this Act, if the application is approved.

(B) ARSENIC STANDARDS.—No standard for arsenic in drinking water promulgated under this Act (including a standard in any regulation promulgated under this Act) against an eligible entity during the period beginning on the date on which the eligible entity submits an application for a grant under the Program and ending, as applicable—
(i) the deadline specified in subsection (a)(3)(C)(ii), if the application is disapproved and not resubmitted; or
(ii) 3 years after the date on which the eligible entity receives a grant under this Act, if the application is approved.

(h) SMALL COMMUNITIES.—No standard for arsenic in drinking water promulgated under this Act (including a standard in any regulation promulgated under this Act) against an eligible entity during the period beginning on the date on which the eligible entity submits an application for a grant under the Program and ending, as applicable—
(i) the deadline specified in subsection (a)(3)(C)(ii), if the application is disapproved and not resubmitted; or
(ii) 3 years after the date on which the eligible entity receives a grant under this Act, if the application is approved.
section 1452. water treatment revolving loan funds under developed by States for the use of drinking the Administrator whether the application under subsection (b); sympathetic to the need for such large increases, I am keenly aware of competing needs around the country for medical research, economic stimulus, and for our national defense, to name just a few. Therefore, I am compelled to recommend increases for the IRR program that are more likely to win acceptance among my colleagues.

For highway construction, I am recommending an immediate increase of $55 million in the first year to a new total of $330 million. My bill would then increase the amount for construction by $15 million per year until the program receives $480 million in the final year of the authorization. For the Indian bridge program, I am recommending $15 million per year, an increase of $6 million annually. And for state roads that serve as key bus routes for Indian children, primarily on our Nation’s largest Indian reservation—the Navajo Nation—I am recommending increasing this vital funding from $1.5 million per year to $3 million to retroactively fund fiscal years 2004 and 2005, to $4 million in fiscal years 2006 and 2007, and $5 million for fiscal years 2008 and 2009.

My final recommendation is to create a rural transit program for Indian reservations. Because the Federal Highway Administration and the Federal Transit Administration each have their areas of expertise that can make such a program a success, my legislation will require the two agencies to work together for the benefit of the tribes who participate in this program. My suggestion is to fund this program at $20 million.

In closing, I thank the Navajo Nation Transportation Committee and the tribal transportation department for keeping me informed of their progress and continuing needs. I believe my bill will be a positive answer to their requests. In addition, the Pueblo Indians and Apache Indians of New Mexico have continuing development needs, including new roads. I urge the agencies to reach their many attractions for tourists and other visitors. I ask my colleagues to join me in increasing the Indian Reservation Roads program funds in our Federal highways programs to the degree I have requested in this bill. I thank my colleagues and urge their support for these increases as we reauthorize TEA-21 for 6 more years.

I ask unanimous consent that the Record be opened. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

SEC. 1. SHORT TITLE.
This Act may be cited as the “American Indian Reservation Transportation Improvement Program Act.”

SEC. 2. INDIAN RESERVATION ROADS.
(a) AUTHORIZATION OF APPROPRIATIONS—Section 110(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112) is amended by striking “of such title” and all that follows and inserting “of that title:

(i) $225,000,000 for fiscal year 1998;

(ii) $275,000,000 for each of fiscal years 1999 through 2003;

(iii) $330,000,000 for fiscal year 2004;

(iv) $360,000,000 for fiscal year 2005;

(v) $390,000,000 for fiscal year 2006;

(vi) $420,000,000 for fiscal year 2007;

(vii) $450,000,000 for fiscal year 2008; and

(viii) $480,000,000 for fiscal year 2009.

(b) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATION ROADS.—Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by inserting before the period at the end of such fiscal years 1994 and 1995, the following:

$3,000,000 for each of fiscal years 2004 and 2005, $4,000,000 for each of fiscal years 2006 and 2007, and $5,000,000 for each of fiscal years 2008 and 2009.

(c) INDIAN RESERVATION ROAD BRIDGES.—Section 202(d)(4)(B) of title 23, United States Code, is amended—

(1) by striking “(B) RESERVATION.—Of the amounts” and all that follows through “to replace,” and inserting the following:

“(B) FUNDING.—Of the amounts made available to carry out this subparagraph—

(i) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1; and

(ii) shall not be used to pay any administrative costs.”

SEC. 3. INDIAN RESERVATION RURAL TRANSIT PROGRAM.
Section 111 of title 49, United States Code, is amended by adding at the end the following:

“(k) INDIAN RESERVATION RURAL TRANSIT PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Educa-

tion Assistance Act (25 U.S.C. 450);

(B) RESERVATION.—The term ‘reservation’ means—

(i) an Indian reservation in existence as of the date of enactment of this subsection;

(ii) a public domain Indian allotment; and

(iii) an Indian reservation in the State of Oklahoma that existed at any time before, but is no longer in existence as of, the date of enactment of this subsection.

(C) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation, acting through the Administrator of the Fed-

eral Highway Administration.

(2) PROGRAM.—The Secretary shall establish and carry out a program to provide competitive grants to Indian tribes to establish rural transit programs on reservations or other land under the jurisdiction of the Indian tribes.

(3) COOPERATION.—The Secretary shall—

(A) establish and maintain intra-agency cooperation between the Federal Highway Administration and the Federal Transit Admin-

istration in—

(i) administering tribal transit programs funded by the Federal Highway Administra-

tion; and

(ii) exploring options for the transfer of funds from the Federal Highway Administra-

tion to the Federal Transit Administration.
for the direct funding of tribal transit programs; and
“(B) establish and maintain working relationships with representatives of regional tribal transit programs to ensure proper administration of ongoing and future tribal transit programs carried out using Federal funds.”

By Mr. DOMENICI:
S. 692. A bill to provide for the conveyance of certain public land in northwestern New Mexico by resolving a dispute associated with coal preference right lease interests on the land; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, I am pleased today to be introducing the Bisti PRLA Dispute Resolution Act of 2005, which will resolve a conflict regarding coal mining leases in New Mexico and confirm the right to the acquisition of all Navajo Nation land selections in New Mexico under the Navajo-Hopi Settlement Act. Arch Coal Company and the Navajo Nation have been deadlocked within the Department of the Interior appeals process relating to certain preference right lease applications, PRLAs, in the Bisti region of northwestern New Mexico. When enacted, this legislation will resolve a complex set of issues arising from legal rights of the Arch Coal Company acquired under a minerals lease in Federal lands, which are now situated among lands which constitute tribal property and the allotments of members of the Navajo Nation. Both Arch Coal and the Navajo Nation support this legislation to resolve the situation in a manner that is mutually beneficial. In addition, this legislation will serve to mandate the completion of a longstanding set of land selections the Navajo Nation made under the Navajo-Hopi Settlement Act. In 1984, amendments to that act, Congress provided the Navajo Nation with its final opportunity, within 18 months of passage of the amendments, to select lands in New Mexico as provided in section 11 of the Navajo-Hopi Settlement Act. The Navajo Nation exercised its rights under the 1984 Amendments, but since has sought to review, revise, and seek to select other lands to the potential detriment of mineral lessees holding leases on Federal public lands near the Navajo reservation. This legislation would clarify Congress’s intent that the nation no longer has land selection rights available to it in New Mexico under the Navajo-Hopi Settlement Act.

There are many reasons the solution embodied in this bill achieves broad benefits to the interested parties and the public. It will resolve a long-standing conflict between the Navajo Nation and Arch Coal and allow the Navajo Nation to complete the land selections in New Mexico that were made in the 1980s to promote tribal member resettlement following the partition of lands in Arizona to the Hopi Tribe. Specifically, section 4(a)(1) will clarify and confirm that the Navajo Nation already has selected the lands to which it entitled under the Navajo-Hopi Settlement Act and has no further rights under that act to select lands in New Mexico other than those already selected by the Navajo Nation in the 1980s.

The bill also guarantees that Arch Coal, Inc. will be compensated for the economic value of the coal reserves. An independent panel will make recommendations to the Secretary of the Interior regarding the fair market value of the coal reserves, gives the company bidding rights, protects a State’s financial interest in its share of Federal Mineral Leasing Act payments, and allows the Navajo Nation beneficial ownership in their lands.

The Secretary of the Interior will issue a certificate of bidding rights to Arch Coal upon relinquishment of its PRLAs and the issuance of a certificate that will equal the fair market value of the coal reserves as defined by the Department of the Interior’s regulations. A panel consisting of representatives of the Department of the Interior, Arch Coal, and the Governors of Wyoming and New Mexico will help determine fair market value. While the Interior Department is authorized to exchange PRLAs for bidding rights, the Department has not done so, largely because of the difficulty it perceives in determining the fair market value of the coal reserves. The panel method in this legislation will promote the objectivity of that process.

Upon the relinquishment of the PRLAs and the issuance of a certificate of bidding rights, the Department of the Interior will execute patents to the Navajo Nation of the lands encompassed by the PRLAs. This is a win-win situation for all parties involved, is endorsed by the affected parties, and is a fair resolution to this ongoing problem. 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. 692

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

SEC. 1. SHORT TITLE. This Act may be cited as the “Bisti PRLA Dispute Resolution Act”.

SEC. 2. WITHDRAWAL OF COAL PREFERENCE RIGHT LEASE APPLICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, if any of the coal preference right lease applications referred to in this Act are withdrawn under section 4(a)(2) to each such holder or holders a certificate of bidding rights (in such form and manner as provided for under regulations promulgated by the Secretary under the Mineral Leasing Act (30 U.S.C. 181 et seq.) that constitutes the combined fair market value of the coal reserves for each coal preference right lease application withdrawn by the holder.

