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Senate

The Senate met at 12:01 p.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

O God our shield, we sleep and awaken refreshed because of You.

Let Your kindness shine brightly on us. Help us to remember that people of integrity produce fruit in its season. Enable us to wait for harvest time and not think that we have failed because we bear no fruit at planting time.

Today, bless the Members of this body with Your peace. Give them genuine love, true faith, and a good conscience. Place in their hearts a wisdom that will trust You even in the dark. Help them strive to please You with their labors. Strengthen them for life's inevitable storms. Bless also the many unsung champions who work with our Senators to keep America strong.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 14, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, today we will proceed shortly to executive session for the consideration of the nomination of Michael Chertoff to be Secretary of Homeland Security.

We have a consent agreement that will govern the debate on the nomination. During today's session, there will be up to 6 hours of debate on Michael Chertoff, and Senator COLLINS is here to manage time on behalf of the majority.

The agreement provides for additional debate between the hours of 2:15 and 4 o'clock tomorrow, with the vote on confirmation of the nomination at 4 o'clock Tuesday.

I remind all Senators that there will be no rollcall votes during today's session. We have a number of issues to address this week. Chairman ENZI and the HELP Committee have reported several bills that we are working on clearing for floor action.

In addition, the House is sending us several pieces of legislation, including the broadcast decency bill. We are talking to the appropriate committees of jurisdiction regarding the status of that bill. The funding resolution for our committees is also scheduled for this week. Therefore, following the Chertoff nomination, there are a number of legislative items that we are hoping to clear. We will keep all Members apprised of the voting schedule as we proceed.

I want to remind all of my colleagues that on Friday of this week we will have a traditional reading of President Washington's Farewell Address. Senator RICHARD BURR is scheduled to deliver that address. I thank him in advance for his contribution to this longstanding Senate tradition.

I look forward to another good week, and I thank my colleagues for their attention.

Mr. DURBIN. Mr. President, will the leader yield for a question?

Mr. FRIST. I would be happy to yield.

Mr. DURBIN. Mr. President, I have received several inquiries about this. I have spoken to the leader about the status of the Federal transportation bill. We are now in our third year trying to come to an agreement on that bill. I ask the leader if there is any indication on his side of progress.

Mr. FRIST. Mr. President, in response through the Chair, the transportation bill is a major priority for the leadership on this side of the aisle and the leadership on the other side of the aisle. We have been in numerous discussions with the chairmen and ranking members for the responsible committees. There are five different committees involved. It remains a major priority. It is also, I might add, a major priority for the House of Representatives, which is committed to having appropriate committee action. We encourage the committees to act as soon as they practically can. Once that bill is ready, we will make sure it comes to the floor of the Senate. It is a bill which, as we all know, has strong bipartisan support.

We have passed a major transportation bill on the floor of this Senate,

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

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and it is time to look at what changes there might be, look to the budgetary objectives, and as soon as possible bring that bill to the floor.

Mr. DURBIN. Mr. President, if the Senator will further yield for a question through the Chair, I am sure the Senator is mindful that, in fact, a year ago in February we passed this bill, and we are very proud of our work product. I am sure it could have been better. We produced a very good product on a bipartisan basis, and then we failed to reach agreement with the White House and our colleagues in the House of Representatives.

My concern—which I am sure the leader shares—is that if we don't move in a similar timely fashion this year, we could enact it too late and lose another construction season which would be harmful to our economy and to the number of very good paying jobs that could be created across America with this bill.

I encourage my friend from Tennessee, and in the form of a question, I ask him if my hope is well placed that we can move quickly on this measure.

Mr. FRIST. Mr. President, the Senator's hope is well placed. I think what our colleagues just heard is a bipartisan leadership commitment to focus on this bill, to build on the past but recognizing that passing a bill in the Senate is not enough. We need to make sure we work with the House of Representatives and with the White House but taking the first step of getting it through the Senate.

The commitment is there. We will continue to encourage our chairmen and ranking members.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF MICHAEL CHERTOFF TO BE SECRETARY OF HOMELAND SECURITY

ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session for the consideration of Executive Calendar No. 10, which the clerk will report.

The assistant legislative clerk read the nomination of Michael Chertoff, of New Jersey, to be Secretary of Homeland Security.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Ms. COLLINS. Mr. President, I rise in strong support of the nomination of Judge Michael Chertoff to be the next Secretary of Homeland Security.

Based on my personal interview with him and his sworn testimony last week before the Committee on Homeland Security and Governmental Affairs, I am convinced that he has the character and the qualifications to excel in what is one of the most challenging and demanding positions in all of Government.

Let me begin my remarks today by first expressing my gratitude to the person whom Judge Chertoff seeks to replace. In the immediate aftermath of the attacks of September 11, Tom Ridge answered the call of service to his country. At a time when homeland security was little more than a concept, Tom Ridge stepped forward to begin the monumental task of making it a reality. He is a pioneer and a patriot. On behalf of all Americans, I thank Secretary Ridge and I wish him great success in his future endeavors.

Judge Chertoff now steps forward to answer this call. The strengths and experience he brings are impressive. He has devoted a significant part of his life to public service as a Federal prosecutor in New Jersey, as head of the Justice Department's Criminal Division, and now as a Federal judge. As the overwhelming vote for his judicial confirmation 2 years ago demonstrated, as well as the unanimous vote by the Homeland Security Committee, he is well respected on both sides of the aisle. Since 9/11, Judge Chertoff has established himself as the leading expert on the legal and national security issues surrounding the war on terrorism.

The debate on this nomination will take place in the context of where the Department of Homeland Security currently stands and where we want it to go.

For the context to be complete, however, it is important we also consider the environment into which the Department was born. In the immediate aftermath of the attacks on our country on September 11, America was a nation determined to defeat terrorism, but we were still feeling our way toward an effective response.

We knew from the start that protecting America from terrorism could not come at the cost of the freedoms that define us as Americans. In those perilous, uncertain days, however, the proper balance between the two seemed somewhat different than it does now in the relative comfort of today. Judge Chertoff recognizes the need for a constant reevaluation to maintain the proper balance between liberty and security. This is how he put it in a speech he gave at Rutgers Law School in 2003:

> Measures that are easily accepted in the sudden response to overwhelming crisis demand somewhat greater testing in the light of experience. In the heat of the battle, the decisionmaker has to rely on foresight because he has no hindsight. We should not, therefore, judge him in hindsight. But at the same time, when hindsight does become available, we would be foolish if we did not take advantage of the lessons for the future.

As to the nature of that balance, here is what Judge Chertoff said in response to a question I posed to him during his confirmation hearing:

> I believe that we cannot live in liberty without security, but we would not want to live in security without liberty.

Judge Chertoff does not just talk the talk of civil liberties; he has walked the walk. As both of my distinguished colleagues from New Jersey, Senator LAUTENBERG and Senator CORZINE, pointed out when introducing this nominee to the committee, Michael Chertoff, as counsel to that State's legislature, played a key role in investigating allegations of racial profiling in traffic stops and in crafting legislation to address this important civil liberties issue.

Nowhere is the tension between security and civil liberties more evident than in the matter of interrogating those detained in the war on terrorism. In his responses to our committee's written questions, Judge Chertoff made it absolutely clear that he believes torture is wrong, no matter where it occurs. His commitment to upholding the due process rights of those detained for immigration violations was unambiguous.

His commitment to civil liberties is clear. At the same time, there is no doubt that he is a tough-minded enforcer of the law. As a Federal prosecutor, he built his strong reputation for aggressively fighting organized crime, corruption, and fraud in both the public and private sectors. His success in those fights was helped greatly by his willingness to work closely with agencies that are now part of the Department of Homeland Security, such as Customs and the Secret Service, as well as with first responders such as State and local police.

In fact, on a recent trip to the Los Angeles area to study the security of our ports, I asked a wide variety of law enforcement officials what they thought of the nomination of Judge Chertoff. To a person, they enthusiastically endorsed his nomination. They felt his law enforcement background was precisely what the Department needs at this stage of this development.

I also point out, as head of the criminal division at the Department of Justice in the aftermath of September 11, Michael Chertoff underwent a true trial by fire, managing a critical organization during a time of great stress. He knows what is needed to fight the war on terrorism, the importance of strategic planning, and the need to constantly improve information sharing and cooperation among agencies at all levels of Government. Our Nation will benefit greatly from these attributes and from the experiences he has had.

The broad philosophy Judge Chertoff brings to this position is impressive, but so is his understanding of the myriad nuts-and-bolts issues that comprise Homeland Security. I was so impressed, when I questioned him in the first

interview in my office, with his extraordinary knowledge of all facets of the Department and its programs and policies. Coming from a State that is a major transportation center, Judge Chertoff knows the dangers we face from land, air, and sea, and the specific dangers each mode of transportation presents. But as he made clear to my committee, he also knows if we devote an inordinate share of scarce resources to one transportation mode, it will only increase our vulnerabilities elsewhere.

I note that is one of the challenges this Congress is going to face in allocating Homeland Security grant moneys. If we focus too much of the funding on large cities, inevitably it will be our smaller towns and communities that are exploited by terrorists. We should always remember that while their targets may be our large population centers, the terrorists who trained prior to the September 11 attacks did so in small communities throughout our country. Indeed, two of the terrorists on that terrible day started their journey of death and destruction from Portland, ME. Those are some of the challenges Judge Chertoff will face.

What most impressed me was Judge Chertoff's answer to my question of why, having just attained a lifetime position at the pinnacle of his profession less than 2 years ago, a position as a judge on one of the most prestigious courts in our country, he would sacrifice all that he had gained to take on such a difficult job. I was so impressed with his response because it shows the measure of this man, his willingness to sacrifice for his country and his commitment to putting the needs of our Nation first before his own personal needs. Here is his answer:

> September 11 and the challenge it posed was, at least by my lights, the greatest challenge of my generation and it was one that touched me both personally and in my work at the Department of Justice. The call to serve in helping to protect America was the one call I could not decline.

What inspiring words: The call to serve in helping to protect America was the one call I could not decline. Judge Chertoff stepped forward to answer the call of his country to serve in this difficult and demanding post and to give up a lifetime appointment on the Federal bench.

It is often pointed out that the job we are here to fill is so extraordinarily difficult because the stakes and the expectations are so high. We do not expect the Secretary of Transportation to eliminate all highway fatalities. We do not expect the Secretary of Labor to make layoffs obsolete. But the Secretary of Homeland Security is allowed no margin of error.

In his statement to my committee, Judge Chertoff said he cannot promise such perfection. Indeed, no one can. But he did promise to work tirelessly and to do everything within the law to keep our Nation safe. That promise, combined with his character, qualifications, and extraordinary experience, makes it a privilege for me to enthusiastically present his nomination to my colleagues in the Senate.

That background is also why I personally am very disappointed the Senate did not act last week to confirm this nominee. It has now been 13 days since Tom Ridge vacated the Office of Secretary of Homeland Security. It is an urgent task for the Senate to act to confirm his replacement as soon as possible. I am disappointed a small minority on the other side of the aisle has sought to delay this nomination, first by objecting to a prompt markup by the committee and now by asking for extended debate. I am pleased my colleagues recognized the need to move fairly quickly and agreed to a vote on this nominee last week. However, given the extraordinary qualifications of this nominee, his willingness to serve the country, the extraordinary demands of this job, and the urgent need for there to be a new Secretary in place as soon as possible, I simply do not understand the decision by a few of my colleagues—and only a few of my colleagues—on the other side of the aisle to hold up this nominee.

I hope we can conclude the debate expeditiously. It is so important we confirm Judge Chertoff so he can begin the very hard work of taking over this Department and pursuing policies to help keep us safe and make us more secure.

I ask unanimous consent that the time during quorum calls be equally charged.

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

Ms. COLLINS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. Mr. President, in considering the nomination of Mr. Chertoff, I want to share with the Senate a conversation I had with him last week. It was about an issue that has plagued my State of Florida since last August, since we were hit by four hurricanes in a row within a 6-week period. That is enough that anybody should have to endure.

FEMA, which will be under the leadership of the new Secretary, once confirmed, responded and did an admirable job to begin with. But since then, we have had some problems. You heard me speak about them almost ad infinitum over the course of the session in September and October, and then again when we came back after the election in our special session. Congress stepped up and appropriated $13.6 billion in emergency funding for that natural disaster series. I thank our colleagues for moving so quickly to address the needs of the people in Florida especially but the other States that were affected as well.

I applaud the quick response, the coordination of the relief agencies, including FEMA, in the immediate aftermath of those four storms. In Congress we specifically directed that $8.5 billion of that money was going straight to FEMA to help hurricane victims.

Well, I wish I could report that things are going smoothly. I cannot. I spoke with Judge Chertoff about these issues. I also spoke with FEMA Director Mike Brown in a meeting with other members of the Florida delegation.

Boiled down, we have two big issues: The very slow, if any, reimbursement for debris removal off of private rights of way; and then a second issue, that money was being poured into areas that did not have hurricane velocity winds, while for the places that got hit the hardest, it is so very difficult for them to get the funds they need, and now those counties and cities are having to pay themselves without FEMA reimbursement.

I hear on a daily basis from communities across our State that are having problems getting reimbursed for debris removal. Some of these counties and cities have even had to borrow money to go out and pay their bills while they are waiting for FEMA reimbursement.

I will give you an example. Lake County, to the northwest of Orlando, submitted a $17 million bill for reimbursement months ago. Do you know how much they have received thus far? Three thousand dollars. There is no excuse for that. Plus, these counties that are begging, pleading, guess who they are coming to. They are coming to their handy-dandy Senator. They are begging and pleading for consistent information.

I will give you an example. Santa Rosa County reports they submitted a request for $27 million in October. They have seen no reimbursement, and they are receiving mixed signals from FEMA as to what further information they may have to submit in order to get their application finally processed.

I will give you another example: Charlotte County. Charlotte County is down on the southwest coast of Florida. It is where the first monster hit. Charley hit with full force, with winds of 145 miles an hour, right off the water. It came right off the Gulf of Mexico, up Charlotte Bay, and hit Punta Gorda in Charlotte County. The county officials have stated that one day a FEMA official will declare some piles of debris eligible for reimbursement and the next day a different inspector will look at it and declare it is ineligible for reimbursement. This has to stop.

I will give you another example. Escambia County has received some relief but Pensacola, which is the main city in Escambia County, has not. This

is not how FEMA should be deciding to distribute our tax dollars.

Then there is the other major issue of the distribution of FEMA dollars to those counties that did not have hurricane force winds. FEMA paid out $29 million—and just last week FEMA Director Brown defended it—to Miami-Dade County, where the highest winds were 54 miles an hour. Hurricane velocity winds do not start until you get to 74 miles an hour.

I thank the chair of the committee, Senator COLLINS, who is in the Chamber with us, and Senator LIEBERMAN, who have acknowledged there is something that needs to be told here. They have started an investigation, and they are looking into these allegations.

So what do you expect is going on here? Well, that is what their investigation is going to get to the bottom of. I am looking forward to it.

As I speak, I am going to vote for Judge Chertoff. As I said to him last week, he is going to be the leader of this gargantuan Department. He needs to make sure the components of his Department are functioning as they should, because we need to fairly and efficiently distribute FEMA dollars that we appropriated. And we appropriated lots of them: $13.6 billion. Those moneys need to address the issues that are plaguing these States such as mine, so that when this occurs in the future we will not have all of this trauma that our citizens are going through.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank and commend the Senator from Florida for his ongoing concern and interest in the operations of FEMA. At the Senator's request, the Homeland Security and Governmental Affairs Committee has initiated an investigation into the FEMA expenditures in his State as well as some other States where similar issues have arisen. We are working very closely with the Inspector General in conducting that investigation. I appreciate the Senator's interest in requesting the committee to conduct this investigation.

I note that the Senator's more recent concerns, in his discussions with Judge Chertoff, are yet another reason why it is so critical we get Judge Chertoff confirmed and in place. The Department of Homeland Security faces a myriad of management challenges, and we need a strong Secretary on the job as soon as possible. The hearing the committee held was almost 2 weeks ago. I think it is very unfortunate that we did not move ahead and confirm the nominee last week.

I think the Senator from Florida has given yet another example of some of the challenges Judge Chertoff will face. So I appreciate the comments of the Senator, my colleague from Florida. We look forward to continuing to work with him on this investigation and to improve the efficiency and effectiveness of FEMA.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, parliamentary inquiry: We are now on the nomination of Judge Chertoff?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. NELSON of Florida. Mr. President, would it be in order for this Senator to request 5 minutes to speak on an issue as in morning business?

The ACTING PRESIDENT pro tempore. The Senator can make that request by unanimous consent.

Mr. NELSON. Mr. President, I ask unanimous consent to speak as in morning business.

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

SOCIAL SECURITY

Mr. NELSON of Florida. Mr. President, it absolutely baffles me, this discussion going on about Social Security of which the President has laid out by sounding the alarm bell that something needs to be done, and yet the President has not come forth with a plan to address the fact that in 37 years, in the year 2042, Social Security will not be able to pay the full benefits, rather, 37 years in the future, would be able to only pay 73 cents on the dollar of Social Security benefits.

Where is the President's plan? The President has laid out that he wants to privatize Social Security with private accounts. Where is the President's plan? Why is there not a message from the White House to the Congress? I can suggest a reason as to why there is no plan: because basically the privatization plan does nothing for the solvency of Social Security when it needs it in 37 years and, instead, does the opposite by whacking benefits and increasing the national debt considerably, whether you look at a 10-year or a 75-year period, whatever one is calculating.

This Senator is not going to whack or cut Social Security benefits, nor is this Senator going to go with a plan that not only cuts benefits but also adds trillions of dollars to the national debt when we are running at a deficit situation where in excess of $400 billion a year is spending in the red. And how do we get it? We go and borrow it. By the way, guess where we borrow it from. Mostly from banks in Japan and China. That doesn't sound too good from a defense posture of the country. This Senator is simply not going to support that. I will work with the President on the question of the solvency when it needs it, and we know it needs it in 37 years. But where is the President's plan? Unfortunately, I read in the morning paper that the President has decided that he is not going to send a plan. How can the President say, I have a plan, we have to do something about the solvency of Social Security, and not offer a plan?

What we need is a little common sense. What is happening is there is so much resistance to this idea of privatization of Social Security that the White House is having a second thought about whether they should come forth with this plan, and that is why they are waiting to reveal it. If there is a good faith attempt to do something about the long-term solvency of Social Security, this Senator will definitely cooperate.

It was only because a Republican President, Ronald Reagan, and a Democratic congressional leader, Speaker Tip O'Neill, came together and said, we are going to solve the problem in 1982, we are going to solve the problem in a bipartisan fashion, and we are not going to play ''gotcha'' politics, and it is going to be a substantive solution—that was one of the finest moments of the Congress, coming together in bipartisanship to solve a major, thorny, highly risky kind of problem. The Congress and the executive came together and did that. But that was in an environment and attitude and atmosphere of genuine bipartisanship instead of this scoring of partisan points that seems to be done today.

I recommend that the White House come forth with its plan and do so in a bipartisan fashion, and then we can get the job done.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business and that the time not be deducted from the debate time on Mr. Chertoff's nomination.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

SOCIAL SECURITY

Mr. DURBIN. Mr. President, President Bush and many of his supporters in Congress are trying to convince the American people about the so-called Social Security privatization plan. They are arguing that there is going to be a bargain by borrowing $2 trillion now instead of paying over $10 trillion later in the shortfall on Social Security. Once you learn the reality of the President's Social Security bargain, you understand why Americans of all ages are unwilling to buy into this Social Security privatization scheme.

The $2 trillion it would cost to transition to a privatized Social Security system would do absolutely nothing to solve Social Security's long-term funding challenge. The argument on the other side was being made yesterday by

the chairman of the Republican conference, Senator SANTORUM of Pennsylvania. He was on a television show on which I also appeared. He was confronted with the cost of the transition for privatizing Social Security. He said:

> I disagree with that. I mean, you remember the old Fram Oil Filter commercial—''pay me now or pay me later.'' And if we don't do something now to put a down payment for young people so they have an opportunity to have a hope for something better than the system now will provide them, we are looking at huge tax increases down the line, big benefit cuts down the line, and huge deficits.

As you look at the actual costs involved with the transition under privatization, you understand why this is not the bargain that has been described. The President wants to take $2 trillion out of the Social Security trust fund. He does this by saying we are going to let people invest in their own private accounts, as he calls them, with money out of the Social Security trust fund. Unfortunately, he has made no suggestion whatsoever on how we are going to pay back the amount of money being taken out of the Social Security trust fund. In fact, this taking money out of the Social Security trust fund is not going to strengthen it; it is going to weaken it.

Look at the President's proposal and what it means—the Social Security shortfall, the cost of other administration policies over the next 75 years. Presently, there are key dates for Social Security; i.e., the date when benefits paid out exceed tax revenues coming in. Under current law, it is 2018. Now we have a buildup, a surplus in Social Security, so it will continue to pay out.

