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## Senate

### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

### MESSAGES FROM THE HOUSE

At 5:48 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3971. An act to provide assistance to individuals and States affected by Hurricane Katrina.

At 7:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1413. An act to redesignate the Crowne Plaze in Kingston, Jamaica as the Colin L. Powell Residential Plaza.

The message also announced that pursuant to 22 U.S.C. 6913, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. LEVIN of Michigan, Ms. KAPTUR of Ohio, Mr. BROWN of Ohio, and Mr. HONDA of California.

The message further announced that pursuant to Executive Order No. 12131, and the order of the House of January 4, 2005, the Speaker appoints the fol-

lowing Members of the House of Representatives to the President's Export Council: Mr. ENGLISH of Pennsylvania, Mr. PICKERING of Mississippi, and Mr. HAYES of North Carolina.

The message also announced that pursuant to 36 U.S.C. 2301, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the United States Holocaust Memorial Council: Mr. LATOURETTE of Ohio, Mr. CANNON of Utah, and Mr. CANTOR of Virginia.

The message further announced that pursuant to 36 U.S.C. 2301, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the United States Holocaust Memorial Council: Mr. LANTOS of California, and Mr. WAXMAN of California.

The message also announced that pursuant to 10 U.S.C. 4355(a), and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Military Academy: Mr. HINCHEY of New York, and Mrs. TAUSCHER of California.

At 7:51 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3894. An act to provide for waivers under certain housing assistance programs of the Department of Housing and Urban Development to assist victims of Hurricane Katrina and Hurricane Rita in obtaining housing.

At 8:51 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2360, making

appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the House has passed the following enrolled bill, without amendment:

S. 1786. An act to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita.

At 9:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3895. An act to amend title V of the Housing Act of 1949 to provide rural housing assistance to families affected by Hurricane Katrina.

H.R. 3896. An act to temporarily suspend, for communities affected by Hurricane Katrina, certain requirements under the community development block grant program.

### 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-4159. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the status of licensing and regulatory activities for July 2005; to the Committee on Environment and Public Works.

EC-4160. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Incorporation by Reference of ASME Code Cases" (RIN3150-AH35) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4161. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

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



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“Approval and Promulgation of Air Quality Implementation Plans: Nashville-Davidson County; Revised Format for Materials Being Incorporated by Reference” (FRL7972-5) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4162. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans: Texas Low-Emission Diesel Fuel Program” (FRL7982-2) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4163. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Massachusetts; Negative Declaration” (FRL7981-5) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4164. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Control of Emissions of Hazardous Air Pollutants from Mobile Sources: Default Baseline Revision” (FRL7981-4) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4165. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Prevention of Significant Deterioration for Nitrogen Oxides” (FRL7981-1) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4166. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution” (FRL7980-4) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4167. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plan; Pennsylvania; Revision to the Motor Vehicle Enhanced I/M Program—Philadelphia Pittsburgh, South Central, and North Regions and Safety Inspection Program Enhancements for Non-I/M Regions” (FRL7980-5) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4168. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans for Kentucky: Inspection and Maintenance Program Removal for Northern Kentucky; New Solvent Metal Cleaning Equipment; Commercial Motor Vehicle and Mobile Equipment Refinishing Operations” (FRL7979-7A) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4169. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plan; New York State Implementation Plan Revision” (FRL7971-5) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4170. A communication from the Principal Deputy Associate Administrator, Envi-

ronmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Bernalillo County, New Mexico; Negative Declaration” (FRL7979-3) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4171. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Oklahoma; Plan for Controlling Emissions from Commercial and Industrial Solid Waste Incineration Units” (FRL7979-7) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4172. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production” (FRL7978-4) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4173. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures (Headworks Exemption)” (FRL7980-1) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4174. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Texas; Permits by Rule” (FRL7975-9) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4175. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plan; Idaho; Correcting Amendment” (FRL7977-5) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4176. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Plan Designated Facilities and Pollutants; North Carolina” (FRL7876-5) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4177. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Cross-Media Electronic Reporting” (FRL7977-1) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4178. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Montana: Final Authorization of State Hazardous Waste Management” (FRL7977-4) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4179. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Reimbursement to Local Government for Emergency Responses to Hazardous Substances Releases” (FRL7976-2) received on October 4, 2005; to the Committee on Environment and Public Works.

EC-4180. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of Mississippi as a result of Hurricane Katrina on August 27, 2005, and continuing, has exceeded \$5,000,000; to the Committee on Homeland Security and Governmental Affairs.

EC-4181. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of Alabama as a result of Hurricane Katrina on August 28, 2005, and continuing, has exceeded \$5,000,000; to the Committee on Homeland Security and Governmental Affairs.

EC-4182. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period ended March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4183. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of Louisiana as a result of Hurricane Katrina on August 26, 2005, and continuing, has exceeded \$5,000,000; to the Committee on Homeland Security and Governmental Affairs.

EC-4184. A communication from the Acting Principal Deputy Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Navajo Partitioned Lands Grazing Permits” (RIN1076-AE46) received on October 4, 2005; to the Committee on Indian Affairs.