(b) VALUE OF COAL RESERVES.—The withdrawals and issuances required under subsection (a) shall occur without any further adjudication of coal preference right lease applications by the Secretary.

SEC. 3. METHOD FOR DETERMINING FAIR MARKET VALUE.

(a) IN GENERAL.—Notwithstanding any other provision of law, this section shall apply to the issuance of a certificate of bidding rights under section 4(a)(2).

(b) VALUE OF COAL RESERVES.—

(1) IN GENERAL.—The fair market value of the coal reserves of any coal preference right lease application withdrawn under section 4(a)(2) shall be determined under subsection (c) of this section.

(2) PANEL.—

(A) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish a panel to determine the fair market value of the coal reserves of any coal preference right lease applications withdrawn under section 2(a).

(B) MEMBERSHIP.—The panel shall be composed of 3 representatives, of whom—

(i) 1 representative shall be appointed by the Secretary;

(ii) 1 representative shall be appointed by the holder of the preference right lease application; and

(iii) 1 representative shall be appointed by the Governor of the State of New Mexico.

(C) INVESTIGATIONS.—The Secretary, in conjunction with the panel, shall conduct an investigation of the fair market value of the coal reserves of any coal preference right lease applications withdrawn under section 2(a).

(3) FAIR MARKET VALUE.—The panel shall—

(A) establish a panel to determine the fair market value of the coal reserves of any coal preference right application withdrawn under section 2(a); and

(B) issue a certificate of bidding rights in such form and manner as provided for under regulations promulgated by the Secretary under the Federal Land Policy and Management Act (30 U.S.C. 201 et seq.) that constitutes the combined fair market value of the coal reserves for each coal preference right lease application withdrawn by the holder.

(c) NO ADJUDICATION.—The withdrawals and issuances required under subsection (a) shall occur without any further adjudication of coal preference right lease applications by the Secretary.

SEC. 4. ISSUANCE OF BIDDING RIGHTS TO HOLDERS OF RELINQUISHED COAL PREFERENCE RIGHT LEASE APPLICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, this section shall apply to the issuance of a certificate of bidding rights under section 2(b).

(b) ISSUANCE.—The Secretary shall—

(1) accept the relinquishment of the rights associated with the coal preference right lease application; and

(2) issue a certificate of bidding rights in such form and manner as provided for under regulations promulgated by the Secretary under the Federal Land Policy and Management Act (30 U.S.C. 201 et seq.) that constitutes the combined fair market value of the coal reserves for each coal preference right lease application withdrawn by the holder.

(c) INVESTIGATIONS.—The Secretary shall—

(1) establish a panel to determine the fair market value of the coal reserves of any coal preference right lease application withdrawn by the holder.

(2) issue a certificate of bidding rights in such form and manner as provided for under regulations promulgated by the Secretary under the Federal Land Policy and Management Act (30 U.S.C. 201 et seq.) that constitutes the combined fair market value of the coal reserves for each coal preference right lease application withdrawn by the holder.
a certificate of bidding rights issued under section 4(a)(2)]—

(A) shall be treated as money received under section 35 of the Mineral Leasing Act (30 U.S.C. 191); but

(B) shall be credited and redistributed by the Secretary only as follows:

(i) distributed to the State in which the lease is located; and


(B) by inserting after subsection (c) the following:

(3) by redesignating subsection (d) as subsection (e); and

(4) by redesignating subsection (e) as subsection (f).

(3) by striking ''by a designated national''; and

(4) by striking after subsection (c) the following:

(4) be transferred by the holder or holders of the certificate of bidding rights in whole or in part; and

(5) by striking before the period ''that'' and inserting the following:

(i) rentals, advance royalties, or production royalties payable to the Secretary under Federal coal leases; and

(ii) money payable to the Secretary in the issuance of a Federal coal lease or Federal coal lease modification under the coal leasing provisions of the Mineral Leasing Act (30 U.S.C. 181 et seq.); and

(2) in a case in which a certificate of bidding rights issued under section 4(a)(2) is applied by the holder or holders of the certificate of bidding rights as a monetary credit against a payment obligation under a Federal coal lease, the holder or holders—

(A) may apply the bidding rights only against 50 percent of the amount payable under the lease; and

(B) shall pay the remaining 50 percent as provided for under the lease in cash or cash equivalent.

(b) PAYMENT UNDER LEASE OBLIGATIONS.—Any payment of a Federal coal lease obligation by the holder or holders of a certificate of bidding rights issued under section 4(a)(2)—

(1) shall be treated as money received under section 35 of the Mineral Leasing Act (30 U.S.C. 191); but

(2) shall be credited and redistributed by the Secretary only as follows:

(i) 50 percent of the amount paid in cash or its equivalent shall be—

(A) distributed to the State in which the lease is located; and

(B) be treated as a redistribution under section 55 of the Mineral Leasing Act (30 U.S.C. 191).

(ii) 50 percent of the amount paid through a crediting of the bidding rights involved shall be treated as a payment that is subject to redistribution under that section to the Reclamation and Miscellaneous Receipts accounts in the Treasury.

S. 691. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation that will protect U.S. trademarks and their legitimate owners from the effects of the confiscations decreed by the Cuban Government.

My colleagues and I believe in the fundamental principle that property rights must be respected and that it is wrong for governments to take property from individuals and companies, whether they are U.S. citizens or foreigners, without payment of prompt, adequate and effective compensation. We uphold the firmly established principle of our law and public policy that foreign confiscatory measures must never be given effect on property situated in the United States.

When the Castro regime took power in Cuba, it engaged in a program of wholesale confiscation of property in Cuba, including property owned by Cuban nationals as well as by U.S. and other non-Cuban nationals. The Cuban Government also purported to extend the effects of the confiscation to property, subject to such procedures as the Cuban Government, except with the consent of the legitimate owner. Section 211 simply made it clear that the universal U.S. policy against giving effect to foreign confiscations of U.S. property applies with equal force in the case of U.S. trademarks confiscated by Cuba.

Section 211 was challenged in the World Trade Organization, WTO, by the European Union, EU. In January 2002, the WTO appellate body finally resolved that challenge by finding in favor of the United States on all points except one. The appellate body made a narrow finding that, because Section 211 on its face does not apply to U.S. nationals, it is inconsistent with the national-treatment and most-favored-nation principles under the TRIPs Agreement. The appellate body fully supported the principle embodied in Section 211, that is, the non-recognition of uncompensated confiscations and the protection of intellectual property ownership rights. The revision required to broaden the application of Section 211 to include U.S. nationals amounts to no more than a minor

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By Mr. DOMENICI (for himself, Mr. NELSON of Florida, Mr. SANTORUM, Mr. ENSIGN, Mr. MARTINEZ, Mr. ALLEN, Mr. LIEBERMAN, Mr. LUTTENBERG, and Mr. BUNNING):

S. 691. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

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The legislation that I introduce today makes it clear that this well-founded law applies to all parties claiming rights in confiscated Cuban trademarks, regardless of nationality. Such a technical correction will satisfy the WTO ruling and prevent the EU from applying trade sanctions against the United States at the end of this year. Moreover, this legislation does three things: it maintains protection for original owners of confiscated Cuban trademarks, it applies to all people, regardless of nationality; and it clarifies that trademarks and trade names confiscated by the Cuban Government will not be recognized in the United States when the assertion is being made by someone who knew or had reason to know that the mark was confiscated.

This bill does not in any way decide which party owns a Cuban trademark in the U.S. nor does Section 211 prevent the Cuban Government or its various entities from having access to our courts or from registering legitimate trademarks in the U.S. As long as the trademark was not confiscated, the Cuban Government can legally register any trademark it desires. Moreover, even if the Cuban Government stole a trademark in the 1960s, it can still register the trademark in the U.S as long as the original owner has consented.

Once revised, Section 211 is consistent with all of our international trade obligations under the Inter-American Convention on Trademarks. Article 3 of the Inter-American Convention expressly allows non-recognition of a trademark when such recognition would be contrary to the public order or public policy of the state in which recognition is sought. There is no doubt whatsoever that allowing title to U.S. property to be determined by a foreign confiscation violates U.S. public policy. Section 211 simply makes it clear that the universal U.S. policy against giving effect to foreign confiscations of U.S. property applies with equal force in the case of U.S. trademarks confiscated by Cuba.

Nothing in any treaty or in international law is inconsistent with that rule of U.S. law.

I believe this piece of legislation is a simple technical corrections bill which will ensure that a fairly simple, but important, U.S. law is WTO-compliant.

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. 691

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

**SECTION 1. MODIFICATION OF PROHIBITION.**

Section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105-277; 112 Stat. 2681-80) is amended—

(1) in subsection (a)(2)—

(A) by striking ‘‘by a designated national’’; and

(B) by inserting before the period ‘‘that’’ the following:

(2) The term ‘‘by a designated national or its successor-in-interest’’ has expressly consented’’;

(2) in subsection (b), by striking ‘‘by a designated national or its successor-in-interest’’;

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

‘‘(d) Subsections (a) and (b) of this section shall apply only if the person or entity asserting the rights knew or had reason to know at the time when the person or entity acquired the rights asserted that the mark, trade name, or commercial name was the same as or substantially similar to a trademark in the 1960s that was used in connection with a business or assets that were confiscated.’’; and

(5) in subsection (e), as so redesignated, by striking—

in this section, the term’’.
By Mr. CORNYN.