Under the President's proposal, benefits would exceed tax revenues in 2012. Benefits exceed all revenues in 2028 under current law and, under the President's proposal, in 2020. The year when the trust fund is exhausted is 2041 by the current law. Under the President's privatization proposal, it is 2031.

What the President has proposed is no way to strengthen Social Security; it weakens it. This argument by Senator SANTORUM that we either incur this debt today of $2 trillion or face $10 trillion in the future ignores the obvious: that we would incur the debt today of $2 trillion and the debt of $10 trillion in the future.

The President presents his idea to privatize Social Security as if it is a solution to the long-term funding challenge. As I have shown with the chart, it is not. Based on the few details we have seen about the President's privatization, adding private accounts would accelerate the date in which benefit payouts exceed tax revenues. This surplus that we will continue to have until 2018 would disappear by 2012 under the President's proposal.

So why are we doing this? People have said: You Democrats are criticizing a lot; where is your plan? If we are going to start with the plan, we ought to start with some basic agreement, and it ought to be this: Whatever you put on the table should make Social Security stronger, not weaker. It should not have a dramatic cut in the benefit payments being made by Social Security. Whatever you put on the table should not incur a debt of many trillions of dollars for future generations. Sadly, the President's proposal fails on every single one of those suggestions. It does not strengthen Social Security. It cuts benefits dramatically—up to 40 percent—according to a Boston College survey that came out last week, and it puts $2 trillion more debt on younger people.

So the idea of being able to invest a little bit more of your money in something that may—if your investments are wise—mean more return doesn't hold out much hope for a younger generation that sees the debt of America being driven up dramatically by the President's proposals.

In exchange for making the Social Security trust fund financing worse, the President wants to borrow $2 trillion. This sea of red ink shown on this chart is the story of the Bush economic policy. When the President came to office, we were actually generating a surplus in the Treasury. And a surplus in our budget meant we weren't borrowing as much from Social Security; we were making it stronger.

So the plan to strengthen Social Security was there when the President arrived, but the President said: I have a better idea. Let's stop doing things the way we did in the past and let's give tax cuts primarily to the wealthiest people in America. That will really pay off.

Look what it paid off in—the biggest deficit in the history of the U.S. At a time when many of us warned the administration you cannot really look into the future and say with any certainty what America will face, be careful about cutting taxes, the administration said: Step aside, we have a majority and we are going to pass it. If you don't like it, just step aside.

So a lot of us watched as these tax cuts were enacted. Look at the deficit projected from the tax cuts. Now the President wants to make it worse. The President is proposing adding to this national debt by privatizing Social Security and not paying for it. The President is suggesting adding even more debt to future generations and doing so by making the tax cuts permanent.

Now, people like tax cuts. That is appealing. Every politician would like to get up before every audience and say I am going to cut your taxes and get a little round of applause. Then you look at it and ask, is that smart to do? The first obvious question is: Under President Bush's tax cuts, who wins and who loses?

I can tell you what the numbers show. Of the tax cuts that will take effect this year, 90 percent will go to people making over $200,000 a year. Over 50 percent of the new tax cuts will go to people with incomes of more than a million dollars a year. Half of the tax cuts that will take effect this year will go to people making over a million dollars a year.

At a time when the budget cannot find enough money for health care, particularly for the elderly in nursing homes and for children in poor families with mothers working two or three low-wage jobs, this President want to make his tax cuts of hundreds of millions of dollars to those making over a million dollars a year permanent. At a time when we are closing down Amtrak, when this administration is not properly funding veterans health care, they want to make tax cuts to people making over a million dollars a permanent.

Well, it is a program that hasn't worked to this point. Over the last 4 years, we have seen our deficits get dramatically worse. The President talks about the Social Security funding shortfall over an eternity. It will be interesting to take a look at what, first, the cost of privatizing Social Security will be. The amount provided in the President's budget for Social Security is zero. That is why the President's proposal has exactly that much credibility—zero.

If the President really believed in his privatization plan, he would put it in the budget. Why didn't he? Because it costs so much money; $754 billion is the lowest estimate for the first 10 years of the President's plan.

Look at the next 10; it is $4.5 trillion. We talk about trillions of dollars here in Washington. The President won't talk about this at all. He will not include the cost of his privatization plan in the budget because it costs too much. He cannot afford to pay it.

Take a look at, over the long haul, what it means. If he makes his tax cuts permanent through 2078—a long period of time—this is how much money will be taken out of the Treasury, $2 trillion. Then look at the Social Security shortfall. It is one-third of that amount. If the President decided, here is a radical idea, we are not going to give tax cuts to people who make over a million dollars a year—you seem to be doing OK in America; this country has treated you pretty nicely, so we are not going to give you a tax cut—if we just said that and put the money in Social Security, it would be strong.

Maybe there are other things we could do to make it even stronger. But this administration is bound and determined to give these tax cuts to the wealthiest people in America.

I think when you take a look at this, you also have to remember something else. Who owns America's debt? Who holds America's mortgage? Who are the creditors we have to worry about? It turns out, it is foreign countries, primarily China and Japan. The U.S. economy is now increasingly dependent on a handful of foreign central banks for our economic stability and security. It is not only shortsighted to

come up with privatization plans that you do not pay for, tax cuts for wealthy people that you don't pay for; it is shortsighted to be even more dependent on foreign countries that hold our debt.

Listen to this. Last October the chief currency analyst at MG Financial Group, one of the oldest companies in the retail foreign exchange industry, said as follows:

> The stability of the bonds market is at the mercy of Asian purchases of U.S. treasuries.

Let me translate. What if the mortgage on your home was in the hands of someone who on any day could call you and say ''pay it all off''? It is not like 15, 20, or 30-year mortgages but a mortgage they could call in tomorrow. What if they started worrying about your financial circumstances? What if they worried that you would not have a paycheck next week or somebody was sick in your home? Will they start worrying about whether you are going to make the payments? Getting nervous, they could call in that debt. It can happen. It can happen in this world. In the world situation, when they lose confidence, as this gentleman is suggesting, in the U.S. economy and the U.S. budget, we become even more vulnerable, and foreign countries such as China and Japan can say, all right, we will not call in your mortgage, we will just raise the interest rate. What will we do then? There is no place to turn. They can say, incidentally, we are not that confident about your dollar. We are going to start saying you have to convert your dollar into euro dollars or some other currency.

All of these factors complicate our lives dramatically. The more we are in debt, the more we are dependent on foreign countries. These countries, coincidentally, export to the United States dramatic amounts of goods and services that cost us valuable jobs in America. It is no coincidence; Japan, China, Korea, other Asian countries that hold our debt are also holding America's workers by the throat. They understand they have us.

So what does this conservative administration, this Bush administration propose? More debt, more dependence, more power to our creditors, such as China and Japan. How can that make America any stronger? In fact, it makes us weaker.

I sometimes wonder when I look at the long-term view whether people in the White House are stepping back to look at the reality of the world we live in; that here we are with a supplemental appropriation of $21 billion to fight the war in Iraq—and I will vote for that and every penny for which this administration asks. If it were my son or daughter, I would want them to have everything they need to be safe in this war. But at the same time, we are so dependent on foreign oil, buying it at record levels because we do not have a basic policy of energy conservation in America.

A couple weeks ago, my wife and I bought a new hybrid car, a Ford. We are driving it around, getting used to it, hoping it works as promised. Why is it that we are not pushing for more fuel-efficient vehicles so there is less dependence on foreign oil? At the same time we are appropriating money to fight this war, we are sending money hand over fist to these oil-producing countries that, through the backdoor, are sending money to support terrorism. Does that make any sense? Why would we not have an energy policy that also is about the security of America, which means an energy policy that reduces our dependence on foreign oil. Why don't we have a budgetary policy that reduces our dependence on foreign lenders, such as China and Japan?

Exactly the opposite is coming out of this administration. It is totally upside down. It lacks common sense.

Holdings of Treasury bonds by Japan were at $722 billion last October. China's rose to $191 billion. Steven Roach, the chief economist at Morgan Stanley, said:

> If all we have funding our current account imbalance is the good graces of foreign central banks, we are increasingly on thin ice.

So this bargain that the administration has proposed in privatizing Social Security drives us deeper in debt, which the President will not pay for, a debt for future generations and a debt held by foreign governments, and we become their debtors and at their mercy.

We have to understand this. The President's proposal makes Social Security's long-term finances worse. It worsens our short- and long-term budget outlook by trillions of dollars. It leaves our grandchildren to pay higher taxes on our national debt. And it makes us more dependent on foreign countries, such as Japan and China. That is not a good proposal for America.

Let me tell you what I think we should do. I have lived through this before. As a new Member of the House of Representatives back in the 1980s, I no sooner arrived in town and they said Social Security is in trouble; we need to do something, and we need to do it now. I thought to myself: I got here just in time.

So President Ronald Reagan, the leading Republican, turned to Speaker of the House Tip O'Neill, the leading Democrat, and said: Mr. Speaker, let's do this together. Let's create an honest bipartisan commission and let them come back with some proposals.

Alan Greenspan, known as a Republican but respected as an economist, came forward and headed up the Commission. They came up with a list. They said here is what you have to do to Social Security to keep it strong for a long time. Take your pick, but you have to do some of these things and do them now, in the early 1980s. It was a big debate. The debate went on for a long time.

Were we going to increase the age by which people could retire on Social Security? Would we increase the payroll tax? Would we cut benefits? None of it was really that appealing. The idea of Social Security missing a payment was totally unacceptable. So we came together, Democrats and Republicans. We agreed. We passed the bill. President Reagan signed the bill.

What happened as a result of our action? We bought 58 or 59 years of strength and solvency in Social Security. And that is exactly what we should do now. Set aside this privatization plan. It is headed nowhere. The American people are not buying it. Instead, let's do this on a bipartisan basis. Let the President propose a real, honest bipartisan commission and let them come up with honest, commonsense ways, when played out over 40, 50 years, that will make Social Security stronger.

We rose to that challenge—I was here when it happened—and we can do it again. But we need to detoxify this debate, pull the ideologues, people who have these extreme views about getting rid of Social Security, get them out of the picture. We do not need them in the room. Social Security needs to be here for future generations. Both parties are usually committed to that goal, and they should be committed to it today.

I suggest the President's privatization plan is a nonstarter. It is a plan that does not have the appeal that he thought it would. I am sure there were some excited about it initially. It just is not getting off the ground.

Republican leaders, such as the Speaker of the House, said last week in a front page interview in the Chicago Tribune that you cannot force an idea such as this down the throats of the American people. I think he is right. I think he has recognized the reality. And I think he is willing, on a bipartisan basis, to look at alternatives. That is the way we should all approach it—a bipartisan approach that truly strengthens and does not weaken Social Security, a bipartisan approach that does not make wholesale cuts in benefits and add dramatically to America's debt. That is the way we should approach this issue.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, let me begin by saying I intend to vote to confirm Judge Chertoff to be Secretary of the Department of Homeland Security based on what I know of him. What deeply troubles me is that information relevant to his confirmation has been arbitrarily denied to the Senate by the Justice Department.

In the course of preparing for the Homeland Security and Governmental Affairs Committee hearing on Judge Chertoff's nomination, a document came to my attention bearing on Judge Chertoff's responsibilities when he headed the Justice Department's Criminal Division. The document was recently released by the FBI in response to a Freedom of Information Act, or FOIA, request by the American Civil Liberties Union. It is dated May 10, 2004. It indicates that FBI personnel working at the Guantanamo detention facility had major concerns about interrogation techniques used on detainees from Afghanistan by Department of Defense personnel, which techniques ''differed drastically'' from traditional methods employed by FBI personnel, DOD and FBI techniques differed so drastically that FBI agents decided they had to ''step out of the picture'' so as not to participate in DOD-led interrogations.

Department of Defense interrogation techniques have been the focus of a number of investigations into detainee abuse allegations, including abuses graphically depicted in the photographs from Abu Ghraib prison. MG George Fay, who investigated detainee abuses by military intelligence personnel at Abu Ghraib, found that interrogators at that prison were improperly using harsh interrogation techniques that came from Guantanamo, including stress positions, isolation, nudity, and the use of dogs to ''fear up'' detainees.

The report of the panel chaired by former Secretary of Defense James Schlesinger found that these ''more aggressive'' interrogation techniques developed at Guantanamo ''migrated'' to Afghanistan and Iraq and contributed to widespread abuses.

The FBI document about which I am talking today makes clear that concerns about DOD's interrogation techniques in use at Guantanamo, and so strenuously objected to by FBI agents, started at least as early as the fall of 2002, before the abuses occurred at Abu Ghraib and elsewhere.

The document at issue indicates that FBI agents communicated regularly with Justice Department officials, including senior officials in the Criminal Division headed by Mr. Chertoff before he was appointed to the Federal bench. The FBI agents' communications expressed their deep concerns about techniques employed by DOD personnel.

Let me read from the document at issue that we will be referring to this afternoon which is displayed on the chart beside me. It is from an FBI e-mail to T.J. Harrington from an official whose name has been redacted. It reads in part as follows:

> I went to GTMO with blank—

That is the first of many redacted items on this document.

> I went to GTMO with blank early on. We discussed the effectiveness of blank with the supervisory special agent. We, BAU—

Which is the Behavior Analysis Unit—

> and ITOS1 the International Terrorism Operations Section 1—had also met with Generals Dunlevey and Miller explaining our position, law enforcement techniques versus the Department of Defense. Both agreed the Bureau has their way of doing business and the DoD has their marching orders from the Sec Def.
>
> Although the two techniques differ drastically, both generals believed that they had a job to accomplish . . . In my weekly meetings with the DOJ, we often discussed BLANK techniques and how they were not effective or producing Intel that was reliable.

Then there is a series of blanks, which appear to be the individuals' names which have been redacted or withheld from release, with the abbreviation ''SES'' after the names that were blotted out, indicating that the individuals were members of the Senior Executive Service. The document then says, and these are the critical words, that all of those SES employees were from the Department of Justice's Criminal Division and that they ''attended meetings with the FBI.'' It goes on to say, ''all agreed blank were going to be an issue in the military commission cases. I know blank brought this to the attention of blank.''

Now, it is those redactions, those names, and that information which has been deleted, including the names of the senior officials in the Criminal Division of the Department of Justice participating in meetings with the FBI agents, which thwart the Senate in its constitutional role of deliberating on Judge Chertoff.

Judge Chertoff was head of the Criminal Division from April of 2001 until June of 2003. It is the division that he headed whose members are referred to here but whose names are blotted out so that we are unable to know who they are and we are unable to talk to those members of Judge Chertoff's Criminal Division.

On February 4, 2005, a little more than a week ago, Senator LIEBERMAN and I wrote to FBI Director Robert Mueller regarding this document. A copy of that letter is displayed next to me. This is what Senator LIEBERMAN and I wrote:

> We ask that an unredacted version of this three-page document be provided to the Office of Senate Security where we and staff members with appropriate clearance can review it. Please provide an unredacted copy . . . by no later than 4 p.m. on Friday, February 4, 2005. If you will not provide a copy of this document, please provide a legal justification for doing so.

In a letter dated February 7, the Department of Justice, not the FBI to whom we wrote but the Department of Justice, wrote back denying our request. The Justice Department claimed that an unredacted copy would not be provided to us because it contained, and it is referred to in this letter next to me, ''information covered by the Privacy Act, . . . as well as deliberative process material.''

The Justice Department's reasons for denying the request of Senator LIEBERMAN and myself are not just unfounded and unacceptable. They are incredible. They are extreme. The Privacy Act is designed primarily to prevent the U.S. Government from disclosing personal information about private individuals who have not consented to that disclosure. It is not intended to be a means of concealing the names of public officials engaged in Government conduct funded with taxpayers' dollars.

The Department of Justice's invocation of the Privacy Act to deny the Senate relevant information regarding a nomination before the Senate is an abuse of the Privacy Act and a dangerous precedent. Denying Congress documents relevant to our functions, if sustained, would effectively end most congressional oversight because Government employees are named in thousands of documents which Congress relies on in carrying out responsibility.

Senator LIEBERMAN and I have written to Attorney General Gonzalez requesting that he reconsider the decision to withhold this information.

When I asked Judge Chertoff about this document at his nomination hearing on February 2, he could not recall discussions between FBI and Department of Justice Criminal Division officials concerning Department of Defense interrogation techniques at Guantanamo. He stated:

> I don't recall having any discussion about techniques that the Defense Department was using in Guantanamo, other than simply the question of whether interrogations or questioning down there was effective or not.

Judge Chertoff could not say who were the Criminal Division officials whose names had been redacted from the document which was up here a moment ago. Nor could he even confirm that the discussions referred to in the document between people from his Criminal Division and the FBI and Defense Department officials occurred during his tenure as head of the Criminal Division.

If Judge Chertoff does not know that these discussions took place or who in his division might have engaged in these discussions or when they took place, does that not end the matter? If he is unable to say that those people whose names are blotted out talked to him or anybody in their supervisory capacity who supervised them, does that not bring this matter to an end? Of course it does not, and it cannot.

By denying the Senate access to the names listed in the document, the Department of Justice has prevented the Senate from finding out that information so we might refresh Judge Chertoff's recollection about the conversations referred to in the document, which involves senior Criminal Division personnel that he was the head of; conversations with the FBI and Department of Defense personnel regarding DOD interrogation techniques at Guantanamo.

Now, if the names of the Criminal Division personnel were known to him, which they are not—they are obviously blotted over—or if they were known to

us, surely we could ask those persons if they discussed these matters with people who are higher up in the Criminal Division, their supervisors, including possibly with the head of the Criminal Division, Judge Chertoff. We clearly have a right to find out their names to ask them the same relevant questions that we could ask them if their names were not redacted.

If we knew the names, in other words, surely it is relevant, it is appropriate for the Senate to ask these members of Judge Chertoff's Criminal Division, did you discuss these matters that you overheard and were participating in with your supervisors at the Criminal Division? Did you ever bring these to the attention of now Judge Chertoff?

If the names were not redacted, if it is appropriate for us to ask the names on that memo those questions, clearly we have a right to find out who they were so we can ask those same relevant questions.

By its contorted reliance on the Privacy Act, the Justice Department is denying the Senate information relevant to our consideration of whether to give our consent to this nominee. Our constitutional mandate is clear. The Justice Department's decision to cover up this information is deeply disturbing. Not only is the Senate being thwarted, the American public is being denied relevant information. If this misuse of the Privacy Act is not resisted, congressional oversight of our governmental activities will be controlled by the executive branch that we are supposed to oversee. We cannot allow the Department of Justice's action to stand unchallenged.

The Congress obtains thousands of documents from the executive branch as part of our oversight responsibility, and we must. We had an investigation in the Permanent Subcommittee on Investigations of the operation of the Comptroller of the Currency. Thousands of documents were obtained with names of Government employees and we reached a conclusion that one of those employees had worked so closely with one of the banks that was being investigated that, in effect, he had abdicated his responsibility as a Government employee to oversee that bank he later took a job with.

The same thing has been true with the Boeing investigation. It is true with hundreds of investigations. We must be able to obtain Government documents, and we do obtain Government documents, all the time in Congress as part of our oversight responsibility. If the names of Government employees who are paid with taxpayer dollars are redacted, are not available to Congress, because allowing their names to be in those documents violates their privacy, this will wipe out the oversight responsibility of the Congress.

Senator LIEBERMAN and I have sought this particular document and we have done so because the document is relevant to this confirmation process. The refusal of the administration to produce this unredacted document thwarts our constitutional responsibility. There seems to be something ingrained in the administration to thwart congressional oversight, particularly on the issue of detainee abuse. The history of this detainee abuse is important as a backdrop to what my point is this afternoon.

A specialist by the name of Joseph Darby courageously came forward in the Defense Department in January of 2004 with allegations and photos of terrible abuses at Abu Ghraib. The administration did not inform Congress of the existence, the nature and the scope of these allegations and photos until April 28, almost 5 months later in 2004.

They did come forward and notify Congress because that is the day the pictures were aired on a major network news program. The Congress only learned of the report of Major General Taguba who investigated the allegations of abuse by military police at Abu Ghraib between January 31 and March 12, 2004, after his report was leaked to the press in early May of 2004. We did not learn of White House Counsel Gonzales's memo of January 25, 2002, advising the President that the protections of the Geneva Conventions were ''obsolete'' and ''quaint,'' to use his words, until that memo was obtained by the press in mid-May 2004.

We did not learn of the August 1, 2002, memo by the Office of Legal Counsel on his novel interpretation of the anti-torture statute, the so-called torture memo, until it was obtained by the press in early June of 2004. That was the memo that defined prohibited torture extremely narrowly; for example, that physical pain would have to be equivalent to organ failure, impairment of bodily functions, or death to count as torture under the anti-torture statute.

We now know of a second Office of Legal Counsel opinion from around the same time as the August 1, 2002, torture memo, which analyzes the legality of specific interrogation techniques. That memo has still not been made available to Congress.

The Armed Services Committee of the Senate made a standing request on May 13, 2004, in a letter from Chairman WARNER to Secretary Rumsfeld, for ''all relevant documentation'' regarding the allegations of prisoner abuse and for ''all legal reviews and related documentation concerning approval of interrogation techniques.''