EC-4185. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Revisions to the Public Housing Operating Fund Program” (RIN2577-AC51) received on September 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4186. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the 2004 Annual Report of the Securities Investor Protection Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC-4187. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Imidacloprid; Pesticide Tolerances for Emergency Exemptions” (FRL7738-8) received on October 4, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4188. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled “Receivership Repudiation Authorities” (RIN3052-AC26) received on October 4, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4189. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Mexican Fruit Fly; Quarantined Areas and Treatments for Regulated Articles” (Doc. No. 02-129-5) received on October 4, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4190. A communication from the Congressional Review Coordinator, Animal and

Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Stall Reservations at Import Quarantine Facilities" (Doc. No. 02-024-2) received on October 4, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4191. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "West Indian Fruit Fly; Regulated Articles" (Doc. No. 04-127-2) received on October 4, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4192. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report to Congress on Federal Government Energy Management and Conservation Programs, Fiscal Year 2003; to the Committee on Energy and Natural Resources.

EC-4193. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation entitled "Dorothy Buell Memorial Visitor Center Lease Act"; to the Committee on Energy and Natural Resources.

EC-4194. A communication from the Acting Assistant Secretary for Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Royalty Payment and Royalty and Production Reporting Requirements Relief for Hurricane Katrina or Hurricane Rita" (RIN1010-AD28) received on October 4, 2005; to the Committee on Energy and Natural Resources.

EC-4195. A communication from the Acting Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the Office's 2005 Annual Report; to the Committee on Energy and Natural Resources.

EC-4196. A communication from the Associate Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, received on September 28, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-4197. 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 "Use of Materials Derived from Cattle in Human Food and Cosmetics" (RIN0910-AF47) received on October 4, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-4198. A communication from the Senior Regulatory Officer, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Industries in American Samoa" received on October 4, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-4199. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on the Department's 2004 Findings on the Worst Forms of Child Labor; to the Committee on Health, Education, Labor, and Pensions.

EC-4200. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Stock Held by Foreign Insurance Companies" (RIN1545-BD27) received on October 5, 2005; to the Committee on Finance.

EC-4201. A communication from the Acting Chief, Publications and Regulations, Inter-

nal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice Section 1.367(a)-8 Revisions" (Not. 2005-74) received on October 5, 2005; to the Committee on Finance.

EC-4202. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Research Credit, Qualified Research Expenses" (UILL41.51-01) received on October 5, 2005; to the Committee on Finance.

EC-4203. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2005-2006 Per Diem Rates" (Rev. Proc. 2005-67) received on October 5, 2005; to the Committee on Finance.

EC-4204. A communication from the Director, Regulations and Disclosure Law Division, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Country of Origin of Textile and Apparel Products" (RIN1505-AB60) received on October 4, 2005; to the Committee on Finance.

EC-4205. A communication from the Regulations 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; Health Care Infrastructure Improvement Program: Selection Criteria of Loan Program for Qualifying Hospitals Engaged in Cancer-Related Health Care" (RIN0938-AO03) received on October 4, 2005; to the Committee on Finance.

EC-4206. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of the Office of the Inspector General for the period ending September 30, 2005; to the Committee on Finance.

EC-4207. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, a report on the Impact of the Caribbean Basin Economic Recovery Act for calendar years 2003 and 2004; to the Committee on Finance.

EC-4208. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the report on the Andean Trade Preference Act for calendar year 2004; to the Committee on Finance.

EC-4209. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Provision of Information to Cooperative Agreement Holders" (DFARS Case 2004-D025) received on October 4, 2005; to the Committee on Armed Services.

EC-4210. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Multiyear Contracting" (DFARS Case 2004-D024) received on October 4, 2005; to the Committee on Armed Services.

EC-4211. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, transmitting, pursuant to law, revisions to the Fiscal Year 2006 Annual Materials Plan; to the Committee on Armed Services.

EC-4212. A communication from the Principal Deputy Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, a report regarding federal funding to institutions of higher education; to the Committee on Armed Services.

EC-4213. A communication from the Under Secretary of Defense, Acquisition, Tech-

nology and Logistics, transmitting, pursuant to law, the 2005 report on the performance of commercial activities; to the Committee on Armed Services.

EC-4214. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Major General Stephen R. Lorenz, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4215. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Major General Frank G. Klotz, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4216. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Major General Gary L. North, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4217. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Major General Douglas M. Fraser, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4218. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Major General Ann E. Dunwoody, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4219. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Lieutenant General Duncan J. McNabb, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4220. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Lieutenant General William S. Wallace, United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. INHOFE for the Committee on Environment and Public Works.

\*Santanu K. Baruah, of Oregon, to be Assistant Secretary of Commerce for Economic Development.

\*H. Dale Hall, of New Mexico, to be Director of the United States Fish and Wildlife Service.

\*Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2010.

\*George M. Gray, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency.

\*Lyons Gray, of North Carolina, to be Chief Financial Officer, Environmental Protection Agency.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to