S. 693. A bill to provide for judicial review of national security letters issued to wire and electronic communications service providers; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, it has been nearly 4 years since the terrorist attacks of September 11, 2001. In the days, weeks, and months since that day, the American people have braced themselves for the possibility of another terrorist attack on our homeland. After all, we know all too well that al-Qaida is a stealthy, sophisticated, and patient enemy, and that its leadership is extremely motivated to launch another devastating attack on American soil and American citizens.

In fact, outside the United States, al-Qaida and affiliates of al-Qaida have continued to be enormously active, responsible for numerous terrorist attacks on foreign soil in the last few years:

2001 (Dec.): Man tried to detonate shoe bomb on flight from Paris to Miami.

2002 (April): Explosion at historic synagogue in Tunisia left 21 dead, including 14 German tourists.

2002 (May, July): Car exploded outside hotel in Karachi, Pakistan, killing 14, including 11 French citizens.

2002 (June): Bomb exploded outside American consulate in Karachi, Pakistan, killing 12.

2002 (Oct.): Boat caved into oil tanker off Yemen coast, killing one.

2002 (Nov.): Nightclub bombings in Bali, Indonesia, killed 202, mostly Australian citizens.

2003 (May): Suicide bombers killed 34, including 8 Americans, at housing compounds for Westerners in Riyadh, Saudi Arabia.

2003 (May): Four bombs killed 33 people targeting Jewish, Spanish, and Belgian synagogues in Casablanca, Morocco.

2003 (Aug.): Suicide car-bomb killed 12, injured 150 at Marriott Hotel in Jakarta, Indonesia.

2003 (Nov.): Explosions rocked a Riyadh, Saudi Arabia housing compound, killing 17.

2003 (Nov.): Suicide car-bombers simultaneously attacked two synagogues in Istanbul, Turkey, killing 25 and injuring hundreds.

2003 (Nov.): Truck bombs detonated at London bank and British consulate in Istanbul, Turkey, killing 26.

2004 (March): Ten terrorists bombs exploded almost simultaneously during the evening rush hour in Madrid, Spain, killing 202 and injuring more than 1,400.

2004 (May): Terrorists attacked Saudi oil company offices in Khobar, Saudi Arabia, killing 22.

2004 (June): Terrorists kidnapped and executed American Paul Johnson, Jr., in Riyadh, Saudi Arabia.

2004 (Sept.): Car bomb outside the Australian embassy in Jakarta, Indonesia, killing nine.

2004 (Dec.): Terrorists enter the U.S. Consulate in Jiddah, Saudi Arabia, killing nine (including 4 attackers).

It is precisely because al-Qaida is so aggressive, so motivated, and so demonstrably hostile to America, that I am so grateful that, to date, al-Qaida still has not successfully launched another terrorist attack on our own soil. There are probably many reasons for this. First and foremost, I am profoundly thankful to the brave men and women of our Armed Forces, who fight the terrorists abroad so that we do not have to face them at home. I also firmly believe that the strengthened anti-terrorism and law enforcement tools right here at home have much to do with this record of success and peace in our homeland to date.

It is within this important context that a Senate Judiciary Committee hearing tomorrow morning will commence a new round of discussions about the USA PATRIOT Act. As I explained in an op-ed published in the Washington Times just this morning, I welcome that hearing, because the American people deserve an honest, responsible, and fair discussion to ensure that we are indeed fulfilling our dual responsibilities to protect national security and civil rights.

Unfortunately, the debate about the USA PATRIOT Act has not always met that standard. Last fall, just weeks before the Presidential election, we even witnessed false reports in newspapers across the country that a Federal court had struck down parts of the act as unconstitutional. False reports and scare tactics serve no legitimate cause and greatly detract from the American people. The war on terror must be fought aggressively but consistently with the protection of civil rights and civil liberties. Whenever real civil liberties problems do arise, we must learn about them right away, so that we can fix them swiftly.

It is for precisely this reason that I have long been concerned about false allegations of civil rights deprivations. Every false allegation undermines every real one and that hurts us all. After all, scaring people about false civil rights deprivations unnecessarily divides our Nation and makes no one safer. If anything, false claims about civil liberties actually make it harder to monitor real civil liberties issues in the future—for the same reason that eventually no one listened to the fabled little boy who kept "crying wolf."

After several weeks of negotiation, Congress in 2001 enacted the USA PATRIOT Act, raising bipartisan majorities—98-1 in the Senate and 395-66 in the House. At the time, Senators on both sides of the aisle agreed that the legislation had struck a careful and wise balance between national security and civil liberties.

The record continues to be strong to this day. As Senator DIANNE FEINSTEIN at a Senate Judiciary Committee oversight hearing during the last Congress, "There have been single abuses of the PATRIOT Act reported to me. My staff e-mailed the ACLU and asked them for instances of actual abuses. They e-mailed back and said they had none."

The ACLU did allege in a press release last September that a Federal court had struck down parts of the USA PATRIOT Act—calling the decision "a landmark victory against the Ashcroft Justice Department." See Doe v. Ashcroft, 334 F. Supp. 2d 471 (S.D.N.Y. 2004). The litigation is currently on appeal.

Newspapers across the country immediately repeated the ACLU’s message. But as legal experts immediately discovered, there were two important points with which they were attacking the wrong person, and the wrong law.

In fact, the court had actually struck down a law authored by Senator PATRICK LEAHY during the 108th Congress. That statute balanced the national interest in protecting electronic communications privacy against the legitimate needs of national security, by establishing a procedure for obtaining electronic communications records in certain national security investigations through the use of so-called "national security letters." The USA PATRIOT Act amended the law to make clear that such letters could be issued in terrorism investigations as well.

The statute at issue was written by LEAHY, not Ashcroft. And it was the Electronic Communications Privacy Act of 1986, not the USA PATRIOT Act in 2001. Indeed, the USA PATRIOT Act did not change a single provision of any provision attacked by that court.

What’s more, in 1986, the ACLU endorsed the Electronic Communications Privacy Act. And shortly after that law was approved by the Senate on a voice vote and the House by unanimous consent, the chief legislative counsel of the ACLU called it a "significant advancement of privacy rights of citizens in the age of new communications technology."

None of this stopped the ACLU in 2004, however, from charging that the court’s ruling was “the first to strike down any of the vast new surveillance powers authorized by the Patriot Act.”

The ACLU has since backed down and admitted that they had attacked the wrong law. As ACLU attorney Jameel Jaffer eventually conceded, “the provisions that we challenged and that the court objected to were in the statute before the Patriot Act was passed. We could have raised the same objections before the power was expanded.” Nevertheless, it hurts all of us whenever an allegation about civil liberties is discredited—because it makes it that much easier to ignore legitimate civil liberties problems that may arise in the future.

It’s also worth noting that the primary controversy in the litigation—whether judicial review is available to scrutinize the issuance of national security letters—was not actually disputed by the government. To the contrary, the Justice Department agreed that there should be judicial review.

The court simply concluded that the
1986 law was not drafted with sufficient clarity to authorize such review.

Today, I introduce legislation to cure this technical defect, and to amend the Electronic Communications Privacy Act to make explicit the availability of judicial review to examine national security letters. This legislation is entitled the Electronic Communications Privacy Act and the USA PATRIOT Act and the books. And I hope that future discussions about the war on terrorism, civil liberties, and the USA PATRIOT Act will be honest, responsible, and fair.

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

S. 693

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

SEC. 1. SHORT TITLE.

This Act may be cited as the "The Electronic Communications Privacy Act of 2005."

SEC. 2. JUDICIAL REVIEW.

(a) In General. Section 2709(a) of title 18, United States Code, is amended—

(1) by striking "A wire or electronic communication service provider" and inserting the following:

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"(2) by adding at the end the following:

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"SEC. 3. ENFORCEMENT OF NATIONAL SECURITY LETTERS.

Section 2709(a) of title 18, United States Code, as amended by section 2(a), is further amended—

(2) by adding at the end the following:

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"SEC. 4. DISCLOSURE OF INFORMATION.

(a) Secure Procedings. The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Procedures Act (18 U.S.C. App.) and

(b) Non-Disclosure. Section 2709(c) of title 18, United States Code, as amended by section 2(b)(1), is further amended—

"(1) by inserting "in any person" the following:

"(1) by inserting "in any person" the following:

"(2) JUDICIAL REVIEW. A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court challenging the non-disclosure requirement imposed by the original 1986 law. The 1986 Act authorizes recipients of national security letters to seek judicial review to examine national security letters. This provision authorizes the Attorney General to seek enforcement of a national security letter if compliance would be unreasonable or oppressive—the same standard that governs grand jury subpoenas. See Federal Rule of Criminal Procedure 17(c)(2). Courts have made clear that, under this standard, recipients must be relevant to the underlying investigation. See, e.g., United States v. Doe, 496 U.S. 292, 301 (1991) (requiring "reasonable possibility that the category of materials the Government seeks will produce evidence relevant to the grand jury subject of the grand jury's investigation").

This provision also explicitly authorizes a recipient at any time to seek judicial review in federal court to set aside the non-disclosure requirement imposed by the original 1986 law. The 1986 Act authorizes recipients of national security letters to seek judicial review to examine national security letters. This provision also explicitly authorizes the Attorney General to seek enforcement of a national security letter if compliance would be unreasonable or oppressive—the same standard that governs grand jury subpoenas. See Federal Rule of Criminal Procedure 17(c)(2).