The response to date can only be considered slow and partial.

The Defense Department has engaged in considerable foot-dragging in getting to Congress the findings of its investigations into key aspects of the detainee abuse issue. Although the Department of Defense at one point estimated that the report of General Formica regarding abuse allegations against Special Operations Forces in Iraq would be ready last August, and this report was briefed to the Secretary of Defense over a month ago, only late last Friday afternoon did the Armed Services Committee receive this report. We have yet to receive the report of Navy Inspector General Vice Admiral Church in the Department of Defense interrogation techniques in Guantanamo, Afghanistan, Iraq, and elsewhere. The Defense Department initially estimated that this report would be ready 6 months ago. The Department's slow-rolling has delayed additional public hearings on the detainee abuse issue.

It is astonishing to me that only after becoming aware of the allegations of detainee abuse at Guantanamo contained in the documents produced by the FBI under this ACLU FOIA request did the Department of Defense direct that an investigation into those allegations be initiated.

The FBI documents that have been released under the FOIA request, although redacted, nonetheless describe the FBI's battles during 2002 and 2003 with Department of Defense commanders at Guantanamo regarding the use by the Department of Defense of ''aggressive'' and ''coercive'' interrogation techniques. In response to an FBI internal inquiry, allegations of detainee mistreatment at Guantanamo surfaced during the summer of 2004. This led the Bureau's Inspection Division in July of 2004 to contact all employees who served at Guantanamo after September 11, 2001, and request any information regarding detainee mistreatment at that facility.

FBI employees' responses to the FBI Inspection Division's request relating to Guantanamo indicate that FBI personnel repeatedly raised concerns regarding Department of Defense interrogation techniques, including with Department of Defense commanders at Guantanamo from late 2002 into mid-2003. One e-mail, dated May 10, 2004, described how FBI officials raised their concerns with General Dunlavey, who was in charge of interrogation operations until October 2002, and with General Miller, who was commander of the facility from October 2002 until March of 2004. In these discussions the FBI officials were told:

> DOD has their marching orders from the Sec Def [Secretary of Defense].

The agent adds:

> Although the two [agencies'] techniques differed drastically, both Generals believed they had a job to accomplish.

Another e-mail, dated December 9, 2002, states that it has two attachments: a description of an interrogation matter raised with the commanding general at Guantanamo, presumably General Miller, and second:

> . . . an outline of the coercive techniques in the military's interviewing tool kit.

The FBI agent concludes by saying that he will bring back to headquarters a copy of the military's interview plan for an unnamed detainee, saying, ''You won't believe it!''

The responses to the FBI's internal inquiry show that FBI officials had many objections to DOD interrogation techniques. In his confirmation hearing, Judge Chertoff suggested that FBI and DOD differences regarding interrogation techniques at Guantanamo might have related to whether Miranda warnings were to be provided, but that was not the case. FBI agents had official guidance not to provide to detainees at Guantanamo Miranda warnings. The differences between the two agencies' methods were different than that, and they went much deeper.

Other FBI documents produced under the FOIA request show that agents complained about the effectiveness of DOD's methods for producing reliable intelligence compared to the FBI's interviewing techniques. One agent reported telling DOD officials that the intelligence the Department of Defense was producing was ''nothing more than what FBI got using simple investigative techniques.'' Another FBI official complained that when an agent would begin to develop a rapport with the detainee, ''the military would step in and the detainee would stop being cooperative.''

Another major FBI concern was that Department of Defense interrogators were impersonating FBI agents. In one e-mail dated December 5, 2003, an FBI agent complained that DOD interrogators had impersonated FBI agents in attempting to produce intelligence. The FBI agents expressed a concern that should this detainee's story ever be made public, the FBI would be left ''holding the bag'' because it would appear that ''these torture techniques were done [by] 'FBI' interrogators.''

A couple of the FBI e-mails challenged Defense Department officials' public statements in 2004 regarding Department of Defense methods of interrogation used at Guantanamo. For example, one e-mail dated May 13, 2004, reacts to statements of MG Geoffrey Miller, who at that time had moved from commanding the Guantanamo facility to Iraq, where he was in charge of all detention facilities, including Abu Ghraib. This is what that e-mail said:

> Yesterday . . . we were surprised to read an article in Stars and Stripes in which General Miller is quoted as saying that he believes in the rapport-building approach. This is not what he was saying at Gitmo when I was there—redacted—and I did cartwheels. The battles fought in Gitmo while General Miller was there are on the record.

Constant battles between the FBI, part of the Department of Justice, and the Department of Defense officials at GTMO.

The FBI agents' responses to the Inspection Division's request regarding Guantanamo refer to other documents reflecting the FBI agents' serious concerns over Department of Defense interrogation techniques. Among the documents cited are a lengthy ''electronic communication'' drafted by the FBI's Behavioral Analysis Unit. That communication is dated May 30, 2003. It contrasts the Bureau's interrogation methodology with that of the Department of Defense.

Another document is an electronic communication by the FBI's Military Liaison and Detention Unit in November of 2003:

> . . . as to FBI's disapproval—redacted—regardless of whether they [those are the Department of Defense interrogation techniques] were approved by the Deputy Secretary of Defense.

Another document is a ''must read'' electronic communication from the FBI's Miami division.

A December 2003 e-mail refers to a request by the Military Liaison and Detention Unit that:

> . . . information be documented to protect the FBI [because of their] longstanding and documented position against use of some of DOD's interrogation practices. . . .

Either these documents remain unreleased to the public or, if released, their content has been almost entirely redacted.

Reflecting the position of the documents I referred to is a May 19, 2004, memo to all divisions from FBI General Counsel Valerie Caproni. This memo states that:

> Existing FBI policy . . . has consistently provided that FBI personnel may not obtain statements during interrogations by the use of force, threats, physical abuse, threats of such abuse or severe physical conditions,

and that:

> no interrogation of detainees, regardless of status, shall be conducted using methods which could be interpreted as inherently coercive, such as physical abuse or the threat of such abuse to the person being interrogated or to any third party, or imposing severe physical conditions.

This memo from the FBI General Counsel continues as follows: that FBI personnel who participate in interrogations with non-FBI personnel shall comply with FBI policy at all times, and specifically:

> FBI personnel shall not participate in any treatment or use any interrogation technique that is in violation of these guidelines regardless of whether the co-interrogator is in compliance with his or her own guidelines.

Accordingly, the guidance to FBI personnel was to remove themselves from the situation if the interrogation is being conducted in a manner not compliant with FBI policy.

In response to the FBI Inspection Division's request, several FBI agents reported observing ''aggressive treatment'' of detainees at Guantanamo. One agent reports witnessing on a couple of occasions detainees ''chained hand and foot in a fetal position on the floor, with no chair, food, or water.''

This FBI agent describes how oftentimes these detainees had urinated or defecated on themselves, having been left in this position for 18 or 24 hours or more. One detainee subjected to these techniques had apparently been ''literally pulling his own hair out throughout the night.'' The agent speculated that these techniques were being used by ''the military, government contract employees'' and a third group whose identity has been redacted.

The FBI documents indicate that Bureau officials intended to notify the Defense Department regarding the FBI Inspection Division's findings regarding Guantanamo abuse allegations. A summary of that internal inquiry states that 26 of the agents who responded to the Inspection Division's request said they had observed some form of detainee mistreatment by non-FBI personnel.

After reviewing these statements, FBI General Counsel Valerie Caproni deemed 17 of these incidents to involve ''appropriate DOD-approved interrogation techniques.'' The remaining nine were determined to require followup interviews. The summary states that the FBI Inspection Division was to prepare a report based on those followup interviews, to be forwarded to General Counsel Caproni, who would, in turn, notify the Defense Department.

It is not clear whether this report was ever prepared or provided to the Defense Department. If it does exist, the Defense Department has not provided it to the Senate Armed Services Committee.

In addition, other FBI documents released under the FOIA request include a partially redacted letter dated July 14, 2004, from Thomas Harrington, who served as the head of the FBI team at Guantanamo, to MG Donald Ryder, who is commanding general of the Army Criminal Investigation Command, detailing highly aggressive interrogation techniques at Guantanamo. The incidents witnessed by FBI agents as early as the fall of 2002 include what appeared to be a female interrogator squeezing a male detainee's genitals and bending back his thumbs and the use of a dog to intimidate a detainee. Details of a third incident were redacted from the letter, but according to the press, the letter describes a prisoner gagged with duct tape covering much of his head to prevent him from reciting from the Koran. Another incident involved a detainee suffering from extreme mental trauma after being kept in an isolation cell flooded with lights for 3 months.

The Harrington letter indicates that these incidents and other FBI concerns were discussed with two officials in the Department of Defense's General Counsel's Office in mid-2003. Despite the Armed Services Committee's standing request for ''all relevant documentation relating to the prisoner abuse issue,'' the committee was not told by the Defense Department of receiving the Harrington letter last July, nor have we been informed regarding what actions the Department took in response to these allegations.

What the documents produced under the FOIA request indicate is that the administration's policies on the meaning of torture and the legality of specific interrogation techniques had opened the door to abuses. The document that Senator LIEBERMAN and I

have sought in the course of Judge Chertoff's nomination proceedings shows clearly that the FBI was raising its concerns about DOD interrogation techniques as early as the fall of 2002.

That would be a few months after the Justice Department's Office of Legal Counsel issued its August 1, 2002, memo interpreting the Federal antitorture statutes.

The December 1, 2002, memo by Secretary Rumsfeld put the stamp of approval on interrogation techniques that went beyond those that were in existing Army doctrine, and these were for use in Guantanamo. These included stress positions, isolation, deprivation of light, auditory stimuli, 20-hour interrogation, nudity, and exploiting detainees' phobias such as the fear of dogs.

One month later, Secretary Rumsfeld rescinded his approval of those techniques. He ultimately approved, in April of 2003, a narrower set of interrogation techniques. Regardless of which memo was in effect at the time of the FBI memo, Congress needs to find out whether the alleged mistreatment reflected the more aggressive DOD-approved interrogation techniques temporarily authorized for Guantanamo in December of 2002, or went beyond even those.

The concerns that the FBI expressed to the Defense Department were classified. But reports of abusive practices in Guantanamo were leaked to the press. The New York Times article from November of 2004 reported on a confidential International Committee of the Red Cross report which found that the highly refined system for the detention and interrogation of detainees at Guantanamo was ''tantamount to torture.'' The article also states that the report, based on an ICRC visit to the facility the previous June, notes incidents of detainees being subjected to loud, persistent music, prolonged cold, and ''some beatings.''

The New York Times article dated January 1, 2005, cited anonymous interviews with military officials who participated in interrogations at Guantanamo, confirming the use of the same kinds of aggressive interrogation techniques which the FBI agents reported. These techniques reportedly included shackling inmates for hours, leaving them to soil themselves, or subjecting them to loud music. Again, as the reports of General Fay and the Schlesinger panel concluded, it was these aggressive techniques in use at Guantanamo which migrated, in their words, to Afghanistan and Iraq that contributed to the occurrence of detainee abuse there.

It was not just the FBI that objected to those techniques. We recently learned of a June 2004 memo written by Defense Intelligence Agency Director VADM Lowell Jacoby to Under Secretary of Defense for Intelligence Stephen Cambone advising him that DIA interrogators had been threatened by U.S. special operations forces, instructed not to leave the compound, and ordered not to talk to anyone in the United States when the DIA personnel observed and sought to document and report that they had observed those personnel physically abusing detainees during an interrogation in Iraq.

The Jacoby memorandum is another example of how this Congress has not been kept apprised and is only finding out after the fact about the depth and breadth of the allegations of detainee abuse.

That is totally unacceptable and should energize the Congress. But what should doubly energize all of us is when the Department of Justice denies us information relevant to our constitutional responsibilities, particularly after there has been a specific request for that information.

My purpose in coming to the floor this afternoon is to alert the Senate to this direct challenge to our ability not only to perform our confirmation responsibilities but our ability to perform our oversight function so essential to the system of checks and balances that serve as a brake on the powers of the executive branch regardless of who is in control of the executive branch.

It is not the first time the administration has asserted broad new powers to withhold information from Congress. A broad claim of executive power was made in the letter to Senator WARNER and me from the deputy general counsel of the Department of Defense on June 15, 2004. The letter referred to ''the President's constitutional authority to withhold information the disclosure of which could impair foreign relations, [or] national security, [or] the deliberative process of the Executive.''

Presidents traditionally claim the constitutional authority to assert executive privilege when personally determining that it is necessary to do so to protect their ability to receive candid advice from senior officials in the executive branch.

But that is not the issue here.

The privilege asserted by that Department of Defense letter that Senator WARNER and I received is not limited to cases involving Presidential deliberations and advice given to the President himself. That letter asserts the power to make unilateral decisions to withhold documents relating to foreign relations, national security, or deliberations within all parts of the executive branch.

That is a breathtaking claim which must be resisted—resisted on a bipartisan basis—by any Congress serious about the oath we have taken to defend the Constitution.

That Defense Department letter is a bald assertion of a privilege whereby executive branch officials can withhold anything from Congress that those officials, in their sole discretion, determine to be sensitive, embarrassing, or which make such officials uncomfortable. Congress insisted on access to documents of this kind in the past because they are essential to the conduct of our oversight functions.

The document withheld from us in the confirmation matter before us goes beyond any previous assertion by any administration, as far as I can determine. There has been no claim of executive privilege here. The document itself has no bearing on any advice given to the President by anybody.

All of us should object to the withholding of the complete May 4, 2004, FBI memo which refers to the discussions at which members of the Justice Department's Criminal Division were present involving abuses at Guantanamo, when Judge Chertoff was head of the Criminal Division.

The Department of Justice's use of the Privacy Act takes the efforts to thwart congressional oversight to a new extreme. It is the latest manifestation of the executive branch's determination to seize any crumb of justification to prevent Congress access to executive branch documents relevant to carrying out our constitutional responsibilities of confirmation and oversight.

Congress should not sit idly by while the executive branch asserts sweeping authority to frustrate Congress's exercise of our constitutional responsibility. Broad executive branch assertions of privileged information and distortion of the Privacy Act threaten to reduce the Senate role in advising and consenting on senior level appointments to an exercise of rubberstamping the administration's nominees. The Senate should assert its constitutional power to get information relevant to the confirmation process and to our oversight responsibilities.

We have not carried out our constitutional oversight responsibilities, as far as I am concerned, in the area of detainee abuse as evidenced by the fresh revelations of abuse allegations in Iraq, Afghanistan, Guantanamo, and elsewhere.

Those allegations did not come from our oversight activity. That information—those allegations—came from FOIA requests and media initiatives.

The administration has not lived up to its promise to keep Congress informed on the issue of prisoner abuse. The administration has effectively stifled even modest congressional efforts at oversight.

As I said at the beginning, based on the information that is available, I will vote to confirm Judge Chertoff. I believe most or all Members will, but all Members should stand up to the administration's denial of a document which is relevant to his confirmation. We should act in unison to affirm and carry out the Senate's traditional oversight activities, regardless of which party controls this body or the White House.

I yield the floor, reserve the balance of my time, and I note 20 minutes of that time I would like to allocate to Senator DODD.

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

The Senator from Omaha.

Mr. COBURN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business and that the time be taken out of the time allocated to speak on the nomination.

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

MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. WYDEN. Mr. President and colleagues, on Friday, the President said he would veto any changes that would, in his words, undermine the Medicare prescription drug benefit.

As one Democratic Senator who voted for the program and who wants to work very much in a bipartisan way to fix this program, I would ask this afternoon, with all due respect, that the President of the United States reconsider his position.

The President says that making changes to the Medicare drug benefit is going to take away benefits our seniors need. But I believe that smart changes now are the key to preserving seniors' benefits. Wise changes are not going to endanger the Medicare drug benefit, but, mark my words, refusing to mend it could end it. Spiraling costs and the low levels of participation we have seen thus far may jeopardize the very survival of the Medicare drug benefit.

Colleagues, the reason I believe that is the combination of these costs that continue to soar—they were originally appraised at about $400 billion; now they are upwards of $700 billion, and there are some estimates of $1 trillion—the combination of the escalating costs and the paltry rate of seniors signing up, at least to date, means this program will require a great deal of money to be spent on a relatively small number of people. That is not a prescription for the program to survive.

I, for one, as someone who voted for this program and who feels passionately that it is important to get this right, hope the Senate comes together to try to put in place the changes that the program needs to get it back on track. I simply believe ignoring the obvious problems I have mentioned and the threat to veto any bipartisan solution is not a productive or responsible reaction.

Making changes to contain costs and increase participation—making those changes on a bipartisan basis—is precisely what the Congress and the administration ought to be spending their time doing. I, for one, think the legislation that Senator SNOWE and I have worked on for more than 3 years is a very good place to start. But, obviously, colleagues of both parties have other ideas.

I see my friend, the distinguished Senator from Oklahoma, in the Chamber. He and I served in the House on the Health Committee. He has excellent ideas with respect to ways to hold down some of the costs in the Medicare program overall, particularly in the preventive area. I think he is dead on target. Senator SNOWE and I have what we think is a bipartisan first step with respect to getting the prescription drug program back on track. But certainly colleagues in this body have other ideas.

The reason Senator SNOWE and I advocate the approach we are taking is that it essentially builds on what is going on in the private sector. For the life of me, I cannot figure out why Medicare will not be a smart shopper the way everybody else is in the private sector. I have said that Medicare, as a purchaser, is pretty much like the fellow in Price Club buying toilet paper one roll at a time. Nobody would shop that way. It defies common sense because all across the country, if you are interested in purchasing something, and you are already going to purchase a certain amount, and you agree to buy more of it, then people give you a discount. It is just economics 101. Yet Medicare has not gotten that message.

So under the legislation that Senator SNOWE and I have been pursuing, we take a sharp-pencil, fact-based, cost-containment approach that essentially builds on what is going on in the private sector across the country.

In addition to the effort to use those private sector cost-containment techniques, we would provide that drug prices be monitored to make sure artificial price increases do not negate the benefit to older people. We would make sure that seniors have the information about real savings so they can choose the plan that best makes sense for them.

It seems to me, by refusing the opportunity to make any improvements to this program, the White House is writing a prescription for a program that cannot survive. I do not want to see that happen. A number of us in this body took some real risks to be part of this bipartisan plan. What I want to do is roll up my sleeves and work with the President, work with colleagues of both political parties, on a bipartisan, cost-containment strategy that will save this program. That is what this effort ought to be all about: saving this program.

I am not the only one who believes that Medicare's needs ought to take precedence at this time. Here is what David Walker, the Comptroller General of the Government Accountability Office, said recently:

> The Medicare problem is about seven times greater than the Social Security problem and it has gotten much worse. It is much bigger, it is much more immediate and it is going to be much more difficult to effectively address.

The President has said he is going to tackle Medicare when he is done with Social Security. But the facts are the facts, and the timetable for trouble in Medicare is a lot tighter. At the very least now, changes should be made to shore up the newest element of Medicare: the hard-won prescription drug benefit, that every time we turn around the costs go up and up.

So it is time to introduce the cost-containment, attention-to-detail, and sharp-pencil accounting that has been lacking in this program so far. I want to make it clear, failure to put in place those kinds of approaches jeopardizes, in my view, the very survival of this program. I do not want to see that happen.

Like a lot of colleagues—and the Senator from Oklahoma has devoted his professional life to health care—I feel very strongly about this subject. I got involved in health care back in the days when I was codirector of the Oregon Gray Panthers and I could only dream about this kind of opportunity for public service and to get this issue right.

The reason I voted for the legislation initially is I thought it was a first step. I thought it was a constructive step because it would help people with very big bills and very low incomes. There were a lot of other deficiencies in it, but I thought: At least we are getting started because we are helping two groups where the need is very great. But I think the events of the last few months, as I say, raise real questions about whether this program can survive. I do not think, frankly, the prescription drug benefit program can stand a whole lot more bad news.

So what I would hope we would do, in addition to having the debate about exactly how much this has gone up—it is very obvious it has gone up and up repeatedly, and is sure to go up even more—is spend our time with our sleeves rolled up, working in a bipartisan way, working with the President of the United States, to make sure this program delivers on its promise.

A good prescription drug benefit is something this country can't afford not to have. Senator COBURN knows about this. He has probably heard exactly the same experience I hear from physicians in Oregon who tell me that they have actually put seniors in hospitals because there is not an outpatient prescription drug benefit. That is pretty bizarre, even by the standards of Washington, DC, to have people go into a hospital, roll up these enormous costs under what is called Part A of Medicare, because we don't have a sensible, well-designed prescription drug benefit on an outpatient basis under Part B of the program.

When people say we cannot afford to do this, I think we can't afford not to do it. But it has to be properly designed. It has to be structured so as to make the best possible use of taxpayer resources during a belt-tightening time in our Government.

I hope the President will reconsider his position. I hope the President will recall his threat to veto changes to the Medicare drug benefit. I assure colleagues, particularly colleagues on the other side of the aisle, that I want to work with them in a bipartisan way. Having voted for this legislation and having the welts on my back to show for it, I want this legislation to succeed. So Congress has some heavy lifting ahead to make sure there are responsible, practical adjustments to this program that are going to save it for the future and to get the job done right for the country's older people.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I start my remarks by putting this debate in context. Senator LEVIN, with whom I proudly serve not only on the Homeland Security and Governmental Affairs Committee but also on the Senate Armed Services Committee, catalogued some of the interrogation techniques used by certain DOD personnel that for many months have disturbed all of us. They have led us to hold hearings in the Armed Services Committee and they have led the Intelligence Committee to embark upon an investigation of the interrogation techniques used by certain CIA employees. But today's debate is about Michael Chertoff. It is about whether Michael Chertoff, who has repeatedly assured us by direct testimony under oath and in written responses to questions that he has had nothing to do with the interrogation policy, should be confirmed to be Secretary of Homeland Security.

I want to make that very clear. The debate today is not about the interrogation policies, the techniques that led to abuses that disturb and concern us all. The debate today is about the fitness, the qualifications, and the character of Judge Michael Chertoff for this very important position.

I turn to some of the testimony that Judge Chertoff gave in response to questions from Senator LEVIN and other members of the committee. I note that his testimony before the committee was sworn testimony. He was under oath, as are all of the nominees who come before our committee. As this chart shows, Judge Chertoff testified as follows:

> I was not aware during my tenure at the Department of Justice . . . if there were practices in Guantanamo that would be torture or anything even approaching torture.

In response to another question, he said:

> I don't recall having any discussion about techniques that the Defense Department was using in Guantanamo other than simply the question of whether interrogations or questioning down there was effective or not. I was never informed or had no knowledge at the time . . . about any use of techniques in Guantanamo that were anything other than what I would describe as kind of plain vanilla.

Again, in response to a posthearing question submitted for the record by Senator LEVIN:

> [T]he tenor of the discussion was what information was being furnished by detainees and whether detainees should be encouraged to talk by providing offers of favorable treatment in return for information. I recall no discussion of mistreatment of detainees.

Mr. President, I quote from those responses because they are unambiguous. In addition, in the prehearing questions, Judge Chertoff stated unequivocally his opposition to torture, no matter where it might occur.

Senator LEVIN has expressed his concern that the Department of Justice has refused to release information redacted from an e-mail discussing the interrogation techniques at Guantanamo Bay. I do not believe the information Senator LEVIN seeks is relevant to the important issue at hand, the nomination of Judge Michael Chertoff to be the Secretary of Homeland Security.

Nonetheless, let's review what we know about this e-mail. The first question that my colleagues might well ask about this e-mail is: Did Michael Chertoff write the e-mail? The answer to that question is no.

Then my colleagues might say: Was the e-mail addressed to him? Again, I inform my colleagues that it was not. The answer is no.

My colleagues might ask: Was he a recipient of this e-mail? Was he cc'd on it, or bcc'd on the e-mail? Again, the answer is no.

Well then, you might ask: Was Michael Chertoff named in the e-mail? Again, the answer is no.

In fact, you may ask: Had Michael Chertoff even seen the e-mail prior to the day of his nomination hearing? Again, the answer is no.

Is it surprising that Judge Chertoff testified that he had never seen the e-mail prior to the day of the hearing? Again, the answer is no, it is not surprising at all because the e-mail was drafted a year after Judge Chertoff had left the Department.

The real question, then, is what an unredacted copy of this e-mail could possibly add to our evaluation of Judge Chertoff's qualifications for the job of Secretary of Homeland Security? Senator LEVIN has said that since this e-mail refers to some discussions that may have taken place while Judge Chertoff was at the Department of Justice—even though the e-mail was written more than a year after he left the Department of Justice—Senator LEVIN says that if we got the names of the Criminal Division staff who met with the FBI regarding the interrogation techniques, we could attempt to question the officials mentioned in the e-mails in order to, and I am quoting Senator LEVIN, ''refresh Judge Chertoff's recollection of these matters.''

First, I must say that the contention that we would need to know the names and then go back and question Judge Chertoff in order to refresh his recollection is, in my judgment, demeaning to Judge Chertoff. He was straightforward in his testimony. He answered all the questions that were posed to him, both before the hearing, at the extensive hearing, and after the hearing. He was unequivocal in his testimony on this issue. As I have shown you with the previous posters, he said:

> I was not aware during my tenure at the Department of Justice if there were practices at Guantanamo that would be torture or anything even approaching torture.

Second, the suggestion that we should question DOJ officials about Judge Chertoff's sworn testimony is one that I reject outright because what we are saying is that it assumes Judge Chertoff was not being candid with the committee. There is no evidence of that. There is no indication at all that he was not completely truthful and forthright with the committee.

Judge Chertoff has already testified under oath. I see no reason why we should not take his testimony, his sworn testimony, at face value. This is particularly true when there is nothing in the e-mail that suggests his testimony was not accurate. We have no reason to believe it was not accurate. I would have to ask, have we become so cynical about the good people who are making extraordinary sacrifices to serve their country? If this is what the confirmation process is becoming all about, then I fear that very good people are going to say, No. They are going to say, It is not worth having my honesty questioned when all I am trying to do is to serve my country.

I remind my colleagues that Judge Chertoff is giving up a lifetime appointment on one of the most prestigious courts in our country in order to answer the call to serve in one of the most difficult, the most thankless jobs in the Federal Government. It troubles me deeply that we have delayed his nomination, that there are some who are saying, No, I want to check on this testimony more, when there is no evidence to suggest that is warranted.

We need a strong leader in place at the Department of Homeland Security. It has been 13 days since Secretary Ridge has vacated that position. We know the Department has problems—that there are management problems, there are policy challenges. We need to get the Secretary in place as soon as possible. He needs to be able to get his team in place to tackle the serious security issues and management challenges facing the Department.

I think our country is very fortunate to have someone with the background, the experience, the intellect, the qualifications, and the integrity of Judge Chertoff who is willing to serve. I think

we should have confirmed him last week, and I think we need to get him in place without further delay.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me comment on the statement of my dear friend, Senator COLLINS, that somehow or other seeking information is questioning anybody's integrity. We are seeking information because it is relevant to a confirmation process.

Senator LIEBERMAN and I wrote a letter seeking information which relates to the confirmation process in a very important way. We are not going to get that information because the Department of Justice has decided they will not unredact the names of Government employees who were present at discussions relative to the procedures used, the techniques used at Guantanamo during the period that Judge Chertoff was head of the Criminal Division and where those Government employees were members of his Criminal Division. That is not a challenge to anybody's integrity. That is not demeaning. That is simply carrying out a responsibility that this Senate has to be fully informed as to the facts that relate to a nominee. It is that simple. It is that important.

For the Department of Justice to say the names of Government employees somehow or other should remain secret when those employees, paid by the taxpayer, were present during conversations at which the FBI strongly objected to the techniques and tactics which were being used by the Department of Defense to obtain information is simply something that we as a Senate cannot accept.

We cannot be denied relevant information. We cannot and should not be denied relevant information.

There is only one question here, it seems to me; that is, the request of Senator LIEBERMAN and myself for relevant information. If it is relevant information, every one of us should support the request. If it is not relevant information, it is a totally different issue. But is it relevant?

If members of Judge Chertoff's staff, whose names have been covered up by the Department of Justice—if we are denied those names, is it relevant that members of the Department of Justice Criminal Division who were present during conversations apparently after conversations—we at least know of one—where there were heated disputes between the FBI and the Department of Defense over the tactics which were used at Guantanamo Bay—Judge Chertoff doesn't remember those discussions. He said that twice in his answers. I don't disagree with him at all. If he doesn't remember, I take him at his word—he doesn't remember.

That is not the question. The question is, Are there members of his division who were present so that we can ask them whether they informed their supervisors, and whether, just possibly, Judge Chertoff, then head of the Criminal Division, was informed. If he doesn't remember being informed, I don't doubt that. I am not doubting that at all.

But I guess the most direct question I can ask is this: If those names were not redacted, if instead we had those four names there, is there any doubt in any Senator's mind that we could ask those people whose names we know whether they informed their supervisors of this heated debate between the FBI and the Department of Defense personnel?

The FBI in memo after memo after memo was strongly objecting to the practices of military members of the Department of Defense, some of whom were pretending they were FBI members. This was not one casual conversation. There was a major confrontation going on between the FBI, strongly, heatedly, telling the Department of Defense: We can't participate in what you are doing. We object to what you are doing. Those techniques are wrong. We cannot participate. We are going to withdraw from these techniques.

Then, if at least in one of these conversations—you have four SESs, executives in Judge Chertoff's division, which he headed, who were present at the discussions—he says: I don't remember. Fine. I take him at his word.

But—at least if we do not have the responsibility—we surely have the right, if we know those names, to ask those folks: Look. You were present at these conversations. You were representing the Criminal Division of the Department of Justice. The FBI was strongly objecting to what was going on.

These were abusive techniques that were being used which have created so much problem for this country and for our military. You were present. Our question to you is this, Did you inform any of your supervisors of what you heard? And, by the way, perhaps for a different hearing, if not, why not? But if they say no, that means obviously there is nothing with which to refresh Judge Chertoff's memory.

The good Senator from Maine asked a number of questions to which the answers were clearly no. Did he write these documents? He did not. Did he receive a copy of this document? He did not. But the question that yes is the answer to is, if the names of those employees of the Criminal Division were written out in this document and not redacted, would it be appropriate for a Member of the Senate or our staff to ask those employees, Did you inform your supervisors of these debates going on, which were raging debates between the FBI, the Department of Justice on one side and the Department of Defense on another? The answer to that question, I think, is yes.

I think, without any doubt, if those names were there and not covered over by the Department of Justice, that it would be perfectly appropriate for any of us to ask John Doe: Did you report those discussions in which you were participating? Were you both, apparently, putting forward objections to the techniques being used and heard the FBI objecting to those techniques? Did you let your supervisors know?

If that is a legitimate question to ask those unnamed employees, if we had their names, if that is a legitimate question to ask them, is it not legitimate to find the names of those employees so we can ask a legitimate question? I think the answer is yes.

I don't disagree at all with the Senator from Maine when she says that Judge Chertoff didn't write it—apparently didn't receive it and did not name those questions at all—and answered yes. But there are a couple of questions which also have to be answered yes. If we knew the names of those employees who were present at those discussions, could we ask them whether they notified their supervisors? I think the answer is yes. That is an appropriate question.

Second, if so, is it an appropriate question to ask, Did you ever talk to Judge Chertoff about it?

That doesn't challenge his integrity. He says on a number of occasions that he doesn't recall having any discussion about techniques. I take him at his word.

But if they recall talking to their supervisors, then, it seems to me, we are in an area which is perfectly appropriate to a confirmation process.

There is no intent to challenge his integrity. In fact, I am going to vote for Judge Chertoff based on what I know. As I explained before, I am going to vote for Judge Chertoff based on the information before us.

But I think as a body we should reject unanimously—all of us—the excuse given by the Department of Justice. If the Privacy Act is not allowed in naming Federal employees who were parties to discussions, we have to reject that argument, or else we can forget congressional oversight.

We get tens of thousands of documents a year that have names of Federal employees we need and to whom we need to talk. They cannot be protected by the Privacy Act. The Privacy Act is intended to protect the privacy of citizens of this country. It is not to protect from congressional oversight Federal employees engaged in their duties. That is a misuse of a statute by the Department of Justice that has found all kinds of reasons over the years to deny this branch of Government access to documents.

The issue here is a broader issue. This is an example of a problem that we have in terms of getting documents. I laid this out in an earlier speech this afternoon in terms of the difficulty of getting documentation from this administration and other administrations—at the moment, this administration—that is relevant to our oversight function and that is relevant to our confirmation process.

I think we have done a very inadequate job of oversight relevant to

prisoner abuse. The reasons given by myself were set forth earlier this afternoon. They are unacceptable.

We have a responsibility to our troops. Our troops are in danger because of what we did to other people. It endangers the men and women in our military. We cannot mock or demean the Geneva Convention. We cannot engage in practices which are not allowed by the Geneva Convention. When we do, we endanger not just our troops, as important as that is, but we also endanger the security of this Nation.

That is the backdrop here. This is not an oversight hearing we are talking about. This is a confirmation proceeding of one man whose reputation is superb, whose integrity is unquestioned by me. And I do not know of anyone who questions his integrity. The question is, As part of the confirmation proceeding, do we have a right—maybe not a responsibility, although I could argue that question, but clearly the right—to ask people who were in his division who were present at these discussions whether they passed along this intense conflict between the Department of Justice and the FBI on the one hand and the Department of Defense on the other hand?

The document in question is, indeed, as the Senator from Maine said, a 2004 document. But the reference is to events that occurred in 2002 and 2003. The way we know that is because the document itself makes reference to the two generals who were present in Guantanamo Bay in 2002 and 2003 and were responsible for running the detention facility. We also know it comes after the events in question because the purpose of this document is to go back into the record and to look for previous documentation that related to this subject.

Here is what triggered this document. It was an email that asked the following question: Has there been any written guidance given to FBI agents in either GTMO or Iraq about when they should stand clear because of the interrogation techniques being used by DOD or DHS?

That is what set in motion the review of prior emails that exist, prior activities that existed. So this document was clearly written when that became a major issue in 2004. But it was precipitated by the request to go back and see whether there has been any written guidance to FBI agents.

Again I expect that most or all Members will vote for Judge Chertoff. I will, based on what I know.

The disagreement I have is with the Department of Justice as to what we are not allowed to see, although it is relevant to this confirmation process.

Senator LIEBERMAN and I wrote a letter. I ask unanimous consent this be printed in the RECORD, as well as the response to Senator LIEBERMAN and my letter, along with a three-page email, May 10, 2004.

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

U.S. SENATE, COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS,
Washington, DC, February 4, 2005.

Hon. ROBERT S. MUELLER III,
Federal Bureau of Investigation, J. Edgar Hoover Building, Washington, DC.

DEAR DIRECTOR MUELLER: The Homeland Security and Governmental Affairs Committee is currently considering the nomination of Judge Michael Chertoff to be Secretary of the Department of Homeland Security (DHS). The enclosed document came to our attention during preparation for the nomination hearing, and the purpose of this letter is to request an unredacted copy for review.

The document consists of three FBI internal emails dated May 10, 2004, marked by Bates Nos. 2709 to 2711. The redacted version was recently released by the FBI in response to a request by a private party under the Freedom of Information Act. The document indicates that FBI personnel were deeply concerned about interrogation techniques which were being used in Guantanamo Bay by the Department of Defense and DHS personnel. It further indicates that FBI personnel communicated with personnel in the Department of Justice, including the Criminal Division, regarding their concerns about interrogation techniques in use at Guantanamo Bay. Based on the content of the document, we believe many of the referenced events occurred during the tenure of Judge Chertoff as head of the Criminal Division, and an unredacted copy of this document will allow a fuller understanding of the events being discussed.

We ask that an unredacted version of this three-page document be provided to the Office of Senate Security where we and staff members with appropriate clearance can review it. Please provide an unredacted copy to the Senate Security Office no later than 4:00 p.m. on Friday, February 4, 2005. If you will not provide a copy of this document, please provide a legal justification for doing so.

Thank you for your attention. If your staff has any questions, please have them contact Elise J. Bean (Sen. Levin) or Laurie Rubenstein (Sen. Lieberman).

Sincerely,

JOSEPH LIEBERMAN.
CARL LEVIN.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, February 7, 2005.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: This responds to your letter to FBI Director Mueller, dated February 4, 2005, which requested the unredacted version of a classified three-page FBI document, dated May 10, 2004, regarding the interrogation of detainees at Guantanamo Bay.

We have carefully considered your request, but concluded that the unredacted document cannot be released in response to your request because it contains information covered by the Privacy Act, 5 U.S.C. 552a, as well as deliberative process material. We note, however, that the document is comprised of FBl messages that were not sent by or addressed to Judge Chertoff and it contains no reference to him by name or otherwise.

We hope that this information is helpful. We are sending an identical letter to Senator Lieberman, who joined in your letter to us. Please do not hesitate to contact me if you would like additional assistance regarding any other matter.

Sincerely.

WILLIAM B. MOSCHELLA,
Assistant Attorney General.

MESSAGE

From: ——— (Div 13) (FBI)
Sent: Monday, May 10, 2004 12:26 PM
To: HARRINGTON, T J. (Div 13) (FBI)
Cc: BATTLE, FRANKIE (Div 13) (FBI); ——— (IR) (FBI); ——— (Div 13) (FBI); ——— (Div 13) (FBI); ——— (Div 13) (FBI); CUMMINGS, ARTHUR M. (Div 13) (FBI)
Subject: Instructions to GTMO interrogators.
ORCON, NOFORN RECORD 315N–MM–C99102

TJ, I will have to do some digging into old files ———. We did advise each supervisor that went to GTMO to stay in line with Bureau policy and not deviate from that ———. I went to GTMO with ——— early on and we discussed the effectiveness ——— with the SSA. We (BAU and TOS1) had also met with Generals Dunlevey & Miller explaining our position (Law Enforcement techniques) vs. DoD. Both agreed the Bureau has their way of doing business and DoD has their marching orders from the Sec Def. Although the two techniques differed drastically, both Generals believed they had a job to accomplish. It was our mission to gather critical intelligence and evidence ——— in furtherance of FBI cases. In my weekly meetings with DOJ we often discussed ——— techniques and how they were not effective or producing Intel that was reliable. ——— (SES), ——— (SES) ——— (now SES) ——— at the time) and ——— (SES Appointee) all from DOJ Criminal Division attended meetings with FBI. We all agreed ——— were going to be an issue in the military commission cases. I know ——— brought this to the attention of ———.

One specific example was ———. Once the Bureau provide DoD with the findings ——— they wanted to pursue expeditiously their methods to get ''more out of him'' ———. We were given a so called deadline to use our traditional methods. Once our timeline ——— was up ——— took the reigns. We stepped out of the picture and ——— ran the operation ———. FBI did not participate at the direction of myself, ——— and BAU UC ———. We would receive IIRs on the results of the process.

I went to GTMO on one occasion to specifically address the information coming from ———. We (DoD 3 Star Geoff Miller, FBI, CITF ——— etc) had a VTC with the Pentagon Detainee Policy Committee. During this VTC I voiced concerns that the Intel produced was nothing more than what FBI got using simple investigative techniques (following the trail of the detainee in and out of the US compared to the trail of ——— was providing ——— portion of the briefing. ——— was present at the Pentagon side of the VTC. After allowing ——— to produce nothing, I finally voiced my opinion concerning the information. The conversations were somewhat heated. ——— agreed with me. ——— finally admitted the information was the same info the Bureau obtained. It still did not prevent them from continuing the ——— methods''. DOJ was with me at GTMO ——— during that time.

Bottom line is FBI personnel have not been involved in any methods of interrogation that deviate from our policy. The specific guidance we have given has always been no Miranda, otherwise, follow FBI/DOJ policy just as you would in your field office. Use common sense. Utilize our methods that are proven (Reed school, etc).

If you would like to call me to discuss this on the telephone I can be reached at ———.

MESSAGE

From: Harrington, T J. (Div13) (FBI)
Sent: Monday, May 10, 2004 9:21 AM
To: ——— (Div13) (FBI)
Subject: RE: pls confirm
SENSITIVE BUT UNCLASSIFIED NON-RECORD

We have this information, now we are trying to go beyond did we ever put into writing in an EC, memo, note or briefing paper to our personnel our position ——— that we were pursuing our traditional methods of building trust and a relationship with subjects. TOM

———

From: ——— (Div13) (FBI)
Sent: Monday, May 10, 2004 10:52 AM
To: Harrington, T J. (Div13) (FBI)
Cc: ——— (Div13) (FBI; BATTLE, FRANKIE (Div 13) (FBI); BOWMAN, MARION E. (Div09) (FBI)
Subject: RE: pls confirm
SENSITIVE BUT UNCLASSIFIED NON-RECORD

BAU at the request of the then (GTMO Task Force, ITOS1) wrote an EC (quite long) explaining the Bureau way of interrogation vs. DoDs methodology. Our formal guidance has always been that all personnel conduct themselves in interviews in the manner that they would in the field. ——— along with FBI advised that the LEA (Law Enforcement Agencies) at GTMO were not in the practice of the using ——— and were of the opinion results obtained from these interrogations were ——— BAU explained ——— FBI has been successful for many years obtaining confessions via non-confrontational interviewing techniques.

We spoke to FBI OGC with our concerns. I also brought these matters to the attention of DOJ during detainee meetings with ——— express their concerns to ———.

———has a copy of all the information regarding the BAU LHM. I believe she has provided that to TJ Harrington.

I may have more specific innformation in my desk at HQ. I will search what I have when I return (5/17).

———

From: Harrington, T J. (Div13) (FBI)
Sent: Monday, May 10, 2004 4:33 AM
To: BATTLE, FRANKIE (Div13) (FBI); ——— (Div13) (FBI) ——— (Div13) (FBI)
Subject: FW: pls confirm
SENSITIVE BUT UNCLASSIFIED NON-RECORD

Please review our control files, did we produce anything on paper???