Accordingly, the Electronic Communications Privacy Act of 2005 responds to the Doe v. Ashcroft litigation by establishing an explicit judicial review provision for national security letters. Section 1. Short title.

Section 2. Judicial review. This provision explicitly authorizes a recipient at any time to seek judicial review in federal court to set aside the non-disclosure requirement imposed by the original 1986 law. The 1986 Act authorizes recipients of national security letters to seek judicial review to examine national security letters. This provision also explicitly authorizes the Attorney General to seek enforcement of a national security letter if compliance would be unreasonable or oppressive—the same standard that governs grand jury subpoenas. See Federal Rule of Criminal Procedure 17(c)(2).

It may be helpful for Congress to enact an explicit provision authorizing judicial review to avoid any ambiguity and to provide clearer guidance to national security letter recipients and parties in litigation in the future.

Accordingly, the Electronic Communications Privacy Act of 2005 responds to the Doe v. Ashcroft litigation by establishing an explicit judicial review provision for national security letters. Section 1. Short title.

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Section 171 of the Workforce Investment Act of 1998 to provide for a job training grant pilot program; to amend the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by adding a new section 171A as follows:

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(A) GRANTS.—The Secretary shall provide grants to qualified job training programs upon placement of a qualified graduate in qualifying employment for a period of 1 year.
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Whereas Pope John Paul II, who served the people of Poland from 1920–1939, 1946–1951, 1957–1978, and 1982–2005, as Archbishop of Krakow, as Metropolitan Archbishop of Warsaw, as Cardinal of the Catholic Church, and as Pope of the Roman Catholic Church, experienced the challenges of his early life in the Polish spirit, which sought to eradicate the history and culture of a proud people and sent many of his professors, friends, and millions of Polish Jews to their deaths; Whereas, in 1937 (42 U.S.C. 1437a(b)(2)) for a single low-income family (as defined in section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) for a single individual; and

Whereas Pope John Paul II personally suffered and experienced deprivation from an early age, losing his mother, eldest brother, and father before turning age 21; Whereas Pope John Paul II found comfort and strength in the example of his father’s faith, of whom he observed ‘‘after my mother’s death, his life became one of constant prayer. Sometimes I would wake up during the night and find my father on his knees...his example was in a way my first seminary’’; Whereas, in 1939, Pope John Paul II was enrolled in Jagiellonian University in Cracow, which was closed by the Nazis during their occupation of Poland; Whereas Pope John Paul II experienced the brutality of a godless totalitarian regime, which sought to eradicate the history and culture of a proud people and sent many of his professors, friends, and millions of Polish Jews to their deaths; Whereas, in 1946, Pope John Paul II was ordained, later becoming a Professor of Ethics and Chaplain at the Catholic University of Lublin, the only Catholic university behind the ‘‘Iron Curtain,’’ where he studied religion, theology, and philosophy; Whereas the Nazi occupation of Poland was ended only by the imposition of a Communist era of occupation that sought to subjugate Polish citizens, instill nationalism, and subjected the exercise of individual religious liberty to the control of godless Stalinist rulers; Whereas Pope John Paul II was an articulate and outspoken advocate for religious freedom and Christian Civilization; Whereas, on October 16, 1978, Pope John Paul II was elected the 264th Pope, making history by becoming the first-ever Slavic Pope and the first non-Italian Pope in more than 400 years; Whereas Pope John Paul II served for over 26 years as Bishop of Rome and Supreme Pastor of the Catholic Church, and as the spiritual leader of more than 1,000,000,000 Catholic Christians around the world, including more than 69,000,000 Catholic Christians in the United States; Whereas Pope John Paul II served the third-longest pontificate, behind only Saint Peter and Pope John XXIII, who served for over 14 years, and Blessed Pius IX, who served for over 31 years;
Whereas Pope John Paul II was a unique, substantial, and historic catalyst in the demise of Soviet communism and the emancipation of hundreds of millions of people from totalitarian rule;

Whereas Pope John Paul II, in his inaugural sermon, boldly offered hope to oppressed peoples around the world while causing the Red Army soldiers to brace by proclaiming “open the boundaries of states, economic and political systems, the vast fields of culture, civilization, and development. Do not be afraid!”;

Whereas, in June 1979, Pope John Paul II returned to his native Poland for 9 days, unleashing religious and national sentiments that would ultimately lead to the peaceful toppling of the Communist regime in Poland and the dramatic demise of the Warsaw Pact and the Soviet Union;

Whereas Pope John Paul II, before visiting his native Poland in 1987, met with President Ronald Reagan, who recognized the fruits of His Holiness’ labors by stating “be assured that the hearts of the American people are with you. Our prayers will go with you in profound hope that the terrible burden of brave men and women yeared for freedom, even as all men and women yearn for the freedom that God gave us all. . . . We see the power of the spiritual force in that troubled land and in the people in hope that we see the powerful stirrings in the East of a belief that will not die despite generations of oppression. Despite the attempt to extinguish it, the people’s faith burns with a passionate heat: once allowed to breathe free, that faith will burn so brightly it will light the world.”;

Whereas Pope John Paul II was recognized by Lady Margaret Thatcher to have "provided the main impetus for the revival of Solidarity and the pressure for reform [in his native Poland]";

Whereas Pope John Paul II was acknowledged by Mikhail Gorbachev to have played an essential role in the liberation of those who lived under European communism when he stated ‘everything that happened in Eastern Europe . . . would have been impossible without this Pope’;

Whereas Pope John Paul II carried on an active correspondence with world leaders during the 1980s, involving the Church in efforts to reduce terrorism and exerting his moral authority to persuade the superpowers to engage in a dialogue that succeeded in reducing conventional and nuclear weapons, and helped to avert a nuclear war;

Whereas Pope John Paul II used public and private appeals to persuade world leaders to respect the inalienable rights of the human person;

Whereas, on May 13, 1981, Pope John Paul II, was shot by a would-be assassin, and nevertheless provided a remarkable example of the power of grace, later visiting his attackers in prison, and stating afterward: ‘I spoke to him as I would speak to a brother whom I have forgiven and who enjoys my confidence’;

Whereas Pope John Paul II ministered to Catholic and non-Catholic alike, providing a personal example of grace, endurance, compassion, courage, sacrifice, and foresight;

Whereas Pope John Paul II sought to heal divisions between the Catholic Church and other Christian faiths, the Jewish faith, and Islam, expressing sadness and regret for the indignities and former Catholic clerics who persecuted members of other faiths and promoting reconciliation and dialogue through the first-ever Papal visits to synagogues, as well as the power of moral persuasion to encourage world leaders to respect the inalienable rights of the human person;

Whereas, in 1995, Pope John Paul II wrote of “the incomparable worth of the human person,” noting that: “Even in the midst of difficulties and uncertainties, every person individually and humankind can, by the light of reason and the hidden action of grace, come to recognize . . . the sacred value of human life . . . and can affirm the right of every human being to have this primary good respected to the highest degree”;

Whereas, in 1998, Pope John Paul II visited Cuba to speak directly to the Cuban people and their leaders for their promotion of political and religious freedom, the release of political prisoners, a recognition of the right to express one’s faith “in the context of public life,” and the importance of fundamental human dignities, including that “each person enjoying freedom of expression, being free to undertake initiatives and make proposals within civil society, and enjoying appropriate freedom of association” is a necessity;

Whereas Pope John Paul II traveled farther than any other Pope in history, traversing approximately 3/4 of a million miles, visiting 130 countries, including African nations never before visited by a Pope, being seen by more people than anyone in human history, and reaching approximately 6,000,000 people in the closing mass of World Youth Day ‘95 in the Philippines;

Whereas Pope John Paul II changed the course of the Catholic Church through a dramatic and remarkable period, and into Christianity’s third millennium;

Whereas Pope John Paul II devoted his life to the amelioration of the human cost of terror and oppression through his dedication to truth, forgiveness, and the development of a vibrant public culture in opposition to totalitarian rule;

Whereas Pope John Paul II articulated the importance of individual liberty being undergirded by a “moral order”, embraced the poor and oppressed masses of the world, and encouraged governments and the faithful to attend to the needs of those who are less fortunate;

Whereas Pope John Paul II brought hope and inspiration to hundreds of millions of people around the world oppressed by tyranny, hunger, disease, and despair;

Whereas Pope John Paul II worked tirelessly to bring peace to regions of the world that have been driven by strife, intolerance, hatred, and violence for far too long;

Whereas Pope John Paul II changed the lives of billions throughout the globe;

Whereas Pope John Paul II died on April 2, 2005, after heroically proclaiming the value and dignity of human life through his long physical illness and suffering;

Whereas the passing of Pope John Paul II is mourned by billions of people around the world;

Whereas Pope John Paul II is already being referred to as Pope John Paul the Great:

Resolved, That the Senate—

(1) notes with deep sorrow and solemn mourning the death of His Holiness, Pope John Paul II;

(2) extends its heartfelt sympathy to all people who have been touched by the passing of John Paul II;

(3) commends Pope John Paul II for his ability to transcend the bounds of religion, race, and political thought, becoming a formidable champion, unifier, and defender in humanity’s struggle for peace and basic human rights; and

(4) calls on all the people of the United States to attend to the life and legacy of Pope John Paul II during this international period of remembrance.
For further information, please contact Tom Lillie at (202) 224-5161 or Brian Carlstrom at (202) 224-6293.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing on developing a reliable supply of oil from domestic oil shale and oil sands resources has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, April 12, 2005, at 10 a.m., in Room SD-306 of the Dirksen Senate Office Building.