———

From: Caproni, Valerie E. (Div09) (FBI)
Sent: Sunday, May 09, 2004 2:31 PM
To: ——— (Div09) (FBI); HARRINGTON, T J. (Div 13) (FBI) ——— (Div13) (FBI) ——— (Div13) (FBI)
Subject: pls confirm
SENSITIVE BUT UNCLASSIFIED NON-RECORD

I think I've heard this several times, but let me ask one more time:

Has there been any written guidance given to FBI agents in either GTMO or Iraq about when they should ''stand clear'' b/c of the interrogation techniques being used by DOD or DHS. ———

———.

DERIVED FROM: G–3 FBI Classification Guide G–3, dated 1/97, Foreign Counterintelligence Investigations

DECLASSIFICATION EXEMPTION 1

SECRET//ORCON, NOFORN

Mr. LEVIN. I note in closing the part of this denial of the Department of Justice that is unsustainable and should be rejected unanimously by Congress is the statement that the material cannot be released because it contains information covered by the Privacy Act as well as deliberative process material. The Privacy Act reliance is totally out of the ballpark. It is so far afield from any argument the executive branch has used that we must reject that. If we do not, if we accept the use of the Privacy Act to deny this Congress documents that relate to activities of Government employees carried out in the performance of their duties, we will have struck a major blow to the oversight responsibilities of this Congress.

As to the second reason given, deliberative process material, there are no conversations whatever that I can see that are with the President of the United States. That reference to deliberative process material also should be unacceptable to all Members of Congress regardless of what side of the aisle we happen to be sitting on.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Maine.

Ms. COLLINS. My good friend from Michigan is one of the best debaters in the Chamber. He is a thoughtful Member. I suspect he may at one time in his career have been an extraordinary trial lawyer.

However, we are not putting Judge Chertoff on trial. This is a confirmation hearing. This debate is not about the names of certain employees within the Justice Department. It is about whether we feel the need to challenge the sworn testimony of a distinguished public servant. Judge Chertoff has already told us, under oath, that he was not aware of any practices at Guantanamo that ''even approach torture.''

So what does my good friend from Michigan want to ask these Justice Department officials? The answer is, whether they talked to Michael Chertoff about interrogation techniques, the precise question that Judge Chertoff has already answered in the negative. There is no basis to doubt Judge Chertoff's sworn testimony before the committee. He has answered all of the questions over and over again. The only reason to get the names of these Justice Department employees is to challenge the veracity of his answers. There is no basis for that. There is nothing in his background, in his testimony, in his answers to us that should lead us to question him further about this unless there is new evidence that appears that suggests he was less than truthful with the committee. There is no such evidence. This issue is not related to his fitness to serve in this very important position.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank my good friend for what I think were flattering references, but in any event I thank her because she is an absolutely superb Member of this body and a great chairman of our committee. It has been my pleasure to serve with her for a long time.

On this one, there are two questions which I want to repeat. I think the answer to the questions has to be yes. The way I phrase the first question is this: If those members of the Criminal Division's names were on that document, would it be appropriate to ask them if they had any conversations with their supervisors? Is that an appropriate question? The answer is, clearly, yes.

This does not challenge anybody's integrity. As a matter of fact, Judge Chertoff said in a number of places, ''I don't recall having any discussion.'' At another point he said he did have a discussion. The question is whether his recollection is different from someone else's. That does not challenge his honesty or integrity. That simply says that people's recollections are different, and when that is true, sometimes people's recollections are refreshed.

It is a straightforward, legitimate question to ask people who worked in his division, whether they notified their supervisor of these heated conversations, these discussions that they participated in and overheard between the Department of Justice and the Department of Defense. If the answer to that question is yes, which I think it must be, that it would be legitimate to ask those people if, when they heard that debate, that heated discussion over tactics at Guantanamo, did they inform their supervisors that the FBI strongly objects to the DOD techniques and is not going to participate in any of those techniques, would it be appropriate to ask them whether they notified their supervisors if we knew their names?

The answer is yes, I think. If I am right, it is appropriate to ask those four people that question, then it is appropriate to have the names of those four people. That is as simple as I think I can make the argument.

This is not, again, a challenge to anyone's honesty or integrity. It is an effort to be thorough in a confirmation process about the events which have torn this country away from some of our strongest allies, the activities at Guantanamo which drifted over to Iraq and to Abu Ghraib. According to the generals who investigated this matter, these horrors, these abuses started in Guantanamo Bay.

Members of the Criminal Division, while Judge Chertoff was head of that Criminal Division, heard of the debate relative to these activities and these actions. They strongly objected to those actions on the part of the DOD. I spent 20 or 30 minutes or more earlier today going into the whole background of Guantanamo. This is not some minor event that occurred somewhere in dusty history or in a history book. These are recent events at Guantanamo which engendered heated discussions, debates between the FBI, on the one hand, which said we cannot participate in those techniques, and the Department of Defense, on the other hand.

Now, when the administration, the Department of Justice, denies the Congress an opportunity to ask legitimate questions, which we have the right to ask—and if my dear friend from Maine does not think we have the responsibility to ask them, that is a judgment which I do not challenge; if she does not feel the need to ask these questions of those employees, I do not challenge her decision on that whatsoever—but given the entire setting of Guantanamo, and what it led to, and the heated discussions that occurred there, with the FBI challenging the DOD, and with Judge Chertoff's division employee members being present during those discussions, some of us feel a responsibility to ask those employees whether they passed along the information they were privy to.

So this is a bigger issue. It is a much bigger issue. As I say, I am going to be voting for Judge Chertoff based on the information I have. But we should not be denied this other information.

Again, I thank my friend from Maine. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, the Senator from New Mexico wishes to speak for up to 15 minutes as in morning business on an issue unrelated to this nomination. I ask unanimous consent that he be so recognized but that the time he consumes be taken from the minority side on this debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank the Senator from Maine for her courtesy, and my colleague from Michigan.

SCIENCE AND TECHNOLOGY IN THE PRESIDENT'S BUDGET

Mr. President, I rise as in morning business to speak about the budget that has been submitted by the President, and particularly to speak about the science and technology portions of the budget, the portions of the budget that are intended to support science and technology in this country.

In his recent State of the Union Message, President Bush said:

> By making our economy more flexible, more innovative, and more competitive, we will keep America the economic leader of the world.

I agree with the President that strong economic growth is vital to continued American leadership. I also believe innovation is the key to that growth. But the reality of his proposed budget to spur innovation for the next year does not square with the rhetoric we heard last week.

I fear this budget will do serious harm to our Nation's scientific and technological capacity. And because it shortchanges our children and threatens to deprive them of the prosperous America we have enjoyed, the shame will be on us if we allow it to be enacted as it has been presented to us.

We are about to embark on an intense debate about the priorities of the Nation. This debate is all about the Nation's future growth and prosperity, and that, in turn, is about our Nation's investment in the foundations of discovery and innovation.

What will not be in dispute in this several month long debate is that science, and the technology that flows from it, is recognized as the principal engine of our economic growth. Nor will there be any contention about the fact that America's present strength, prosperity, and global preeminence depend upon the fundamental research we do in this country. The scientific and economic record of the past 50 years is overwhelming proof on both of those points.

Regrettably, knowing full well that economic growth is the prerequisite for opportunity, and that scientific research is a basic prerequisite for growth, this budget blueprint for the next fiscal year falls far short of meeting our long-term national goals. It is unsuited to the challenges of our time, it is built on short-term political calculations and it weakens one of the pillars of our country's future economic health. It is not a clearly thought out strategy to ensure the preeminence of the U.S. scientific enterprise.

The budget proposes much larger cuts in domestic discretionary research and development programs than is generally understood. The less than straightforward numbers of the Office of Management and Budget have the effect of obscuring the true impact of the cuts that are proposed. Moreover, once one gets past 2006, the proposed budgets in the outyears for domestic discretionary programs throughout the Government would be cut below the 2004 and 2005 levels, even before inflation is taken into account.

Many of these research and development programs that are being curtailed or cut back have provided the cornerstone for our recent economic progress and have spurred the creation of high-paying jobs and record prosperity.

Basic research is the primary source of the new knowledge that ultimately drives the innovation process. The Federal Government supports a majority of the Nation's basic research, and the Federal Government supports nearly 60 percent of the research and development performed at U.S. universities. Equally important, federally funded research and development at universities and colleges plays a key role in educating the next generation of scientists and engineers and providing a technically skilled workforce.

So scientific investments have never been more important to our Nation's future. And never have we stood on the verge of so many stunning advances in technology and science. Cutting back now would be like cutting back our defense budget at the height of the Cold War.

Increases are disproportionately concentrated primarily in two Departments—Defense and Homeland Security—while other research and development funding agencies are left with very modest increases or with increases for some agencies that are offset by flat funding or cuts in other agencies. In the name of national security, we are building a swaying tower of insecurity with regard to our long-term future.

In order to make room for huge tax cuts and to address the record budget deficits they have helped to create, the administration now proposes major cuts in the research our country depends on to maintain its technical leadership and ensure that Americans continue to enjoy growing prosperity and high-paying jobs.

The budget distinguishes between Federal R&D spending and Federal spending for ''Federal science and technology.'' The Federal science and technology designation, recommended by the National Academy of Scientists, is intended to highlight ''activities central to the creation of new knowledge and technologies more consistently and accurately than the traditional R&D data.''

It includes the full budgets for the National Institutes of Health and the National Science Foundation, the Defense 6.1 and 6.2 research programs, the various Energy Department R&D programs, and a variety of research efforts at other agencies. Overall, this Federal science and technology designation encompasses nearly all of Federal basic research, more than 80 percent of Federal applied research, and about half of civilian development.

It does not include defense development, testing, and evaluation.

The overall Federal science and technology budget suffers a 3-percent decrease in real buying power under the proposal we have received. Businesses have always looked to the Federal Government to support the lion's share of basic research that has led to business successes in modern aircraft and computing and in many other areas.

For Federal science and technology, the President's budget proposes a reduction of $877 million, to $60.2 billion. Among other things, it provides a death sentence for the Advanced Technology Program, and it slashes funding for kindergarten through twelfth grade science and math education.

President Bush's proposed 2006 budget flat-lines or cuts funding for key Federal medical and health research agencies. Today's miracles of modern medicine are the result of past research in physics, chemistry, mathematics, computer sciences, and engineering, most of which was carried out in universities by faculty and student researchers and supported by the National Science Foundation, the National Institutes of Health, the Department of Energy, and several defense agencies.

The National Science Foundation, in this proposed budget, is woefully underfunded. Two years ago the President

signed a bill authorizing the doubling of the budget of the National Science Foundation, the premier agency supporting basic research in all fields of science and engineering in the Nation's outstanding universities, and tasked with promoting investments in science, math, and engineering education. The administration's request next year for the NSF is $2.91 billion or 34 percent below the fiscal year 2006 level that was authorized in the bill signed by the President. Adjusted for inflation, the real purchasing power of NSF actually declines in next year's budget. The National Science Foundation education programs continue to be devastated. They are down another 24 percent from last year's level.

If the administration believes in closing the gap in science and math performance between our students and the rest of the world, how is that possible when proposing major cuts in science and math education programs?

The National Institutes of Health, the Nation's principal source of funding for the treatment of cancer, AIDS, diabetes, and Alzheimer's, would decline 1.4 percent in constant dollars. The number of research project grants funded by the NIH in fiscal year 2006 would drop. This proposal, if enacted, will be the worst NIH budget since 1970.

The Centers for Disease Control and Prevention, critical in preparing us for potential epidemics from possibly devastating new infectious diseases and biological terror, is proposed to be cut by 9 percent in constant dollars, while the Agency for Healthcare Research and Quality would be flat funded at $319 million.

At the Department of Energy, the Federal science and technology budget would drop by $278 million or 5 percent. The science programs in the Department of Energy that support much of the Nation's premier work in physics and material sciences are cut 6 percent in real spending. While the President's rhetoric during the State of the Union supported renewable energy sources and energy efficiency, the budget does not. Renewable energy research is cut 9 percent in constant dollars. Energy efficiency is cut 5 percent. All other energy programs—nuclear, fossil fuel, transmission, and distribution—are proposed for a decline of 9 percent.

The administration is also undercutting efforts to support a technology-driven economy by slashing the budgets for the National Institute of Standards and Technology. The fiscal year 2006 request is 24 percent less than the fiscal year 2005 appropriated level of $708 million. The request eliminates the Advanced Technology Program, including $43 million of funding for ongoing projects that companies are relying on and planning to complete. The Advanced Technology Program is an industry-led, competitive, cost-share program that allows U.S. companies to develop the next generation of breakthrough technologies. It enables them to compete aggressively against foreign rivals.

According to its 2004 annual report, returns from just 41 of the 736 ATP projects have exceeded $17 billion in economic benefits, more than eight times the amount of money spent for all of the 736 projects. The National Academy of Sciences has found ATP to be an effective program that could use more funding and use it wisely.

Buried within the Department of Defense budget are cuts to investments in science and technology that will substantially undermine our warfighting capabilities 10 to 15 years from now. Defense research, both basic and applied, are starved and, when inflation is factored in, we will end up buying less research than we did before. The Federal science and technology budget at the Department of Defense would drop by $905 million or 14 percent. For decades possession of superior technology has been the cornerstone of U.S. military strategy. Maintaining this technological edge has become even more important as our military faces new and formidable dangers to countering chemical, biological, nuclear, and high explosive threats and attacks. This budget makes a grave mistake in saying that America's greatest military assets are no longer our greatest research universities.

Overall, the Federal budget for science and technology would decline by over 3 percent and would decline by 4 percent in the absence of the requested increase for manned spaceflight.

I have a chart that sums up all of these figures I have gone through and points out that at every agency of the Government, every department except NASA, we are seeing cuts proposed for basic research, science, and technology in this budget that has been presented.

Given the fierce competition that U.S. businesses face from China and India and other nations, even in high technology products, this is a particularly dangerous time for America to be cutting back on support for innovation. Many of our senior industry, military, and academic leaders are expressing alarm that real Federal spending in basic research has stalled. They worry whether we are starting to lose our edge in basic scientific research. They wonder if we are losing sight of the importance of long-term investments in creating the conditions of prosperity. Their fear is that the administration's other priorities, combined with the enormous deficits we face, will squeeze out these productivity-enhancing investments. They are concerned that funding for Federal nondefense basic science and technology programs will continue to stagnate or decline. And if we allow such an erosion of America's ability to innovate, they warn, then be prepared for the wrenching, turbulent social and economic change that surely will follow.

There are many powerful arguments for expanding the basic research agenda in this country, even in these difficult economic times. I hope the President and this Congress will step up to the task of rethinking and realigning our budget proposals to reflect the importance of our investments in science and technology.

The greatest tragedies, of course, will be the missed opportunities. How many excellent research proposals will be left on the National Science Foundation's cutting room floor, how many fewer students with fewer National Institutes of Health grants will be pursuing research careers, how many advances in conquering disease will be slowed, and how many new lifesaving technologies will be delayed in reaching our warfighters?

This failure of intellectual leadership could not come at a worse time.

Now is precisely when we need enlightened national leaders who fully understand the value of basic research in science and technology. High-tech R&D is so enmeshed in our economy that it is part and parcel of the jobs and growth issue.

The issue of outsourcing high-tech, high-wage jobs—reverse brain-drain—has moved front and center to our economic worries. American workers, facing rising economic insecurity, are filled with anxiety and unease because they realize that almost any service that can be delivered in bits and bytes and does not require face-to-face interaction with customers is up for grabs.

We are on the brink of a new industrial and commercial world order. The successful competitors in the increasingly fierce global scramble for supremacy will not be those who simply make products faster and cheaper than anyone else. The big winners will be those who develop talent, techniques, and tools so advanced that there is no competition.

That means the United States must secure unquestioned superiority in nanotechnology, biotechnology and information technology. And that means upgrading and protecting the investments that have given us our present national stature and our unsurpassed standard of living.

Coming to grips with this issue is important if we wish to remain at the epicenter for the ongoing revolution in research and innovation that is driving 21st century economies all over the world. The reality is that in this 21st century global economy, China, India, and other nations which were once considered economic backwaters have discovered how to build strong economies around sophisticated technology. We should be concerned about our competitive position relative to our global rivals' investments in research and development. While we are limiting our budget increases in the civilian arena, other countries' investments are moving up very substantially.

In the European Union, the United Kingdom is planning on boosting its R&D spending to 2.5 percent of its gross domestic product. The French are aiming at investing 3 percent of their budget in research and development.

Spain announced an ambitious plan to lift R&D funding by 25 percent between now and 2008, while excluding military spending from the equation.

On the Pacific Rim, China is doubling the proportion of GDP it spent in the last decade on R&D, India is raising its funding of science agencies by 27 percent, and Japan is increasing its investments in life sciences research by 32 percent, while South Korea is upgrading research spending by 8.5 percent. They are resolved to reach technological parity with the West.

What do we do about these international challenges? We have absolutely no choice but to emphasize what we do best in this coming rivalry. Our most important strength has always been innovation. Our can-do spirit of commercializing technological innovation has always heen America's core competence. We do it far better than anyone else. But faced with these other potential innovators on the global scene, we must start doing it even better.

As our Federal R&D commitments shrink, so too does the pool of technically trained talent, forcing industry and academia to look abroad for skilled knowledge workers. Education and training of scientists and engineers are tied to Federally sponsored research performed in the Nation's laboratories and universities.

The best course is to increase Government funding for basic research and to spend more on graduate education in science and engineering, not to spend less in these important areas, which the President has proposed. I hope those involved with the Appropriations Subcommittee will focus on this in their deliberations this spring.

America has always been a Nation built on hope—hope that we can build a prosperous, healthy world for ourselves and for our children. But it is clear that these long-standing American aspirations depend critically on our far-sighted investment in science and technology which lies at the center of this hope. Leadership in science and engineering and the world's best education and training system are essential for ensuring Americans well-paying jobs and essential for our security.

When J. Robert Oppenheimer, the renowned physicist, warned President Franklin D. Roosevelt in 1943, about Germany's plan to build an atomic weapon, FDR replied in a secret letter that ''whatever the enemy may be planning, American science will be equal to the challenge.'' Never has a prediction been so prescient.

We know with every fiber of our being that the dominance of our fundamental research enterprise is a core American strength that must be preserved—and we must not let our position erode and compromise our future economic and national security.

By sustaining our investments in basic research, we can ensure that America remains at the forefront of scientific capability, thereby enhancing our ability to shape and improve our Nation's and the world's future.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, I am proud to rise today to express my support for the nomination of the Honorable Michael Chertoff to be Secretary of the Department of Homeland Security. I do so as the ranking Democrat on the Homeland Security and Governmental Affairs Committee, the committee that had the responsibility, opportunity, and honor to bring forward the legislation that created the Department of Homeland Security just a few years ago in the aftermath of the attack against America of September 11, 2001.

So any nomination of an individual to head this Department is taken with real seriousness by our Committee in general and by this Senator in particular.

Judge Chertoff has an impressive record of public service and an impressive record in the private sector as well. He has served his country as a prosecutor, an assistant attorney general, and a Federal judge. He comes to this moment in his career and to this responsibility with a reputation as a strong, intellectually demanding leader who works very hard. Those are characteristics that will serve him well if and when he is confirmed for this job for which he has been nominated.

Judge Chertoff's dedication to public service surely is illustrated by his willingness to give up a lifetime appointment to the Federal bench to take on the challenge—and it is a real challenge—of heading this critically important Department. I respect him for that. I appreciate his patriotism, and his dedication to our country and to the security of the American people.

The Secretary of Homeland Security is clearly one of the most difficult jobs in our Federal Government today, not only for the awesome responsibility it carries to safeguard the American people from terrorist attack—or in some cases natural catastrophe—but also because of the serious work that still needs to be done to make the Department, still young, the success it needs to be. Since it was created two years ago, the Department has become the leader among Government agencies protecting the American people at home, which, of course, is exactly why Congress created it.

Secretary Tom Ridge launched this process and admirably led the Department through the initial steps of merging 22 separate agencies and programs, each with a different culture, a different structure, and different priorities. This was a tough, sometimes painful, job. After all, to the best of our knowledge, it is the largest governmental reorganization in half a century. We knew this transformation would be a monumental task and that it would take time for the Department to emerge as a coordinated, focused agency, even more so after—unfortunately—it became clear that the Administration was not providing the resources to this Department that it needed.

Understandably, the Department and its 180,000 employees—it is a large department—still face significant challenges in many areas, everything from its strategic vision to its day-to-day operations. But I will stop here on the Senate floor, as I have done in our committee, and thank Tom Ridge for the excellent job he did in getting this Department up and running. It still has a way to go. It is probably no longer in its infancy, it is in its childhood now, but it needs somebody to bring it to full maturity. It needs support from the Administration and Congress to enable the new Secretary to do exactly that.

The lack of a focused, long-term homeland security strategy is one of the greatest omissions thus far with this Department. No organization, especially one as large and complicated as this one, can succeed without a clear strategy and priorities. Given the importance of the Department's mission, the new Secretary will immediately need to develop an updated strategy that clarifies not only the Department's priority, roles, and responsibilities but those of other key partners as well. Consultation will have to occur with others in the administration—for instance, at the Department of Defense, the Department of Health and Human Services, and the Department of Justice to ensure an integrated and overarching vision, a kind of to-do list of how our government will tackle every dimension of defending our homeland and the American people.

One of the changes recommended by experts that our Committee has heard is the creation of an Undersecretary for Policy and Planning to perform the kind of long-range thinking within the Department of Homeland Security that has been needed. I am pleased that this Department is underway and it should ease the new Secretary's burden considerably. I know the chairman of the Committee—who is in the chamber, I am glad to note—is focused on the possibility that we may, through our Committee's work, assist the Department in doing just that.

If confirmed, Judge Chertoff and his deputies will need to have some basic tools that the Secretary is now lacking—here I am talking as fundamentally as adequate professional staff. The Secretary and the Deputy Secretary of the Department must have sufficient numbers of assistants to adequately manage 180,000 employees.

We heard testimony before our Homeland Security and Governmental

Affairs Committee that the Deputy Secretary's Office currently has five staff members. Our distinguished colleague from Virginia, Senator WARNER, a member of the committee, former Deputy Secretary of the Navy, recalled that when he was Secretary of the Navy he had a staff of well over 100 and therefore wondered how the Deputy Secretary of Homeland Security could manage with just five.

DHS employees must also be adequately trained to perform new and more complex tasks than they performed before the challenge rose on 9/11, and we must help them do that.

Looking beyond these internal problems, the Department also has to step up its efforts to eliminate persistent vulnerabilities in a variety of areas of activity, both public and private. The security of our borders and ports, for instance—they are still vulnerable. There are vulnerabilities within our rail and transit systems and at the Nation's core: energy, telecommunications, water, transportation, and financial networks. Those systems, those pieces of our national life, are not protected as well as they should be and need to be, three years after September 11, 2001.

The Coast Guard, a proud, historic agency, a service of our Government, is in dire need of having its fleet modernized. At the current rate of funding it is going to take 20 years to complete the upgrades that the Coast Guard believes it needs to take on the additional responsibilities beyond its traditional ones which it has so long performed so well, of protecting our coastlines from terrorism.

The administration must do more and we must do more with it to prepare the Nation, also, for a bioterrorist attack. This is one of those areas of vulnerability that keeps a lot of us up at night.

We must also do a better job of enlisting the private sector as a necessary partner in our shared security, since the private sector controls 85 percent of our critical infrastructure. When we think about security from terrorism, we tend to think about public infrastructure. But 85 percent of our critical infrastructure is controlled by the private sector. We need to engage them more.

We know, for example, that an attack on a chemical facility could put the lives of hundreds of thousands of our fellow citizens at risk. One estimate that I saw recently—and this is the number most often cited but it is not the total number—noted that there are 123 chemical plants in our country. If there were an accident or an attack, the resulting problem could endanger the lives of a million Americans.

Then you have to go one step beyond that. There are 700 chemical facilities, smaller than the first 123, that if there were an attack on them by terrorists, it would injure 100,000 people living around them.

Then there are 3,000 additional chemical facilities, smaller still, but nonetheless an attack on them would endanger 10,000 people living around them. Those are jarring numbers, and all the more so because we know from published information that al-Qaida has examined and sought information about chemical facilities here in this country. Yet according to testimony given to our committee by Richard Falkenrath, who served as deputy homeland security adviser to the President, now at a think tank here in Washington, he said: ''We have done essentially nothing''—and that is the word he used—''to reduce the inherent insecurity of our chemical facilities.''

We have the most advanced and powerful and effective military in the world, in the history of the world. One of the reasons is that we have the most extraordinary trained, patriotic, brave soldiers, military service men and women. But another reason is that we have invested hundreds and hundreds of billions of dollars—trillions of dollars—over the years, to give us the most powerful military in the history of the world to protect our security around the world.

On September 11, 2001, we found that notwithstanding all of that protection, we could be attacked right here at home. So we must invest in our homeland security if it, too, is to be the best in the world, particularly since those fanatics, as someone else has said, hate us Americans more than they love their own lives. They hate us more than they love their own lives and so are prepared to give their lives as we saw on September 11 to take some of ours.

They are so focused on America that we need the best homeland defense in the world. Last year, I believe—in a budget that was in some ways shocking—the administration proposed cuts for first responders. Now those cuts are increased. That is, funding for first responders, believe it or not, is further reduced in the budget submitted by the President last week for fiscal year 2006. That is wrong. We are all aware of the funding realities and the deficit situation of our Government. We also know that it is impossible to protect every potential terrorist target. But our first responders in particular, who risk their lives so the rest of us may be safe—in many ways the first preventers of terrorist attacks—they deserve the training and equipment they need to do their jobs for us.

They have to have the basic capability to talk to one another. We saw this most painfully in the World Trade Center, that the inability for law enforcers, first responders, to talk to each other led—according to independent experts—to the loss of too many lives of first responders who were on the scene.

That was not the first time that happened. We really need to do all we can from the Federal Government to enable our first responders—police, firefighters, emergency medical personnel—to have interoperable communications equipment. What does that mean? In a crisis, quite simply, to be able to talk to one another. We have to explore technological breakthroughs that can enable us to make that possible at the lowest possible cost.

This is a daunting list of responsibilities, of work on homeland defense yet undone, that will face the new Secretary of Homeland Security. But it is real, and I do believe, to help Judge Chertoff achieve these aims quickly, all of us need to regain that sense of anger, hurt, resolve, urgency that propelled us forward as one in the aftermath of September 11.

I am confident Judge Chertoff, too, feels that sense of urgency and will act upon it. That is most certainly the conclusion I reached when he appeared before the Homeland Security and Governmental Affairs Committee to answer quite an array of questions from committee members, including several on his role in the prosecution of the war on terror and the advice he provided on anti-torture laws when he was head of the Justice Department's Criminal Division. Judge Chertoff assured us that he was mindful of the historic tension between two values, two attributes that define us as a nation, which is to say life and liberty, and the need to protect ourselves against those who would deny us either one.

I thought his exact words were eloquent and right to the point and very reassuring, so I quote Judge Chertoff. He said:

> I believe that we cannot live in liberty without security, but we would not want to live in security without liberty.

Striking the right balance will be an ongoing challenge.

I am pleased that those who know him best say Judge Chertoff is more than up to the task. His background in the law prepares him to balance security and liberty. His record, not just as a law enforcer but as a law clerk for former Supreme Court Justice Brennan, certainly prepared him to protect our liberty while enhancing our security.

When our colleague and friend from New Jersey, Senator CORZINE, introduced Judge Chertoff, his friend, before our committee at the hearing we held on this nomination, he referred to Judge Chertoff's work with the New Jersey State Senate investigating and legislating against racial profiling. Senator CORZINE described that experience as, ''a test of balancing the protection of the American public or protecting the New Jersey public and our civil liberties.''

No one, he said, could have balanced those competing interests ''more intelligently'' than Judge Chertoff had.

I also welcomed Judge Chertoff's expression of his belief on the Office of Legal Counsel's definition of torture from the August 2002 memo written by Assistant Attorney General Bybee—as discussed during the nomination proceedings for Attorney General Gonzales—Judge Chertoff expressed before our committee that he felt the

Bybee definition of torture was too narrow.

Of course, I and others are troubled by how the Justice Department handled the detention of numbers of Muslim men and Arabic men who were rounded up in the aftermath of September 11. It has been extensively documented and validated and backed up by an Inspector General report that many of the detainees were held under the flimsiest of pretexts, were incarcerated for a long time without having their cases investigated, and often denied access to lawyers and family members.

According to the Inspector General's report, some of them were actually physically abused by guards in the prisons where they were held. Judge Chertoff, in his testimony before our committee, said he felt that mistakes were clearly made in the detention and treatment of those detainees.

I wish the Department of Justice had acknowledged the same failures when the Department of Justice Inspector General released its report in 2003. I hope and have confidence that the Department of Justice has learned the same lesson that Judge Chertoff told us before our committee that he has learned from that experience.

Judge Chertoff said when he appeared before us that while the PATRIOT Act has engendered great public opposition, the evidence does not back up the fear that it would be used to deprive large numbers of people in this country of their fundamental liberties. On the other hand, the apprehension and taking into prison of more than 700 Arabic and Muslim men in the aftermath of September 11 and the way in which they were not just taken into custody but the denial in a very un-American way of basic due process guaranteed by the Constitution proves something to us—that some of those so concerned about the PATRIOT Act also ought to look at the absence of due process protection in our immigration laws, which have been used to deprive people of their constitutional rights. We ought to act to close those gaps in those immigration laws.

There are also lessons that I know others can take and will take from the episode, as Judge Chertoff did in his previous position at the Department of Justice.

As Secretary of Homeland Security, Judge Chertoff will be running a department with many different agencies with many different missions. Included within the Department are the agencies that deal with our Nation's immigrant community. That relationship must not—and according to law should not—be based primarily on prosecution and law enforcement. We are, after all, a nation of immigrants. Those of us who ourselves, our parents, or our grandparents, or our great-grandparents were lucky enough to come to this country ought not to forget that history, and ought to treat immigrants today with the same respect our families expected as well. I have every confidence Judge Chertoff understands that and will conduct this Department accordingly.

I am voting for Judge Chertoff, as I have said, because I believe he is the right man for this job. But I do not want that decision to obscure the fact that I share some of the concerns—more specifically, objections—that Senator LEVIN has expressed this afternoon and previously to the Justice Department's and the FBI's unwillingness to share with members of the Committee an uncensored version of the document Senator LEVIN referred to earlier, which says that certain employees of the Criminal Division of the Justice Department were at a meeting with representatives of the FBI in which the FBI members who had been at Guantanamo expressed concern about the way in which detainees were being treated there.

This is in part the ongoing dialog between Administrations and Congress over most of our history about the sharing of information. But I must say it is the latest chapter or episode in a rather intense series of conversations between this particular Administration and Congress because of its reluctance to share information with Congress that I believe, as representatives of the people, we have a right to expect. This has particularly been the case with our Homeland Security and Governmental Affairs Committee—during the time I was chairman of the committee as well as ranking member—when we conducted oversight, or were considering nominations. Senators duly elected by their States certainly have a right to see the material they believe necessary to carry out their constitutional duty regarding advice and consent, unless there is a Presidential invocation of executive privilege, or some other clear statutory prohibition on sharing the particular information which Members of the Senate feel they need to carry out their responsibilities. In this case, the President does not claim privilege.

The statute which the Justice Department cites for being unwilling to share the names currently redacted from this document of FBI personnel who were at this meeting pertaining to what has been happening at Guantanamo—the Privacy Act—in my opinion simply doesn't apply. The Privacy Act, I have always believed, was there to protect the privacy of individual Americans, not the names of Federal employees whom Senators believe they needed to know to carry out our constitutional duties of advice and consent.

Indeed, as the Senator from Michigan has pointed out, the Justice Department's position that the Privacy Act requires the administration to withhold the names of high-level Government officials from a document and from simply mentioning the officials attending an official meeting, would be to allow for a stunning expansion of the Privacy Act that could thwart even the most basic of congressional oversight activities.

In other words, in any number of areas where Congress might want to exercise our responsibility to oversee our Government, perhaps to prevent fraud or the waste of billions of dollars of taxpayer money, to say that you cannot get the name of an individual at a meeting because of the Privacy Act would be truly unbelievable, and unacceptable, unsustainable expansion of the Privacy Act. Therefore, I associate myself with that part of Senator LEVIN's expression of concerns. I hope every Member of the Senate will pay some attention to what Senator LEVIN has said regarding this because it undercuts the authority of the Members of the Senate to act. The Privacy Act was not meant to do that.

Having said that, why do I nonetheless go ahead and strongly support Judge Chertoff? I believe Judge Chertoff in his testimony before the committee responded to concerns that something in that redacted document might disqualify him for this position. In the first place, he was not at the meeting. Second, in response to questions filed with him after the hearing and general statements he made at the hearing, he specifically said under oath to the best of his recollection he was never informed while head of the Criminal Division of the Justice Department that there was any mistreatment of detainees at Guantanamo. I accept that statement given by a Federal judge under oath.

I truly resent the withholding of the names of the people who were at that meeting from the Senate. I conclude, nonetheless, that this document does not at all go against Judge Chertoff's otherwise extraordinary qualifications to lead this Department.

These are, obviously, not ordinary times. We are in a new chapter of our history. In some sense every American feels insecure, more insecure than before September 11. We have done a lot of things to raise people's sense of security, including the capture of so many members of al-Qaida, our victories militarily in Iraq and Afghanistan, and the setting up of the Department of Homeland Security. This is, nonetheless, a department whose leadership demands an extraordinary commitment. Judge Chertoff has made that commitment, and he will bring to this position an admirable record. He is a very strong choice to lead the Department of Homeland Security's continuing transformation into a strong, cohesive, well-operating force to secure the safety of the American people; therefore, I urge all of my colleagues to support this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank my good friend and the ranking Democratic member on the committee for his statement. He has applied his usual good judgment in coming to the conclusion that Judge Chertoff deserves

his support and in urging our colleagues to vote for him when the vote finally occurs tomorrow.

The Senator from Alabama is seeking to speak on the nomination. I yield 15 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the chairwoman of the committee, Senator COLLINS, for the leadership she and the Senator from Connecticut have given to a number of issues and the fact that they both have agreed Judge Chertoff should be confirmed as Secretary of Homeland Security. Judge Chertoff was reported out of committee without opposition.

The Homeland Security Secretary has three primary missions: One, to prevent terrorist attacks within the United States—to protect our homeland, to reduce America's vulnerability to terrorism, and to minimize the damage from potential attacks and natural disasters in our country. It takes a special individual to lead this Department. In my view, Judge Chertoff represents one of those special individuals.

Judge Chertoff knows Rudy Guiliani, former mayor of New York and himself a former high official in the Department of Justice and U.S. attorney. I remember, when Rudy was leaving as U.S. attorney, someone asked him about his successor and who it should be and what he should be. He simply said this: Well, I hope they appoint somebody who can contribute to the discussion every now and then.

Judge Chertoff can contribute to the discussion about homeland security issues. He has an extraordinary record, and he is one of the most able lawyers in America and one of the most committed lawyers in this country to public service. He graduated—I know the Presiding Officer is a Wake Forest man; it is a great law school—but he went to Harvard, graduated from undergraduate school magna cum laude in 1975, and also from Harvard Law School in 1978 the same—magna cum laude. Top of his class at Harvard Law School.

He then clerked for a circuit judge on the Second Circuit Court of Appeals. It is always quite an honor for a lawyer graduating from any law school to be accepted to clerk for one of those judges. Not only that, he was one of the very few—a rare few—chosen to clerk for a Justice on the U.S. Supreme Court. He clerked for Justice William Brennan on the U.S. Supreme Court. He comes at this with, certainly, proven academic and intellectual abilities to handle the job.

Judge Chertoff has had great experience in areas that provide him an opportunity to learn many of the things necessary to be a successful Secretary of Homeland Security. He started out as an assistant U.S. attorney in the Southern District of New York, which they like to think is ''the'' Southern District of New York. When I was U.S. attorney in the Southern District of Alabama, I always thought we were ''the'' Southern District. They certainly always had the reputation of hiring some of the best lawyers in America. It was very competitive to be selected as an assistant U.S. attorney in the Southern District of New York. He did a great job there. He then moved to New Jersey to become first assistant U.S. attorney. That is a big deal.

By the way, when he was in the Southern District of New York, he prosecuted mafia cases, organized crime cases, racketeering cases and major fraud cases. He was clearly involved in some of the most significant cases in that most significant district of Federal law enforcement in the country.

He goes to New Jersey as the first assistant U.S. attorney. As such, he was the right arm of the U.S. attorney. In fact, he took on a great deal of the responsibilities in that very large office. There is just one office for the entire State of New Jersey. He did a good job there.

Soon he was appointed U.S. attorney—the boss—of that office by President Bush. He served with distinction. At one time, he prosecuted the very famous Mafia Commission case which charged the bosses of all five New York La Cosa Nostra families with operating a pattern of racketeering such as extortion, loan sharking, and murder, one of the biggest cases ever brought against mafia. He prosecuted one of the more important cases, criminal cases, that has been brought in the United States, I suspect in the century; I would say it was at least in the top 50 most important cases in the century. The case was prosecuted under his leadership there. He did a lot of other cases of that kind.

He served as counsel to the committee on Whitewater. He handled himself well there. As such, he has learned the responsibilities of public service: to handle yourself carefully and conduct yourself with high standards. He won a good report, from everyone who watched the conduct of his activities on that committee, as being a fair and able attorney—in general, and I think he won great acclaim for that.

One of the key characteristics of a Secretary of Homeland Security is that they understand State and local law enforcement and governmental agencies, that they can work with them, that they can get them together and talk with them and communicate with them. To do that, when you take the office, you need to understand those agencies, what they are about, what their responsibilities are, what their daily duties are, and how they operate.

Judge Chertoff, first as an assistant U.S. attorney and then as a U.S. attorney, had as his duty to work with State and local agents. Each U.S. attorney is required to form and moderate and lead a law enforcement coordinating committee. He did that in the State of New Jersey. I suspect he knows the sheriffs and the chief law officers throughout that State, and probably in New York, too, on a first-name basis. You have to do that in that position. He understands their difficulties, and he understands the challenges and the responsibility of the Federal Government to work with and to utilize the capacities of State and local law enforcement.

Indeed, most of the law enforcement officials in America, by far, are in State and local government, probably 90 percent. We can never be effective against terrorists, people who come here illegally to harm our country, without being able to work with and utilize and support State and local law enforcement. He understands that very clearly.

I believe that will be one of his best characteristics that will help him achieve the job of making this entity known as Homeland Security work.

I must say, when this new Homeland Security Department was formed, as one who worked with many of the agencies that were brought into it under one new Secretary, I knew that it was going to be a challenge, a very real, difficult challenge. Agencies were brought in that Department, such as Immigration, Customs, and others, to all work together with other agencies, such as the Coast Guard, to try to fight terrorism and defend our homeland. That is a difficult task. Agencies do not work well together. I remember the difficulties it took just to get our Federal agencies to work together when I was a U.S. attorney. I know Mr. Chertoff saw the same thing in his office.

Now he will have the responsibility of melding these agencies together and have them work effectively and efficiently for a common goal. It will not be easy. Most Americans probably would be surprised to know they communicate with one another like foreign nations. They sit down and sign memoranda of understanding or a treaty or something on how they are going to handle this or that problem. I exaggerate a little bit in the sense that at the grassroots level, most of the agents, the various agencies, work together for the common good, but there clearly is a bureaucracy problem of all Federal agencies, and it is a real challenge to reform this new Homeland Security Department. Mr. Chertoff, having first been an assistant U.S. attorney and then having been a U.S. attorney and serving as the Chief of the Criminal Division in the U.S. Department of Justice, understands that. He has lived with it. Nobody who has held that position could be naive about the difficulties of these issues. He, I am sure, had to work through them in the past, and he will hit the ground with no misconceptions about the challenge, no misconceptions about the good qualities of Federal law enforcement and other officers throughout our country, but with no misunderstanding about how difficult it is to make these bureaucracies merge. So I believe that is

going to be one of his great challenges, but he has the experience and ability to make it to work.

I, frankly, am one who is of the opinion that if a person has been in the field actually prosecuting cases, actually working at night with IRS agents and Customs agents and Immigration agents and FBI agents and DEA agents, and all of these law enforcement officers, dealing with their supervisors and bosses, they know something that somebody who has never done that cannot understand. They have a comprehension of the difficulty of our Government to work efficiently and productively. They also, if they are good at it, have proven to be successful at it. That is how you judge success in leadership, such as being a criminal division chief or a U.S. attorney—how well you can get these agencies to work together.

So I am excited about that. I have known him for a long period of time. I can say, without hesitation, that when he was selected as U.S. attorney in New Jersey, and I was a U.S. attorney myself at that time, everyone knew that was a promotion on merit. His reputation for excellence and skill and legal ability had been known throughout the Department of Justice for some time. His appointment there was received throughout the entire Department of Justice with great pride and hope for success. And indeed, he had a highly successful record.

So I just want to say from my personal experience with him, having served with him, having known him for many years, and having known his reputation among those who worked closely with him, that he has all the gifts and graces that are required to be a great Secretary of Homeland Security.

I know they say: Well, he should turn over these documents. First, let me say this: They are not his documents. These are documents of the U.S. Department of Justice, memorandums they have. There is a legitimate concern about Members of this Congress using every confirmation we have to see what they can drag out so they can dig through memoranda and documents that represent private conversations within the executive branch.