The purpose of the hearing is to discuss opportunities to advance technology that will facilitate environmentally friendly development of oil shale and oil sands resources. The hearing will address legislative and administrative actions necessary to provide incentives for industry investment, as well as explore concerns and experiences of other governments and organizations and the interests of industry.

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, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at (202) 224–7545 or Amy Lillie at (202) 224–8276.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, April 5, 2005, at 9:30 a.m., in Room 562 of the Dirksen Senate Office Building to conduct a hearing on S. 113, a bill to modify the date as of which certain tribal land of the Lytton Rancheria of California was set aside.

The hearing will be held at the Dirksen Senate Office Building.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. FORSYTH. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on April 4, 2005, at 2 p.m., in open and closed session to receive testimony on strategic forces and nuclear weapons issues in review of the Defense Authorization Request for Fiscal Year 2006.

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

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent that at 4:45 p.m., on Tuesday, the Senate proceed to a vote on adoption of a resolution which is at the desk relating to the passing of Pope John Paul II.

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

Mr. FRIST. Mr. President, I understand there is an announcement to be made.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate proceeds to the consideration of H. Con. Res. 95, all after the resolving clause is stricken; the text of S. Con. Res. 18, as agreed to by the Senate, is inserted in lieu thereof; H. Con. Res. 95, as amended, is agreed to. The Senate insists on its amendment and requests a conference with the House, and the Chair appoints Mr. Graham, Mr. Domenici, Mr. Grassley, Mr. Allard, Mr. Conrad, Mr. Barrasso, and Mrs. Murray conferees on the part of the Senate.

The concurrent resolution (H. Con. Res. 95), as amended, was agreed to.

RELATING TO THE DEATH OF HOWELL T. HEFLIN, FORMER UNITED STATES SENATOR FOR THE STATE OF ALABAMA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 93, submitted earlier today by Senator Reid and others.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 93) relative to the death of Howell Heflin, former United States Senator for the State of Alabama.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and that any statements relating to this resolution be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 93) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

WHEREAS Howell Heflin served the United States Marine from 1942–1946 and was awarded the Silver Star for bravery; WHEREAS Howell Heflin served as Chief Justice of the Alabama Supreme Court from 1971–1977; WHEREAS Howell Heflin served the people of Alabama with distinction for 18 years in the United States Senate; WHEREAS Howell Heflin served the Senate as Chairman of the Select Committee on Ethics in the ninety-sixth and one hundred-second Congresses;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Howell T. Heflin, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Howell T. Heflin.

ORDERS FOR TUESDAY, APRIL 5, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 9:45 a.m. on Tuesday, April 5. 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 two leaders be reserved, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the following 30 minutes under the control of the Democratic leader or his designee.

I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party luncheons.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will be in a period of morning business. We are working with the Democratic leadership to reach an agreement with respect to the State Department authorization bill. It is my hope and expectation we will be able to structure an orderly debate of this measure and begin its consideration early tomorrow.

In addition to the State Department authorization bill, we have a resolution relative to the passing of Pope John Paul II. We have just scheduled a vote on adoption of the resolution for 4:45 p.m. tomorrow, and that will be the first vote of the day.

I also remind everyone that tomorrow evening, after we have finished work on the State Department authorization, our two policy committees will have a debate on the issue of Social Security. This 70-minute debate will take place on the Senate floor, and I encourage all Members to listen to this important question-and-answer session.

We have a lot of work to do this week, and given the events scheduled at the Vatican, and President Yushchenko’s address to Congress on Wednesday, we will need to make the most of our time. Rollcall votes will occur during tomorrow afternoon and throughout the remainder of the week as we try to complete work on the State Department authorization.
Mr. FRIST. 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 and in accordance with the provisions of S. Res. 93 as a further mark of respect for our former colleague, Senator Howell Heflin.

There being no objection, the Senate, at 7:17 p.m., adjourned until Tuesday, April 5, 2005, at 9:45 a.m.

HENRY J. ROBINSON, Clerk.

ATTY. GEN. KENNEDY.

EXECUTIVE NOMINATIONS

Mr. FRIST. 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 and in accordance with the provisions of S. Res. 93 as a further mark of respect for our former colleague, Senator Howell Heflin.

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ATTY. GEN. KENNEDY.
To be vice admiral
REAR ADM. JOHN D. STEPHENSON, 0000
The following named officer for appointment in the United States Navy to the grade indicated under Title 10, U.S.C. Section 12203:

To be rear admiral
REAR ADM. (LH) BENNY BALAM TOMLIN III, 0000
The following named officer for appointment in the United States Navy Reserve to the grade indicated under Title 10, U.S.C. Section 1225:

To be vice admiral
REAR ADM. (LH) BEN F. GAUMER, 0000
The following named officer for appointment in the United States Navy Reserve to the grade indicated under Title 10, U.S.C. Section 1225:

To be rear admiral
REAR ADM. (LH) RAYMOND K. ALEXANDER, 0000
The following named officers for appointment in the United States Navy Reserve to the grade indicated under Title 10, U.S.C. Section 1225:

To be rear admiral
CAPT. JOHN C. ORZALLI, 0000
CAPT. CHARLES H. GODDARD, 0000
CAPT. TIMOTHY V. FLYNN III, 0000

To be rear admiral (lower half)
CAPT. MIKHAIL H. BARGER, 0000
CAPT. TIMOTHY V. FLYNN III, 0000
CAPT. CHARLES H. GODDARD, 0000
CAPT. TIMOTHY V. FLYNN III, 0000

To be rear admiral (lower half)
CAPT. WILLIAM R. BURKE, 0000
CAPT. JOHN C. ORZALLI, 0000
CAPT. CHARLES H. GODDARD, 0000
CAPT. TIMOTHY V. FLYNN III, 0000

To be rear admiral (lower half)
CAPT. STEPHEN M. HOLLAND, 0000
CAPT. JOHN C. ORZALLI, 0000
CAPT. CHARLES H. GODDARD, 0000
CAPT. TIMOTHY V. FLYNN III, 0000

To be rear admiral (lower half)
CAPT. STEPHEN M. HOLLAND, 0000
CAPT. JOHN C. ORZALLI, 0000
CAPT. CHARLES H. GODDARD, 0000
CAPT. TIMOTHY V. FLYNN III, 0000

To be rear admiral (lower half)
CAPT. BRIAN P. DAVIS, 0000
CAPT. JOHN C. ORZALLI, 0000
CAPT. CHARLES H. GODDARD, 0000
CAPT. TIMOTHY V. FLYNN III, 0000

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CAPT. JOHN C. ORZALLI, 0000
CAPT. CHARLES H. GODDARD, 0000
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CAPT. JOHN C. ORZALLI, 0000
CAPT. CHARLES H. GODDARD, 0000
CAPT. TIMOTHY V. FLYNN III, 0000

Foreign Service
The following-named persons of the Agencies indicated for appointment as Foreign Service Officers of the Class stated:

For appointment as Foreign Service Officer of Class Four, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

Montana
William A. DelBottom, of Billings

South Dakota
Wayne M. Redington, of Rapid City

Wyoming
Scott G. Gaskill, of Cheyenne

For appointment as Foreign Service Officer of Class Two, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

Oregon
David C. Mack, of Eugene

Washington
John M. Steinberg, of Seattle

For appointment as Foreign Service Officer of Class Three, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

Ohio
John S. Guisinger, of Columbus

Pennsylvania
Frank A. DiLeonardo, of Philadelphia

For appointment as Foreign Service Officer of Class One, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

California
Peter C. Boggs, of Los Angeles
ROGER PAUL LYNNHAM, OF MARYLAND
JENNIFER L. MATTHEWS, OF VIRGINIA
SHANNON MARIE MCGUINNESS, OF VIRGINIA
CHRISTINA JOHNSTON MCLEAN, OF VIRGINIA
STEVEN A. MESTONING, OF VIRGINIA
AMY J. MOORE, OF VIRGINIA
ANDREW J. ROTH, OF VIRGINIA
TIMOTHY JAMES RUDY, OF VIRGINIA
DAVID S. SANTOS, OF VIRGINIA
TERESA L. SCHAEFER, OF VIRGINIA
JOHN C. SCHIMMEL, OF VIRGINIA
CHRISTINE E. SULLIVAN, OF VIRGINIA
JARROD C. TIDDELL, OF VIRGINIA
GEORGE TROY, OF VIRGINIA
HUGUES JACQUES VERBEEK, OF THE DISTRICT OF COLUMBIA
SOPHIE C. WANG, OF VIRGINIA
FELIPE W. WATTS, OF VIRGINIA
JOHN M. WHEELE, OF VIRGINIA
MICHAEL W. WHITNEY, OF VIRGINIA
HILARY ELIZABETH WIESER, OF VIRGINIA
FREDERICK J. WILKINSON, OF VIRGINIA
ROBERT M. WILSON, JR., OF VIRGINIA
MARK E. WOOLF, OF VIRGINIA
SUZANNE D. WOOD, OF VIRGINIA
JEFFREY T. YORK, OF VIRGINIA
ANDREW G. ZELENSKY, OF VIRGINIA
MARTIN D. BILLMAN, OF VIRGINIA
THE FOLLOWING-NAMED PERSONS OF THE AGENCIES, DEPARTMENTS, OR COMMISSIONS, WHICH WERE SENT TO THE SENATE ON MARCH 15, 2005, WITHDRAWING FROM FURTHER CONSIDERATION:

ON MARCH 15, 2005.