What would we think in the Senate if the President got mad at us and said: I want to see every document that was sent between you and your legislative assistant on all these issues. We would not like that. We would say: Well, we ought to have some right to talk to our staff and communicate with one another and have private conversations and think through these issues. If we tell our staff that everything they say is going to be made public the next day or they cannot put something in a memorandum because it may be on the front page of a newspaper the next day, maybe that would diminish the natural quality of our communication. In fact, it might inhibit good communication.

Back on February 7 of this year, the Department of Justice responded to this request that was sent to Mr. Mueller of the FBI. It requested ''the unredacted version of a classified three-page FBI document, dated May 10, 2004, regarding the interrogation of detainees at Guantanamo Bay.'' The Justice Department's response was this. It was not Judge Chertoff's response. He has been on the Federal bench as a Federal judge, with a lifetime appointment, which he is willing to give up, from the appellate court, a highly prestigious thing in itself, to serve his country to be involved in protecting this country.

Indeed, when asked why he was willing to do that, he said: When asked to serve in a way to protect my country, I could not say no.

They said this:

> We have carefully considered your request, but concluded that the unredacted document cannot be released in response to your request because it contains information covered by the Privacy Act, 5 United States Code 552a, as well as deliberative process material.

That is not an insignificant matter. Deliberative process material involves efforts by the executive branch to study an issue, to deliberate on it and formulate a position.

The decision an agency makes is public, but everything they do in deliberating that should not be produced willy-nilly just because somebody in Congress wants to go on a fishing expedition.

It goes on to say:

> We note, however, that the document is comprised of FBI messages that were not sent by or addressed to Judge Chertoff and it contains no reference to him by name or otherwise.

I don't think this is anything unusual and dramatic and unexpected that this document should be rejected. I believe the Department of Justice has considered it carefully and rendered an opinion that is fair and just. I support them on it. I know there are certain times documents need to be produced, but there are reasons why documents should not be produced willy-nilly. The Department has considered this carefully and rendered this opinion.

I admire Judge Michael Chertoff. He is a first-rate lawyer. He is a man of incredible experience. As chief of the Criminal Division of the Department of Justice, he had an opportunity to see firsthand the difficulties and challenges of the war against terrorism. He performed admirably in that position, as he has in every other position he has held in our Government. He can make so much more money in private practice. He could take a quiet position and stay as a lifetime-appointed Federal circuit judge. But he turned that down to serve our country. This Nation will benefit from his service. I am so glad the committee voted to refer him out positively. I am confident he will be confirmed.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Maine.

Ms. COLLINS. Mr. President, I thank my colleague from Alabama for his excellent statement. I appreciate the perspective he brings. Given his own experience as a U.S. Attorney, he has a special appreciation for that part of Judge Chertoff's career, and his endorsement will carry a lot of weight with our colleagues.

How much time is remaining for the debate today?

The PRESIDING OFFICER. The Senator from Maine has 76 minutes remaining. The minority is out of time.

Ms. COLLINS. Mr. President, I inquire of the Presiding Officer, the 76 minutes is for today's debate, as opposed to tomorrow's; correct?

The PRESIDING OFFICER. The Senator is correct.

Ms. COLLINS. Mr. President, I know of no further requests for time on our side this evening so I am prepared to yield back, and I do, the 76 minutes.

The PRESIDING OFFICER. Time is yielded back.

Ms. COLLINS. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

PASSAGE OF THE CLASS ACTION FAIRNESS ACT

Mr. GRASSLEY. Mr. President, I would like to thank my colleagues for supporting S. 5, the Class Action Fairness Act, which we passed last week and which is set to be considered in the House this week. This little bill that Senator KOHL and I first introduced back in the 105th Congress is finally at the finish line. Little did I know it was going to take five Congresses to get it done. But we had to do it. The abuses in the class action system are real, and this is a good first step at fixing some of them.

Although the Class Action Fairness Act was always a bipartisan bill, we had to negotiate numerous compromises to garner enough support to defeat a filibuster here in the Senate. In the end, this bill is a good example of what we can accomplish when we work together in a bipartisan fashion. The final passage vote of 72 to 36 is proof positive of that.

So I am pleased that we are on the verge of getting class action reform to the President's desk. There are many

colleagues that I would like to thank in the Senate for their leadership and support—Majority Leader FRIST, Republican Whip MCCONNELL, Chairman SPECTER, Senator HATCH, Senator SESSIONS, Senator KOHL, and Senator CARPER. I also want to thank their staff as well for a job well done—Allen Hicks, Eric Ueland and Sharon Soderstrom with the majority leader; John Abegg and Kyle Simmons with Senator MCCONNELL; Harold Kim, Michael O'Neill and David Brog with Chairman SPECTER; Kevin O'Scanlin with Senator HATCH; William Smith and Cindy Hayden with Senator SESSIONS; and John Kilvington with Senator CARPER. I would like to acknowledge in particular Jeff Miller with Senator KOHL, who worked closely with my staff on this bill over the years. Finally, I would like to thank Rita Lari Jochum, my Judiciary Committee chief counsel, who has worked on this bill since 1998, and whose legal skills and determination were instrumental in getting this bill passed in the Senate.

Mr. SANTORUM. Mr. President, I regret that I was unable to vote on final passage of S. 5. I was traveling with President Bush in Pennsylvania.

I wish to express my support of the Senate passage of S. 5, the Class Action Fairness Act. As a cosponsor of this legislation, I am pleased that the Senate passed a bill that will help prevent the serious problem of class action abuse.

The Class Action Fairness Act is a modest bipartisan bill that addresses some of the most serious abuses by allowing more large interstate class actions to be heard in Federal court, and by implementing a ''Consumer Class Action Bill of Rights'' to protect consumers.

S. 5 will expand Federal jurisdiction over large, interstate class actions. Since the founding of this country, Federal diversity jurisdiction has existed over cases between citizens of different States involving large amounts of money. However, because of the way that some have interpreted the law, class action cases involving parties from many states and millions of dollars largely have been excluded from this rule and are confined to State court. The Class Action Fairness Act closes this loophole by creating Federal jurisdiction over large multi-State class actions.

I ask that the RECORD reflect that, had I been here, I would have voted in favor of S. 5, the Class Action Fairness Act. In passing this legislation in the Senate, we have taken a constructive step in addressing the abuses in the civil justice system while maintaining the rights of consumers.

Mr. OBAMA. Mr. President, I rise today to discuss the Class Action Fairness Act of 2005. As both a lawyer and a citizen, I am a strong believer in class actions as a way for ordinary people who have been wronged by a corporation to band together and seek justice. Some of our great advances in civil rights and consumer protections have come from these actions.

But there is overwhelming evidence that there are abuses in the class action system that should be addressed. When multimillion dollar settlements are handed down and all the victims get are coupons for a free product, justice is not being served. And when cases are tried in counties only because it's known that those judges will award big payoffs, you get quick settlements without ever finding out who's right and who's wrong.

Every American deserves their day in court. This bill, while not perfect, gives people that day while still providing the reasonable reforms necessary to safeguard against the most blatant abuses of the system. I also hope that the Federal judiciary takes seriously their expanded role in class action litigation, and upholds their responsibility to fairly certify class actions so that they may protect our civil and consumer rights. Senator SPECTER has pledged to work on these issues and address these serious concerns in the future, and I look forward to joining him so we can improve this law.

RULES OF PROCEDURE

Mr. LUGAR. Mr. President, pursuant to the requirements of paragraph 2 of Senate Rule XXVI, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Foreign Relations for the 109th Congress adopted by the committee on February 1, 2005.

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

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted February 1, 2005)

RULE 1—JURISDICTION

(a) Substantive.—In accordance with Senate Rule XXV.1(j), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) Oversight.—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that ''. . . each standing Committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the Committee.''

(c) ''Advice and Consent'' Clauses.—The Committee has a special responsibility to assist the Senate in its constitutional function of providing ''advice and consent'' to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) Creation.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) Assignments.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than four subcommittees at any one time.

The Chairman and Ranking Member of the Committee shall be ex officio members, without vote, of each subcommittee.

(c) Meetings.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation

with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

RULE 3—MEETINGS

(a) Regular Meeting Day.—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) Additional Meetings.—Additional meetings and hearings of the Committee may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) Hearings, selection of witnesses.—To ensure that the issue which is the subject of the hearing is presented as fully and fairly as possible, whenever a hearing is conducted by the Committee or a subcommittee upon any measure or matter, the Ranking Member of the Committee or subcommittee may request that an equal number of public witnesses selected by the Ranking Member be called to testify at that hearing.

(d) Public Announcement.—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any meeting or hearing to be conducted on any measure or matter at least one week in advance of such meetings or hearings, unless the Chairman of the Committee, or subcommittee, in consultation with the Ranking Member, determines that there is good cause to begin such meeting or hearing at an earlier date.

(e) Procedure.—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Member. The Chairman, in consultation with the Ranking Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

(f) Closed Sessions.—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) Staff Attendance.—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the Committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Member, may limit staff attendance at specified meetings.

RULE 4—QUORUMS

(a) *Testimony*.—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) *Business*.—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(c) *Reporting*.—A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

RULE 6—WITNESSES

(a) *General*.—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) *Presentation*.—If the Chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) *Filing of Statements*.—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Member following their determination that there is good cause for failure to file such a statement.

(d) *Expenses*.—Only the Chairman may authorize expenditures of funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) *Requests*.—Any witness called for a hearing may submit a written request to the Chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The Chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) *Authorization*.—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. At the request of any Member of the Committee, the Committee shall authorize the issuance of a subpoena only at a meeting of the Committee. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.

(b) *Return*.—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request

which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the Chairman or any other member designated by him may convene a hearing by giving 2 hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) *Depositions*.—At the direction of the Committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) *Filing*.—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) *Supplemental, Minority and Additional Views*.—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the Chief Clerk of the Committee, with the 3 days to begin at 11:00 p.m. on the same day that the Committee has ordered a measure or matter reported. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views.

(c) *Rollcall Votes*.—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

RULE 9—TREATIES

(a) The Committee is the only Committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar from Congress to Congress until the Committee takes action to report it to the Senate or recommend its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress ''shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon.''

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except in extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) Waiting Requirement.—Unless otherwise directed by the Chairman and the Ranking Member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) Public Consideration.—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) Required Data.—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a financial disclosure report and a confidential statement with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) Foreign Travel.—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel.

Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking member prior to submission of the request to the Chairman and Ranking Member of the full Committee.

When the Chairman and the Ranking Member approve the foreign travel of a member of the staff of the committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel of its extent, nature, and purpose.

(b) Domestic Travel.—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) Personal Staff.—As a general rule, no more than one member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

(d) Personal Representatives of the Member (PRM).—For the purposes of Rule 11 as regards staff foreign travel, the officially-designated personal representative of the member (PRM) shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations. Furthermore, for the purposes of this section, each Member of the Committee may designate one personal staff member as the ''Personal Representative of the Member.''

RULE 12—TRANSCRIPTS

(a) General.—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with the concurrence of the Ranking Member, determines otherwise.

(b) Classified or Restricted Transcripts.—

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of classified or restricted transcripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons for a period not to exceed 2 weeks. Extensions of this period may be granted as necessary by the Chief Clerk. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, DC, unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Member, only the following persons are authorized to have access to classified or restricted transcripts.

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clearances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman in the Committee rooms; and

(iv) Members of the executive departments involved in the meeting, in the Committee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction or dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the other members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with

anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) Declassification.—

(1) All restricted transcripts and classified Committee reports shall be declassified on a date twelve years after their origination unless the Committee by majority vote decides against such declassification, and provided that the executive departments involved and all former Committee members who participated directly in the sessions or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be declassified fewer than twelve years after their origination if:

(i) the Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee;

(ii) the Chairman, Ranking Member, and each member or former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

RULE 13—CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as ''Top Secret'' shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members or authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to the offices designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified ''Top Secret,'' after being indexed and numbered shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure Committee offices as may be authorized by the Chairman or Staff Director.

(e) In general, members and staff undertake to confine their access to classified information on the basis of a ''need to know'' such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 14—STAFF

(a) Responsibilities.—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designated Minority Staff, shall be under the general supervision of the Ranking Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) Restrictions.—

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group;

(ii) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action; and

(iii) staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) Status.—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) Amendment.—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, Rules of the Committee which are based upon Senate Rules may not be superseded by Committee vote alone.

RULES OF PROCEDURE—COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On January 26, 2005, the Committee on Indian Affairs held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the committee. Consistent with standing rule XXVI, today I ask unanimous consent to print in the RECORD the rules of the Senate Committee on Indian Affairs.

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

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Act are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the first Tuesday of each month while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public

except when the Chairman by a majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the Committee shall file with the Committee, at least 72 hours in advance of the hearing, an original, printed version of his or her written testimony. In addition, each witness shall provide an electronic copy of the testimony on a computer disk formatted and suitable for use by the Committee. Further, each witness is required to submit by way of electronic mail, one copy of his or her testimony in a format determined by the Committee and sent to an electronic mail addres specified by the Committee.

(c). Each member shall be limited to five (5) minutes in questioning of any witness until such times as all Members who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d). The Chairman and Vice Chairman or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for such information has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subject on the Committee agenda in the absence of such request.

(b). Notice of, and the agenda for, any business meeting of the Committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The notice and agenda of any business meeting may be provided to the Members by electronic mail, provided that a paper copy will be provided to any Member upon request. The Clerk shall promptly notify absent members of any action taken by the Committee on matters not included in the published agenda.

QUORUM

Rule 6(a). Except as provided in subsections (b) and (c), a majority of the Members shall constitute a quorum for the transaction of business of the Committee. Consistent with Senate rules, a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). A measure may be ordered reported from the Committee unless an objection is made by a Member, in which case a recorded vote of the Members shall be required.

(c). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7(a). A Recorded vote of the Members shall be taken upon the request of any Member.

(b). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness, shall be under oath.

Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OR HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AUTHORIZING SUBPOENAS

Rule 12. The Chairman may, with the agreement of the Vice Chairman, or the Committee may, by majority vote, authorize the issuance of subpoenas.

AMENDING THE RULES

Rule 13. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee; Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.

Mr. BENNETT. Mr. President, I am proud to join the Senator from Vermont today introduce the Artist-Museum Partnership Act. He and I have introduced this legislation in the past, and we hope that our colleagues will see this bill for what it is: a reasonable solution to an unintentional inequity in our tax code.

This legislation would allow living artist to deduct the fair-market value of their art work when they contribute their work to museums or other public institutions. As the tax code is currently written, art collectors are able to deduct the fair market value of any piece of art they donate to a museum. However, if the artist who created that same piece of work were to donate it, he or she would only be able to deduct the material cost of the work, which may be nothing more than a canvas, a tube of paint, and a wooden frame. Thus, there exists a disincentive for artists to donate their work to museums. The solution is simple: treat collectors and artists the same way. This bill would do just that.

Certainly, this bill would benefit artists, but more importantly, the beneficiaries would be the museums that would receive the art work and the general public who would be able to view it in a timely manner. This change in the tax code would increase the number of original pieces donated to public institutions, giving scholars greater access to an artist's work during the lifetime of that artist, as well as provide for an increase in the public display of such work.

I would like to thank Senator Leahy for his work on this bill. I urge my colleagues to support this common-sense legislation. The fiscal impact of the Artist-Museum Partnership Act on the federal budget would be minimal, but the benefit to our nation's cultural and artistic heritage cannot be overstated. This minor correction to the tax code is long overdue, and the Senate should act on this legislation to remedy the problem.

RULES OF PROCEDURE—BUDGET COMMITTEE

Mr. GREGG. Mr. President, pursuant to rule XXVI, paragraph 2 of the Standing Rules of the Senate, I am submitting for publication in the CONGRESSIONAL RECORD a copy of the Rules of the Senate Committee on the Budget. I ask unanimous consent they be printed in the RECORD.

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

RULES OF THE COMMITTEE ON THE BUDGET, ONE-HUNDRED-NINTH CONGRESS

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chair as the chair deems necessary to expedite committee business.

(2) Each meeting of the committee, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(3) Notice of, and the agenda for, any business meeting or markup shall be provided to each member and made available to the public at least 48 hours prior to such meeting or markup.

II. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

(4)(a) The committee may poll—

(i) internal committee matters including those concerning the committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other committee business that the committee has designated for polling at a meeting, except that the committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, the chair shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule I(2)(a)–(e), then the record of the poll shall be confidential. Any member may move at the committee meeting following a poll for a vote on the polled decision.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking member determine that there is good cause to begin such hearing at an earlier date.

(2) In the event that the membership of the Senate is equally divided between the two parties, the ranking member is authorized to call witnesses to testify at any hearing in an amount equal to the number called by the chair. The previous sentence shall not apply in the case of a hearing at which the committee intends to call an official of the Federal government as the sole witness.

(3) A witness appearing before the committee shall file a written statement of proposed testimony at least 1 day prior to appearance, unless the requirement is waived by the chair and the ranking member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee, who gives notice of an intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

VI. USE OF DISPLAY MATERIALS IN COMMITTEE

Graphic displays used during any meetings or hearings of the committee are limited to the following:

Charts, photographs, or renderings:

Size: no larger than 36 inches by 48 inches.

Where: on an easel stand next to the member's seat or at the rear of the committee room.

When: only at the time the member is speaking.

Number: no more than two may be displayed at a time.

VII. CONFIRMATION STANDARDS AND PROCEDURES

(1) Standards. In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The committee shall recommend confirmation if it finds that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

(2) Information Concerning the Nominee. Each nominee shall submit the following information to the committee:

(a) A detailed biographical resume which contains information concerning education, employment, and background which generally relates to the position to which the individual is nominated, and which is to be made public;

(b) Information concerning financial and other background of the nominee which is to be made public; provided, that financial information that does not relate to the nominee's qualifications to hold the position to which the individual is nominated, tax returns or reports prepared by federal agencies that may be submitted by the nominee shall, after review by the chair, ranking member, or any other member of the committee upon request, be maintained in a manner to ensure confidentiality; and,

(c) Copies of other relevant documents and responses to questions as the committee may so request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office.

(3) Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee may be prepared by the committee staff for the chair, the ranking member and, upon request, for any other member of the committee. The report shall summarize the steps taken and the results of the committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

(4) Hearings. The committee shall conduct a hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she would pursue while in that position. No hearing or meeting to consider the confirmation shall be held until at least 72 hours after the following events have occurred: the nominee has responded to the requirements set forth in subsection (2), and, if a report described in subsection (3) has been prepared, it has been presented to the chairman and ranking member, and is available to other members of the committee, upon request.

RULES OF PROCEDURE—COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ENZI. Mr. President, pursuant to the requirements of paragraph 2 of Senate rule XXVI, I ask unanimous consent to have printed in the RECORD the rules of the Committee on Health, Education, Labor, and Pensions for the 109th Congress adopted by the committee on February 2, 2005.

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

Rule 1.—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD–430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings. The chairman may designate the ranking minority member to preside at hearings of the committee or subcommittee.

Rule 3.—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in

subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is actually present at the time such action is taken.

Rule 5.—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a ''yea and nay'' vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

Rule 8.—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule 9.—The committee or a subcommittee shall require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

Rule 14.—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

Rule 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the committee or a subcommittee for final consideration, the clerk shall place before each member of the committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and in italics, the matter proposed to be added, if a member makes a timely request for such print.

Rule 16.—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication. Unless the chairman and ranking minority member agree on a shorter period of time, the minority shall have no fewer than three business days to prepare supplemental, minority or additional views for inclusion in a committee report from the time the majority makes the proposed text of the committee report available to the minority.

Rule 17.—(a) The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—When the ratio of members on the committee is even, the term ''majority'' as used in the committee's rules and guidelines shall refer to the party of the chairman for purposes of party identification. Numerical requirements for quorums, votes and the like shall be unaffected.

Rule 21.—First degree amendments must be filed with the chairman at least 24 hours before an executive session. The chairman shall promptly distribute all filed amendments to the members of the committee. The chairman may modify the filing requirements to meet special circumstances with the concurrence of the ranking minority member.

Rule 22.—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(m)(1) Committee on Health, Education, Labor, and Pensions, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.
8. Domestic activities of the American National Red Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
11. Individuals with disabilities.
12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.
18. Regulation of foreign laborers.
19. Student loans.
20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

* * * * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance of any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * * * *

GUIDELINES OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

HEARINGS

Section 133A*(a)* of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A*(a)* and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.
2. At least seven days prior to public notice of each committee or subcommittee hearing, the majority should provide notice to the minority of the time, place and specific subject matter of such hearing.
3. At least three days prior to the date of such hearing, the committee or subcommittee should provide to each member a list of witnesses who have been or are proposed to be invited to appear.
4. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposed data for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time,

place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

(a) two copies of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

(b) two copies of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session; and

2. Three days prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or subcommittee (as appropriate) should deliver to each of its members two copies of a Cordon print or an equivalent explanation of changes of existing law proposed to be made by each bill, joint resolution, or other legislative matter to be considered at such executive session.

3. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

HONORING FREDERICK DOUGLASS

Mr. HAGEL. Mr. President, I rise to honor the life of Frederick Douglass as we celebrate his 187th birthday this month. Frederick Douglass was an American who devoted his life to enacting permanent and positive change for all Americans by advocating the abolition of slavery and equal rights for women.