MAY 30, 2005

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES, DEPARTMENTS, OR COMMISSIONS, WHICH WERE SENT TO THE SENATE ON APRIL 4, 2005, WITHDRAWING FROM FURTHER CONSIDERATION:

CONGRESSIONAL RECORD — SENATE S3161

April 4, 2005

WITHDRAWAL

Executive Message transmitted by the President to the Senate on April 4, 2005 withdrawing from further Senate consideration the following nominations:

CLAUDIA M. KICKLIGHTER, OF GEORGIA, TO BE A MEMBER OF THE DEFENSE BASE Closure and Realignment Commission, which was sent to the Senate on March 15, 2005.
EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 5, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 6

9:15 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nomination of Charles F. Conner, of Indiana, to be Deputy Secretary of Agriculture. SR-336

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine regulatory reform of the Government-Sponsored Enterprises. Appropriations, Subcommittee
To hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Air Force. SD-192

9:45 a.m.
Environment and Public Works
To hold hearings to examine the nominations of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency; Luis Luna, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency for Administration and Resource Management; John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army for Civil Works; Major General Don T. Riley, United States Army, to be a Member and President of the Mississippi River Commission; Brigadier General William T. Grisoli, United States Army, to be a Member of the Mississippi River Commission; D. Michael Rappoport, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation; and Michael Butler, of Tennessee, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation. SD-406

Health, Education, Labor, and Pensions
To hold hearings to examine health care provided to non-ambulatory persons. Appropriations

Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the proposed budget estimates for the National Institutes of Health. SD-124

10 a.m.
Energy and Natural Resources
To hold hearings to examine the nomination of David Garman, of Virginia, to be Under Secretary of Energy. Appropriations

2 p.m.
Armed Services
Airland Subcommittee
To hold hearings to examine tactical aviation programs in review of the Defense Authorization Request for fiscal year 2006. SR-232A

Commission on Security and Cooperation in Europe
To hold hearings to examine the efforts of the Chabad community and the U.S. Government to recover the “Scheiner Collection” of Jewish books and manuscripts from the Russian Government. SH-216

APRIL 7

9:30 a.m.
Foreign Relations

Judiciary
Business meeting to consider S. 378, to make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, S. 119, to provide for the protection of unaccompanied alien children, S. 626, to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems, and the nominations of Terrence W. Boyle, of North Carolina, to be United States Circuit Judge for the Fourth Circuit, Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit, Robert J. Conrad, Jr., to be United States District Judge for the Western District of North Carolina, James C. Dever III, to be United States District Judge for the Eastern District of North Carolina, and Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit. SD-226

10 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to examine regulatory reform of the Government-Sponsored Enterprises. Appropriations

Health, Education, Labor, and Pensions
To hold hearings to examine the future viability of the U.S. Postal Service. SD-342

Homeland Security and Governmental Affairs
To hold hearings to examine the ongoing need for comprehensive postal reform. Veterans’ Affairs
To hold hearings to examine the nomination of Jonathan Brian Perlin, of Maryland, to be Under Secretary of Veterans Affairs for Health. SR-418

1 p.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine the recent revolution in Kyrgyzstan and the prospects now for consolidating democracy, focusing on the implications for Central Asia, Belarus, Russia and the United States. SD-406

2 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the President’s proposed budget request for fiscal year 2006 for the Department of Homeland Security’s Transportation Security Administration and related programs. Appropriations

Energy and Water Subcommittee
To hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Corps of Engineers and the Bureau of Reclamation. SR-253

SD-138

2:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Internal Revenue Service. Appropriations

2:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Department of Homeland Security’s Transportation Security Administration and related programs. Appropriations

Energy and Water Subcommittee
To hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Corps of Engineers and the Bureau of Reclamation. SD-138

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, S. 561, to provide a site for the National Women’s History Museum in the District of Columbia, and certain committee reports.

Judiciary
To hold hearings to examine the patent system today and tomorrow.

SD-342

Armed Services
Strategic Forces Subcommittee

SR-222

APRIL 11

2 p.m.
Commerce, Science, and Transportation
To hold hearings to examine S. 241, to amend section 224 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

SR-385

APRIL 12

9:30 a.m.
Foreign Relations
To hold hearings to examine U.S. agricultural sales to Cuba.

SD-419

10 a.m.
Energy and Natural Resources
To hold hearings to examine developing a reliable supply of oil from domestic oil shale and oil sands resources, focusing on opportunities to advance technology that will facilitate environmentally friendly development of oil shale and oil sands resources.

SD-366

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine management and planning issues for the National Mall, including the history of the development, security projects and other planned construction, and future development plans.

SD-366

Armed Services
SeaPower Subcommittee
To hold closed hearings to examine Navy shipbuilding and industrial base status in review of the Defense Authorization Request for fiscal year 2006; to be followed by an open hearing in SR-232A.

APRIL 13

9:30 a.m.
Foreign Relations
To hold hearings to examine the nominations of Daniel Fried, of the District of Columbia, to be an Assistant Secretary of State for European Affairs, and Robert Joseph, of Virginia, to be Under Secretary of State for Arms Control and International Security.

SD-419

Indian Affairs
To hold oversight hearings to examine Indian Health.

SR-485

Judiciary
To hold hearings to examine securing electronic personal data, focusing on striking a balance between privacy and commercial and governmental use.

SD-226

10 a.m.
Small Business and Entrepreneurship
To hold hearings to examine the small business health care crisis focusing on alternatives for lowering costs and covering the uninsured.

APRIL 14

10 a.m.
Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Military Officers Association of America, the National Association of State Director of Veterans Affairs, AMVETS, the American Ex-Prisoners of War, and Vietnam Veterans of America.

345 CHOB

APRIL 19

10 a.m.
Foreign Relations
To hold hearings to examine the Near East and South Asian experience relating to combating terrorism through education.

SD-419

2 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the readiness of military units deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom in review of the Defense Authorization Request for fiscal year 2006.

SR-222

APRIL 20

2 p.m.
Foreign Relations
To hold hearings to examine the anti-corruption strategies of the African Development Bank, Asian Development Bank and European Bank on Reconstruction and Development.

SD-419

10 a.m.
Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, and the Gold Star Wives of America.

345 CHOB

APRIL 27

9:30 a.m.
Indian Affairs
To hold oversight hearings to examine regulation of Indian gaming.

SR-485

APRIL 28

10 a.m.
Foreign Relations
To hold hearings to examine U.S. Assistance to Sudan and the Darfur Crisis.

SH-216

MAY 11

9:30 a.m.
Judiciary
To hold an oversight hearing to examine the Federal Bureau of Investigation’s translation program.

SD-226

SEPTEMBER 20

10 a.m.
Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.

345 CHOB

POSTPONEMENTS

APRIL 6

2 p.m.
Foreign Relations
To hold hearings to examine North American Border Security.

SD-419

2:30 p.m.
Judiciary
Immigration, Border Security and Citizenship Subcommittee
To hold hearings to examine strengthening interior enforcement, focusing on deportation and related issues.

SD-226
HIGHLIGHTS

See Résumé of Congressional Activity.

Senate

Chamber Action

Routine Proceedings, pages S3113–S3161

Measures Introduced: Eight bills and two resolutions were introduced, as follows: S. 688–695, S. Res. 93–94.

Measures Reported:

Received on Wednesday, March 30, during the adjournment:

Special Report entitled “Activities of the Committee on Finance of the United States Senate during the 108th Congress”. (S. Rept. No. 109–48)

Special Report entitled “Summary of Legislative and Oversight Activities during the 108th Congress”. (S. Rept. No. 109–49)

Special Report entitled “Legislative Activities Report of the Committee on Foreign Relations of the United States Senate during the One Hundred Eighth Congress”. (S. Rept. No. 109–50)

S. 52, to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah. (S. Rept. No. 109–43)

S. 54, to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, with amendments. (S. Rept. No. 109–44)

S. 56, to establish the Rio Grande Natural Area in the State of Colorado. (S. Rept. No. 109–45)

S. 101, to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation. (S. Rept. No. 109–46)

S. 128, to designate certain public land in Humboldt, Del Norte, Mendocino, Lake, and Napa Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river. (S. Rept. No. 109–47)

Report to accompany S. 667, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care. (S. Rept. No. 109–51)

Measures Passed:

Concurrent Budget Resolution: Senate agreed to H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, after striking all after the resolving clause and inserting in lieu thereof the text of S. Con. Res. 18, Senate companion measure, as amended.

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Gregg, Domenici, Grassley, Allard, Conrad, Sarbanes, and Murray.

Death of Senator Howell T. Heflin: Senate agreed to S. Res. 93, relative to the death of Howell T. Heflin, former United States Senator from the State of Alabama.

Death of Pope—Agreement: A unanimous-consent agreement was reached providing that at 4:45 p.m., on Tuesday, April 5, 2005, Senate vote on a resolution relating to the death of the Holy Father, Pope John Paul II.

Nominations Received: Senate received the following nominations:

Kenneth J. Krieg, of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

David A. Sampson, of Texas, to be Deputy Secretary of Commerce.

Mark V. Rosenker, of Maryland, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2010.

Ellen G. Engleman Conners, of Indiana, to be Chairman of the National Transportation Safety Board for a term of two years.
Sean Ian McCormack, of the District of Columbia, to be an Assistant Secretary of State (Public Affairs).

Suzanne C. DeFrancis, of Maryland, to be an Assistant Secretary of Health and Human Services.

Michael Dolan, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2009.

Robert M. Duncan, of Kentucky, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring June 10, 2009.

Philip J. Perry, of Virginia, to be General Counsel, Department of Homeland Security.

Linda M. Springer, of Pennsylvania, to be Director of the Office of Personnel Management for a term of four years.

Rachel Brand, of Iowa, to be an Assistant Attorney General.

Alice S. Fisher, of Virginia, to be an Assistant Attorney General.

Regina B. Schofield, of Virginia, to be an Assistant Attorney General.

40 Air Force nominations in the rank of general.

95 Army nominations in the rank of general.

4 Marine Corps nominations in the rank of general.

42 Navy nominations in the rank of admiral.

Routine lists in the Foreign Service, National Oceanic and Atmospheric Administration.

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

Claude M. Kicklighter, of Georgia, to be a Member of the Defense Base Closure and Realignment Commission, which was sent to the Senate on March 15, 2005.

Committee Meetings

(Committees not listed did not meet)

DEFENSE AUTHORIZATION: NUCLEAR WEAPONS

Committee on Armed Services: Subcommittee on Strategic Forces concluded open and closed hearings to examine strategic forces and nuclear weapons issues in review of the Defense Authorization Request for fiscal year 2006, after receiving testimony from General James E. Cartwright, USMC, Commander, United States Strategic Command; and Ambassador Linton F. Brooks, Administrator, National Nuclear Security Administration, Department of Energy.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D149)

S. 686, to provide for the relief of the parents of Theresa Marie Schiavo. Signed on March 21, 2005. (Public Law 109–3)


S. 384, to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records


CONGRESSIONAL PROGRAM AHEAD

Week of April 5 through April 9, 2005

Senate Chamber

On Tuesday, at 4:45 p.m., Senate will vote on a resolution relating to the death of the Holy Father, Pope John Paul II. Also, Senate expect to begin consideration of the State Department Authorization.

On Wednesday, Senate will meet with the House of Representatives for a joint meeting to hear an address from Viktor Yushchenko, President of Ukraine.

During the balance of the week Senate will consider any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: April 6, to hold hearings to examine the nomination of Charles F. Conner, of Indiana, to be Deputy Secretary of Agriculture, 9:15 a.m., SR–336.

Committee on Appropriations: April 6, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine the proposed budget estimates for fiscal year 2006 for the National Institutes of Health, 9:30 a.m., SD–124.

April 6, Subcommittee on Defense, to hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Air Force, 9:30 a.m., SD–192.

April 6, Full Committee, business meeting to mark up the Emergency Supplemental bill for fiscal year 2005, 2 p.m., SD–106.

April 7, Subcommittee on Transportation, Treasury and General Government, to hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Internal Revenue Service, 9:30 a.m., SD–138.

April 7, Subcommittee on Energy and Water, to hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Corps of Engineers and the Bureau of Reclamation, 2 p.m., SD–138.

Committee on Armed Services: April 5, Subcommittee on Personnel, to hold hearings to examine active component, reserve component, and civilian personnel programs in review of the Defense Authorization Request for fiscal year 2006, 2:30 p.m., SR–232A.

April 6, Subcommittee on Readiness and Management Support, to hold hearings to examine military installation programs in review of the Defense Authorization Request for fiscal year 2006, 9:30 a.m., SR–232A.

April 6, Subcommittee on Airland, to hold hearings to examine tactical aviation programs in review of the Defense Authorization request for fiscal year 2006, 2:30 p.m., SR–232A.

April 7, Subcommittee on Strategic Forces, to hold hearings to examine Ballistic Missile Defense Programs in review of the Defense Authorization Request for fiscal year 2006, 2:30 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: April 6, to hold hearings to examine regulatory reform of the Government-Sponsored Enterprises, 9:30 a.m., SD–538.

April 7, Full Committee, to continue hearings to examine regulatory reform of the Government-Sponsored Enterprises, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: April 5, Subcommittee on Surface Transportation and Merchant Marine, to hold hearings to examine highway, motor carrier and hazardous materials transportation safety, and transportation of household goods, 10 a.m., SR–253.

April 7, Full Committee, to hold hearings to examine the President’s proposed budget request for fiscal year 2006 for the Department of Homeland Security’s Transportation Security Administration and related programs, 2 p.m., SR–253.

Committee on Energy and Natural Resources: April 6, to hold hearings to examine the nomination of David Garman, of Virginia, to be Under Secretary of Energy, 10 a.m., SD–366.

Committee on Environment and Public Works: April 6, to hold hearings to examine the nominations of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency, Luis Luna, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency for Administration and Resource Management, John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army for Civil Works, Major General Don T. Riley, United States Army, to be a Member and President of the Mississippi River Commission, Brigadier General William T. Grisoli, United States Army, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and Michael Butler, of Tennessee, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, 9:30 a.m., SD–406.

Committee on Finance: April 5, to hold hearings to examine proposals for reform regarding charities and charitable giving, 10 a.m., SD–628.

Committee on Health, Education, Labor, and Pensions: April 5, Subcommittee on Education and Early Childhood Development, to hold hearings to examine Head Start, focusing on ensuring dollars benefit children, 9:30 a.m., SD–430.

April 6, Full Committee, to hold hearings to examine health care provided to non-ambulatory persons, 9:30 a.m., SD–562.

April 7, Full Committee, to hold hearings to examine the future viability of the U.S. Postal Service, 10 a.m., SD–342.

Committee on Homeland Security and Governmental Affairs: April 5, Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine monitoring CMS’ vital signs, focusing on implementation of the Medicare prescription drug benefit, 10 a.m., SD–342.

April 7, Full Committee, to hold hearings to examine the ongoing need for comprehensive postal reform, 10 a.m., SD–342.

April 7, Full Committee, business meeting to consider S. 21, to provide for homeland security grant coordination and simplification, S. 335, to reauthorize the Congressional Award Act, S. 494, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, S. 501, to provide a site for the National Women’s History Museum in the District of Columbia, and certain committee reports, 2:30 p.m., SD–342.

Committee on Indian Affairs: April 5, to hold hearings to examine S. 113, to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust, 9:30 a.m., SD–562.

Committee on the Judiciary: April 5, to hold an oversight hearing to examine the implementation of the USA PATRIOT Act, 9:30 a.m., SH–216.

April 7, Full Committee, business meeting to consider S. 378, to make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, S. 119, to provide for the protection of unaccompanied alien children, S. 629, to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems, and the nominations of Terrence W. Boyle, of North Carolina, to be United States Circuit Judge for the Fourth Circuit, Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit, Robert J. Conrad, Jr., to be United States District Judge for the Western District of North Carolina, James C. Dever III, to be United States District Judge for the Eastern District of North Carolina, and Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit, 9:30 a.m., SD–226.

April 7, Full Committee, to hold hearings to examine the patent system today and tomorrow, 2:30 p.m., SD–226.

Committee on Veterans’ Affairs: April 7, to hold hearings to examine the nomination of Jonathan Brian Perlman, of Maryland, to be Under Secretary of Veterans Affairs for Health, 10 a.m., SR–418.

House

Committee on Agriculture, April 7, hearing to review implementation of the Secure Rural Schools Act of 2000: A Continuing Commitment to Rural Education and Sustainable Forestry, 10 a.m., 1300 Longworth.

Committee on Appropriations, April 5, Subcommittee on Departments of Labor, Health and Human Services, Education and Related Agencies, on Employee Benefits Security Administration, on Employment Standards Administration, and on International Labor Affairs Bureau, 10 a.m., 2358 Rayburn.

April 6, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Natural Resources and Environment, 9:30 a.m., 2362A Rayburn.

April 6, Subcommittee on Defense, executive, on Army Acquisition, 10 a.m., H–405 Capitol.

April 6, Subcommittee on Interior, Environment and Related Agencies, on Kennedy Center, 10 a.m., B–308 Rayburn.

April 6, Subcommittee on the Departments of Labor, Health and Human Services, Education, and Related Agencies, on Centers for Disease Control and Prevention, 10:15 a.m., 2358 Rayburn.

April 6, Subcommittee on Military Quality of Life, and Veterans’ Affairs, and Related Agencies, on Defense Health Program, 10 a.m., on United States Court of Appeals for Veterans Claims, 1:30 p.m., on American Battle Monuments Commission 2 p.m., on Arlington National Cemetery, 2:30 p.m., and on Armed Forces Retirement Home, 5 p.m., H–143 Capitol.

April 7, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Research, Education, and Extension, 9:30 a.m., 2362A Rayburn.

April 7, Subcommittee on Interior, Environment, and Related Agencies, on National Park Service, 10 a.m., B–308 Rayburn.

April 7, Subcommittee on the Departments of Labor, Health and Human Services, Education, and Related Agencies, on OSHA, on Mine Safety and Health Administration, and on National Institute for Occupational Safety and Health, 10 a.m., 2358 Rayburn.

April 7, Subcommittee Military Quality of Life, and Veterans’ Affairs, and Related Agencies, on BRAC/Global Posture Review, 9:30 a.m., and on public witnesses, 1:30 p.m., H–143 Capitol.

April 7, Subcommittee on Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies, on GSA, 3 p.m., 2358 Rayburn.

April 8, Subcommittee on the Departments of Labor, Health and Human Services, Education, and Related Agencies, on Substance Abuse and Mental Health Administration, on National Institute on Drug Abuse, on National Institute on Alcohol Abuse and Alcoholism, and
on National Institute on Mental Health, 10 a.m., 2358 Rayburn.

**Committee on Armed Services**, April 6, hearing on the Iraq's past, present and future, 10 a.m., 2118 Rayburn.

April 6, Subcommittee on Readiness, hearing on Fiscal Year 2006 National Defense Authorization budget request—Military Service's Requirement on Reconstitution of Equipment, 2 p.m., 2118 Rayburn.

April 6, Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on the Fiscal Year 2006 National Defense Authorization budget request—Department of Defense's major rotorcraft programs 3 p.m., 2118 Rayburn.

**Committee on Education and the Workforce**, April 5, hearing entitled “Financial Accountability in the Head Start Early Childhood Program,” 2 p.m., 2175 Rayburn.

**Committee on Energy and Commerce**, April 5 and 6, to mark up the Energy Policy Act of 2005, 4 p.m., on April 5 and 10 a.m., on April 6, 2123 Rayburn.

**Committee on Financial Services**, April 6, hearing entitled “Strengthening America's Communities: A Review of the Administration's FY 2006 Budget Initiative,” 1 p.m., 2128 Rayburn.


April 7, Subcommittee on Oversight and Investigations, hearing entitled “Starving Terrorists of Money: Breaking the Links between Islamic Charities and Terrorists,” 10 a.m., 2128 Rayburn.

**Committee on Government Reform**, April 5, Subcommittee on Federal Workforce and Agency Organization, hearing entitled “Yucca Mountain Project: Have Federal Employees Falsified Documents?” 10 a.m., 2167 Rayburn.

April 5, Subcommittee on Federalism and the Census, hearing entitled “Lands of Lost Opportunity: What Can Be Done to Spur Re-Development at America's Brownfield Sites,” 10 a.m., 2154 Rayburn.


April 6, Subcommittee on Energy and Resources, hearing entitled “America's Energy Needs as Our National Security Policy,” 2 p.m., 2247 Rayburn.


**Committee on International Relations**, April 6, Subcommittee on Asia and the Pacific, oversight hearing on China's Anti-Secession Law and Developments across the Taiwan Strait, 9 a.m., 2172 Rayburn.

April 6, Subcommittee on Europe and Emerging Threats, oversight hearing on Bosnia-Herzegovina: Unfinished Business, 1 p.m., 2200 Rayburn.

April 6, Subcommittee on Western Hemisphere, oversight hearing on China’s Influence in the Western Hemisphere, 1:30 p.m., 2172 Rayburn.

April 7, full Committee, oversight hearing on Defense Trade: Arms Export Controls in the Post-9/11 Security Environment, 9:30 a.m., 2172 Rayburn.


April 7, Subcommittee on Middle East and Central Asia, to mark up H.R. 282, Iran Freedom Support Act, 12 p.m., 2200 Rayburn.

April 7, Subcommittee on Oversight and Investigations, oversight hearing on The United Nations Secretary-General's Reform Plan: Rhetoric vs. Reality, 1 p.m., 2172 Rayburn.


April 6, full Committee, oversight hearing on USA Patriot Act: A Review for the Purposes of its Reauthorization, 1 p.m., 2141 Rayburn.

April 6, Subcommittee on Courts, The Internet, and Intellectual Property, oversight hearing on Digital Music Interoperability and Availability, 10 a.m., 2141 Rayburn.

**Committee on Resources**, April 6, Subcommittee on National Parks, oversight hearing on the Implementation of the National Park Service Concessions Act of 1998, 2 p.m., 1324 Longworth.

**Committee on Rules**, April 5, to consider S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, 5 p.m., H–313 capitol.

**Committee on Science**, April 7, to mark up H.R. 1215, Green Chemistry Research and Development Act of 2005, 10 a.m., 2318 Rayburn.

**Committee on Small Business**, April 6, to mark up the following resolutions: H. Res. 130, Recognizing the contributions of environmental systems and the technicians who install and maintain them to the quality of life of all Americans and supporting the goals and ideals of National Indoor Comfort Week; and H. Res. 22, Expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights, 2 p.m., followed by a hearing on the commitment of the Export-Import Bank of the United States (Ex-Im) to assist small business exporters, 3 p.m., 311 Cannon.

**Committee on Transportation and Infrastructure**, April 6, Subcommittee on Aviation, oversight hearing on Efforts to Prevent Pandemics by Air Travel, 2 p.m., 2167 Rayburn.

April 7, Subcommittee on Aviation, oversight hearing on Transforming the Federal Aviation Administration: A
Review of the Air Traffic Organization and the Joint Program Development Office, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, April 7, Subcommittee on Oversight, hearing on the 2005 tax return filing season, current issues in tax administration, and the Internal Revenue Service budget for fiscal year 2006, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, April 6, executive, Briefing on Weapons of Mass Destruction, 10 a.m., H–405 Capitol.

April 7, executive, hearing on General Defense Intelligence Programs, 9 a.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: April 6, to hold hearings to examine the efforts of the Chabad community and the U.S. Government to recover the “Schneerson Collection” of Jewish books and manuscripts from the Russian Government, 2:30 p.m., SH–216.

April 7, Full Committee, to hold hearings to examine the recent revolution in Kyrgyzstan and the prospects now for consolidating democracy, focusing on the implications for Central Asia, Belarus, Russia and the United States, 1 p.m., SD–406.
Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED NINTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY
January 4 through March 31, 2005

<table>
<thead>
<tr>
<th>Category</th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days in session</td>
<td>35</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>Time in session</td>
<td>243 hrs., 42'</td>
<td>164 hrs., 13'</td>
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</tr>
<tr>
<td><strong>Congressional Record:</strong></td>
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<tr>
<td>Pages of proceedings</td>
<td>3,112</td>
<td>1,735</td>
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<tr>
<td>Extensions of Remarks</td>
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</tr>
<tr>
<td>Public bills enacted into law</td>
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<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Private bills enacted into law</td>
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<tr>
<td>Bills in conference</td>
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<tr>
<td>Bills through conference</td>
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<tr>
<td>Measures passed, total</td>
<td>78</td>
<td>118</td>
<td>196</td>
</tr>
<tr>
<td>Senate bills</td>
<td>9</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>House bills</td>
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<td>27</td>
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<td>House joint resolutions</td>
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<tr>
<td>Senate concurrent resolutions</td>
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<td>House concurrent resolutions</td>
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<td>Simple resolutions</td>
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<td>Measures reported, total</td>
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<td>28</td>
<td>103</td>
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<tr>
<td>Senate bills</td>
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<td>House joint resolutions</td>
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<td>Simple resolutions</td>
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<td>Special reports</td>
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<tr>
<td>Measures pending on calendar</td>
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<tr>
<td>Measures introduced, total</td>
<td>805</td>
<td>1,795</td>
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<td>Bills</td>
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<td>Joint resolutions</td>
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<td>Simple resolutions</td>
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<td>Quorum calls</td>
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<tr>
<td>Yea-and-nay votes</td>
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<td>52</td>
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<tr>
<td>Recorded votes</td>
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<td>57</td>
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</tr>
<tr>
<td>Bills vetoed</td>
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<td></td>
</tr>
<tr>
<td>Vetoes overridden</td>
<td></td>
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</tr>
</tbody>
</table>

*These figures include all measures reported, even if there was no accompanying report. A total of 51 reports have been filed in the Senate, a total of 29 reports have been filed in the House.

### DISPOSITION OF EXECUTIVE NOMINATIONS
January 5 through March 31, 2005

Civilians, totaling 138, disposed of as follows:
- Confirmed .................................................. 29
- Unconfirmed ............................................... 109

Other Civilian nominations, totaling 572, disposed of as follows:
- Confirmed .................................................. 268
- Unconfirmed ............................................... 304

Air Force nominations, totaling 5,657, disposed of as follows:
- Confirmed .................................................. 5,052
- Unconfirmed ............................................... 605

Army nominations, totaling 1,963, disposed of as follows:
- Confirmed .................................................. 1,804
- Unconfirmed ............................................... 159

Navy nominations, totaling 146, disposed of as follows:
- Confirmed .................................................. 138
- Unconfirmed ............................................... 8

Marine Corps nominations, totaling 1,289, disposed of as follows:
- Confirmed .................................................. 1,226
- Unconfirmed ............................................... 63

**Summary**
- Total nominations carried over from the first session ............... 0
- Total nominations received this session ................................ 9,765
- Total confirmed ............................................... 8,517
- Total unconfirmed ............................................. 1,248
- Total withdrawn ............................................... 0
- Total returned to the White House .................................... 0
Next Meeting of the Senate
9:45 a.m., Tuesday, April 5

Senate Chamber

Program for Tuesday: Senate will be in a period of routine morning business (not to extend beyond 60 minutes). At 4:45 p.m., Senate will vote on a resolution relating to the death of the Holy Father, Pope John Paul II. Also, Senate expects to begin consideration of the State Department Authorization bill.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Tuesday, April 5

House Chamber

Program for Tuesday: To be announced.