Born into slavery in 1818 and abandoned by his mother, Frederick Douglass rose above a debilitating situation to become one of America's greatest abolitionists and orators. He escaped slavery when he was 20 years old by disguising himself as a sailor. Mr. Douglass traveled north and settled in New Bedford, MA where he discovered the profound impact his oratory and literary talents had on others.

Always believing in himself and taking advantage of every opportunity he could, Frederick Douglass set an example for all Americans by working toward a greater purpose and racial equality. He became a respected advisor to President Lincoln, he traveled extensively in Europe to speak about his experience in America, and he inspired those he encountered to fight for better lives for African Americans and women. We are grateful for Frederick Douglass' life and work.

PITTSBURGH STEELERS AND PHILADELPHIA EAGLES

Mr. SANTORUM. Mr. President, football is a staple in our communities—bringing families and friends together and helping to build connections and affiliations. Fantasy football has taken the game one step further and individuals can now draft their own team and compete weekly for the championship. Fans live and die with their team—they sport their colors, sing their chants, and collect team memorabilia. Personally, I have a Pittsburgh Steelers' ''Terrible Towel'' behind my desk. Most significantly, football gives us a chance to be a part of something bigger than ourselves.

To that end, I was proud to be a Pennsylvanian this football season and to join with others to cheer on the Pittsburgh Steelers and Philadelphia Eagles. Both teams had an outstanding season and did not let their fans down.

The Pittsburgh Steelers, my hometown team, had an incredible season. This was a historic year for the Black and Gold having secured the most wins in Steelers history, the most wins by a rookie quarterback, and the largest home attendance for a Steelers season. They also made an appearance in the AFC championship game.

The Eagles had quite an impressive year as well, capturing the NFC Championship and playing in the Super Bowl.

A day before the big game, Eagles head coach Andy Reid shared his feelings on being a part of the Super Bowl: ''This is what it is all about. You want your football team to have an opportunity to play in the Super Bowl. You're here and you're ready to go. I think every head coach has that goal. We're lucky enough for it to be a reality.''

The Super Bowl is the pinnacle of every football season, and it is impressive that the Eagles made it that far. As I watched the game, it was remarkable to hear the chants of thousands of Eagles fans in Jacksonville shouting, ''Fly Eagles Fly'' and witness the amount of support for the Philadelphia team.

The Eagles had an outstanding Super Bowl game, and despite the outcome of the game, should be proud of their efforts. I join the thousands of Eagles fans and Pennsylvanians in saying that I was proud to have the Eagles representing Pennsylvania in the Super Bowl for the first time since 1981.

What a tremendous season it was to have both Pennsylvania teams make it to their respective conference championships. The spirit and enthusiasm of the fans and the determination of the players on the field this season was an incredible sight to behold. I look forward to next season, when both teams have another chance to represent their respective Pennsylvania cities and win big for their fans.

LOCAL LAW ENFORCEMENT 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 July, an 18-year-old Alabama man was bound, beaten, strangled, cut, and set on fire by his housemates. His decomposed body was found in the woods along a dirt road 4 days after the savage attack. The nature of the wounds suggests that the motive behind the murder was the fact that the victim was gay.

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 that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO CAPTAIN FRANK A. MANSON, 1920–2005

Mr. WARNER. Mr. President, I rise today to commemorate the life of CAPT Frank Albert Manson, an outstanding Virginian who served his country with valor during World War II and the Korean War. While Captain Manson passed from this earth on January 20, he has left an exceptional legacy through his humanitarian vision, his insightful observation of naval conflict, and especially in the hearts of his loving wife, three children, and ten grandchildren. His daughter Jennifer Joy Wilson was a longtime member of my staff and remains a valued advisor.

Born in Oklahoma in 1920, Frank Manson earned a bachelor of science in education from Northeastern Oklahoma State University in 1941. Following 2 years of teaching at the high-school level, he attended officer candidate school at Cornell University and gained his commission for the United States Navy.

Like many other brave young men who answered the call of duty in World War II, then-Lieutenant Manson was sent to combat in the Pacific Theater. Appointed as the communications officer on the USS *Laffey* DD724, he was responsible for providing the media with the detailed accounts that followed the *Laffey*'s triumphant efforts of April 16, 1945. On that fateful day, the ship and its resilient crew outlasted an attack of at least twenty-two Japanese aircraft, the worst offensive endured by any United States ship that remained afloat. While bombs strafed its deck and as many as eight planes crashed into the ship, the *Laffey* responded with courage befitting an American vessel. Eight planes were shot down, and another six were harmed despite the extensive damage inflicted by the enemy forces upon ''the ship that would not die.'' During his briefing with reporters covering the war, the young officer recounted the infamous words of the *Laffey*'s commanding officer, LCDR Julius T. Becton, who had stated so admirably, ''I'll never abandon ship as long as a gun will fire.''

Captain Manson distinguished himself as an excellent writer during and

after his military career. Following his noble service in World War II, Captain Manson was reassigned to the Pentagon. He coauthored three volumes of the Navy's Battle Report Series, the branch's official history of action in the war. Again, during the Korean War, he was called upon for his skills as a historian. Captain Manson traveled on a number of ships and spoke with many of his fellow seamen before co-authoring the exceptional work, ''The Sea War in Korea.'' A thoroughly researched and well written official history of the Navy's role in battle, his book was republished in seven languages and was selected for permanent inclusion in the White House Library. Before retiring from the Navy in 1968, Captain Manson served as Chief Public Affairs NATO Allied Command Europe and Chief of Public Information for the Supreme Allied Commander Atlantic, ADM Thomas Moorer. He was valued as a speechwriter for many naval leaders of the 1950s and '60s, including Admirals Robert Carney, Arleigh Burke, and John S. McCain, Jr. Over the course of his naval career, he assisted in high command policy formulation, strategy, and tactics through his service on the personal staff of fourteen four-star admirals and four chiefs of naval operations.

While he was a courageous sailor and a noteworthy historian, perhaps the best known of Captain Manson's efforts was his idea for the ''Great White Fleet.'' Working from the Pentagon after the Korean War, he reflected upon the poverty and disease that he had encountered as a soldier on the battlefields of World War II. Understanding that the Navy maintained a surplus of vessels, Captain Manson began to investigate previous naval capacities for hospital and auxiliary ships. From his research he developed a concept to create, in his own words, ''an entire fleet of mercy ships grain ships, hospital ships, education ships, power ships—a fleet designed to make the benefits of the free enterprise system available to the entire human race.'' Recognizing his fellow citizens' desire for peace and the willingness of Americans to contribute to ''sensible'' foreign aid, Captain Manson gained resounding support for the fleet in the United States and abroad. Championed by Senators George Aiken and Hubert Humphrey, legislation for the humanitarian ships passed in this chamber, and his vision was realized with the inaugural voyage of Project Hope, a seafaring benefactor of medical care.

Even during his years of retirement, Captain Manson provided his expertise to the American Legion, the Reserve Officers Association, and the Veterans of Foreign Wars. A dedicated family man throughout his life, Captain Manson wrote a children's book to fulfill his grandson's intent curiosity about dinosaurs, and he was the primary caregiver for his wife, Lee, after she was disabled severely following a stroke.

Captain Frank Albert Manson is to be commended for his love of family and his service to our country. I appreciate this opportunity to express my deepest sympathy on the occasion of his passing, and I join with his friends and loved ones in celebrating the remarkable life of this outstanding American.

ADDITIONAL STATEMENTS

RECOGNITION OF NEW NATIONAL BOARD CERTIFIED TEACHERS FROM HAWAII

• Mr. AKAKA. Mr. President, today I congratulate a special group of teachers in the Hawaii Public School System, those who have successfully earned the designation National Board Certified Teacher. During 2004, a new cadre of 24 consummate professionals demonstrated that their teaching practice is consistent with the rigorous requirements for the profession as set by the National Board for Professional Teaching Standards. By demonstrating that their practice meets or exceeds the most rigorous set of standards for a K–12 teacher in the United States, they have successfully achieved National Board Certification. Their achievement brings the number of teachers working in the schools in Hawaii who have attained this prestigious credential to 80.

These dedicated teachers are distributed throughout the educational system of Hawaii. Some teach at the elementary level, some in middle schools, while others teach in high school classrooms. Some teach on Oahu, some are on the Big Island, some work on Maui and others on Kauai. Some teach language arts, some teach math, while others teach other disciplines. Some teach special needs students, a few are generalists, others are specialists, and one is a librarian. But all of them have one thing in common, their dedication to helping the schoolchildren of Hawaii achieve all they can. I am proud to enter their names into the RECORD of this august body.

During the 2004 year the following teachers received the credential: Cynthia Acierto, Kalihi-Kai Elementary School, Oahu; Deborah Anderson, Honokaa High and Intermediate School, Hawaii; Laura Brown, Pearl Ridge Elementary School, Oahu; Lorraine Ching, Lunalilo Elementary School, Oahu; Laurianne Chun, Hawaii Center for the Deaf and Blind, Oahu; Sharon Chun, Maemae Elementary School, Oahu; Scott Fieux, Honokaa Elementary School, Hawaii; Jilda Hoffman, Kailua Intermediate School, Oahu; Michael Ida, Kalani High School, Oahu; Tracey Idica, Aiea High School, Oahu; Shari Kaneshiro, Hokulani Elementary School, Oahu; Patti Laba, Dole Middle School, Oahu; Angela Miyashiro, Hilo High School, Hawaii; Diane Murakami, Kaahumanu Elementary School, Oahu; Sunny Seal-Laplante, Kalanianaole Elementary and Intermediate School, Hawaii; Linda Seals, Wahiawa Middle School, Oahu; Ralph Soderberg, Kealakehe Intermediate School, Hawaii; Lynne Sueoka, Moanalua High School, Oahu; Kimberly Tadaki, Holomua Elementary School, Oahu; Terri Takabayashi, Maemae Elementary School, Oahu; Saundra Takara, Aliamanu Elementary School, Oahu; Joanne Thompson, Kilauea Elementary School, Kauai; Gail Van De Verg, Heeia Elementary School, Oahu; Laurie Waite Flores, Hauula Elementary School, Oahu.

During the 2003 year the following teachers received the credential: Jerri Anderson, Kealakehe High School, Hawaii; Kristilyn Atalig, Holomua Elementary School, Oahu; Cynthia Chun, Kapolei High School, Oahu; Phyllis Clemmer, Keaau Middle School, Hawaii; Colleen Collins, Pahoa Elementary School, Hawaii; Marian Crocco, Alvah Scott Elementary School, Oahu; Denise Darval-Chang, Kailua High School, Oahu; June Davids, Keaau Middle School, Hawaii; Karen DeBrum, Lanai High and Elementary School, Maui; Elizabeth Delyon, Makawao Elementary School, Maui; Laura Fukumoto, Aliamanu Elementary School, Oahu; Jonathan Gillentine, Benjamin Parker Elementary School, Oahu; Nancy Graf, Kapaa Middle School, Kauai; Maria Hawkins, Kaimiloa Elementary School, Oahu; Phyllis Ida, Windward District Office, Oahu; Michael Kline, Kalaheo Elementary School, Kauai; Roberta Kokx, Kihei Elementary School, Maui; Hennan Leong, Radford High School, Oahu; Sandra Linskey, Castle High School, Oahu; Judy Locke, Kihei Elementary School, Maui; Michael Oliver, Baldwin High School, Maui; Liane Otani-Nakagawa, Kihei Elementary School, Maui; Cristina Rathyenn, Moanalua High School, Oahu; Carol Seielstad, Hanalei Elementary School, Kauai; Cherie Synnott, Pearl Harbor Elementary School, Oahu; Maria Vasquez, Waialua Elementary School, Oahu; Anna Fern White, Kohala High School, Hawaii; Kara Yasui, Holomua Elementary School, Oahu.

During the 2002 year the following teachers received the credential: Rena Arakawa, Kaahumanu Elementary School, Oahu; Carla Brooks, Roosevelt High School, Oahu; Dewey Gottlieb II, Pearl City High School, Oahu; Jamie Hamada, Barbers Point Elementary School, Oahu; Leslie Hamasaki, Kalani High School, Oahu; Loraine Hotoke, Liholiho Elementary School, Oahu; Sandra Kaneshiro, Central Middle School, Oahu; Carolyn Kirio, Kaolei High School, Oahu; Kalen Kitagawa, Waialua Elementary School, Oahu; Sandra Maruyaba, Leilehua High School, Oahu; Patricia Miyahira, Leeward District Office, Oahu; Jami Muranika, Kaimuki High School, Oahu; Karen Muronaga, Lincoln Elementary School, Oahu; Kathleenl Nagaji, Pearl Ridge Elementary School, Oahu; Pascale Pinner, Hilo Intermediate School, Hawaii; Anne Torige, Kaimuki

High School, Oahu; Julie Tomomitsu, Maemae Elementary School, Oahu; Jenny Wells, Windward District Office, Oahu; Julia Williams, Hawaii District Office, Hawaii.

During the 2001 year the following teachers received the credential: Lisa Houston, Iliaha Elementary, Oahu; Teresa Tugadi, Pohakea Elementary School, Oahu; Lisa Yanase, Waialua Elementary School, Oahu.

During the 2000 year the following teachers received the credential: Jill Hirota, Waialua Elementary School, Oahu; Bess Anne Jennings, Hawaii District Office, Hawaii; Charlene Miyashiro, Waiakeawaena Elementary School, Hawaii.

During the 1999 year the following teachers received the credential: Derek Minafami, Kailua High School, Oahu; Tammie Reynolds, Mililani High School, Oahu.

During the 1998 year the following teacher received the credential: Linda Sciaroi, Chiefess Kamakahelie Middle School, Kauai.

I offer my heartfelt congratulations to them all. They have worked very hard to earn the designation, National Board Certified Teacher.

The National Board for Professional Teaching Standards, the organization that confers this designation, is a teacher-led association, which grants national certification to a teacher only after a long and very comprehensive process. It requires the preparation and submission of a portfolio featuring videotaped classroom presented lessons, including a written analysis of the lesson, lesson plans and student work samples. The teacher must also submit written discussion, analysis, and reflective commentaries concerning other curriculum used in the classroom. A third component of the portfolio includes records of activities benefiting the larger school community, including families and activities that help to improve the teaching profession. The candidate has 3 years to complete these activities, although most complete this portfolio during one school year. Also required for this certification is successful completion of a rigorous set of examinations assessing the content knowledge of the teacher. This is a very arduous process. But in Hawaii help is available. The Hawaii Teacher Standards Board, along with the Hawaii State Teachers Association, provides support groups for teachers undertaking this process. These sessions are held on the islands of Oahu, Maui, Kauai and the Big Island, and they provide a support network for the candidates as they go through the process. Most often this will be a facilitator, a teacher who has already earned the designation of National Board Certified Teacher. It is also a place to meet with other teachers undergoing the process, support each other, and sometimes to commiserate. This support goes a long way in making this very difficult process doable.

National Board Certification does not replace the teacher licensure requirements as maintained by the Hawaii Teacher Standards Board, but identifies the recipient as an exemplary practitioner, someone at the top of his or her profession. It signifies the teacher as someone who is a recognized leader in the art and science of teaching. And research has shown time and again that students in classrooms with National Board Certified Teachers show larger gains on assessments than do students in classrooms not staffed with nationally certified teachers. It is the only nationally based teacher evaluation and certification program to successfully undergo a rigorous scientifically based set of evaluations, and to show improved results for the students. I am very proud to honor these newly recognized teachers.

At a time when the country is working to improve education, when the No Child Left Behind Act is demanding a highly qualified teacher in every classroom, where schools, district and states are under the gun to make adequate yearly progress, where increasingly students must demonstrate achievement as measured by a high stakes test to graduate from high school, where districts and States are working to find, hire and retain professionals in this very difficult field, and where research has shown the ability of the classroom teacher is the most important factor affecting the learning of the students, I am proud to say to these newly certified teachers ''Well Done,'' and ''Mahalo Nui Loa.''●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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.)

MESSAGE FROM THE HOUSE

At 12:30 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. 418. An act to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 6. Concurrent resolution expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

H. Con. Res. 26. Concurrent resolution honoring the Tuskegee Airmen for their bravery in fighting for our freedom in World War II, and for their contribution in creating an integrated United States Air Force.

H. Con. Res. 30. Concurrent resolution supporting the goals and ideals of National Black HIV/AIDS Awareness Day.

The message further announced that pursuant to 22 U.S.C. 1928a, 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 Group of the North Atlantic Assembly: Mr. HEFLEY of Colorado, Chairman, Mr. BURTON of Indiana, Vice Chairman, Mr. REGULA of Ohio, Mr. GILLMOR of Ohio, Mr. EHLERS of Michigan, Mr. BILIRAKIS of Florida, Mr. SHIMKUS of Illinois, and Mr. REYNOLDS of New York.

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–703. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Certification Procedures for Products and Parts; Type Certificates; Issue of Type Certificate; Surplus Aircraft of Armed Forces; Correcting Amendment'' (RIN2120–ZZ70) received on February 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–704. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Standards: Transport Category Rotorcraft; Equipment: Flight and Navigation Instruments; Correction'' (RIN2120–ZZ71) received on February 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalty Assessment Procedures; Correction and Technical Amendment'' (RIN2120–AE84) received on February 8, 2005; to the Committee on Commerce, Science, and Transportation.

EC–706. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Sea Scallop and Northeast Multispecies Fishery; Framework 16 and 39'' (RIN0648–AR55) received on February 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–707. A communication from the Director, Fish and Wildlife Service, Department of

the Interior, transmitting, pursuant to law, the 2001 and 2002 annual reports compiled by the United States Fish and Wildlife Service on reasonably identifiable expenditures for the conservation of endangered and threatened species by Federal and State agencies received on December 17, 2004; to the Committee on Environment and Public Works.

EC–708. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a corrected version that replaces the reports received on December 17, 2004 of the 2001 and 2002 annual reports compiled by the United States Fish and Wildlife Service on reasonably identifiable expenditures for the conservation of endangered and threatened species by Federal and State agencies received on February 8, 2005; to the Committee on Environment and Public Works.

EC–709. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2005 and 2006 Summer Flounder Specifications; 2005 Scup and Black Sea Bass Specifications'' (RIN0648–AR51) received on February 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–710. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final 2005, 2006 and 2007 Fishing Quotas for Atlantic Surfclams, Ocean Quahogs, and Maine Mahogany Ocean Quahogs'' (RIN0648–AR52) received on February 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–711. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report dated December 30, 2004 entitled ''Assistance Provided to Foreign Aviation Authorities for FY 2004'', received on February 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–712. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes to Implement the Patent Fee Related Provisions of the Consolidated Appropriations Act, 2005'' received on February 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–713. A communication from the Deputy Chief Acquisition Officer, Director for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Final Scientific and Technical Reports—SBIR and STTR Contracts'' (RIN2700–AD04) received on February 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–714. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Bluefin Tuna Fisheries; Fishery reopening; quota transfer'' (I.D. 122704C) received on February 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–715. 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 ''Implementation of the Understandings Reached at the June 2004 Australia Group (AG) Plenary Meeting and Through a Subsequent AG Intersessional Decision; Clarifications to the Scope of ECCNs 1A004, 1A994, and 2B351; Corrections to Country Group D and ECCNs 1C355, 1C395, and 1C995; Additions to the List of States Parties to the Chemical Weapons Convention'' (RIN0694–AD25) received February 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–716. A communication from 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 Control Classification Number (ECCN) 2B351 to Conform with the Australia Group (AG) (Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology)'' (0694–AD16) received on February 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–717. A communication from the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a report entitled ''Buckle Up America: The National Initiative for Increasing Safety Belt Use'' received February 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–718. A communication from the Attorney Advisor, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Federal Railroad Administrator, received on February 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–719. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Secretary, received February 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–720. A communication from the Attorney Advisor, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Federal Railroad Administrator, received on February 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–721. A communication from the Director, Office of White House Liaison, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Import Administration, received on February 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–722. A communication from the Director, Office of White House Liaison, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary for Industry and Security, received on February 7, 2005; to the Committee on Commerce, Science, and Transportation.

EC–723. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report stating that the Coast Guard implemented no new rules concerning the Edible Oil Regulatory Reform Act, received on January 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–724. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report of two violations of the Anitdeficiency Act as required by U.S. Code, Title 31, Section 1351, received on January 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–725. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the National Transportation Safety Board's appeal letter to the Office of Management and Budget regarding the initial determination of the Board's fiscal year 2006 budget request, received on January 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–726. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, a report on Fiscal Year 2004 Competitive Sourcing Efforts, received on January 25, 2005; to the Committee on Commerce, Science, and Transportation.

EC–727. A communication from the Congressional Review Coordinator, APHIS, Department of Agriculture transmitting the Department's final rule—Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities [Docket No. 03–080–3] (RIN 0579–AB73). Referred to the Committee on Agriculture, Nutrition, and Forestry on January 6, 2005, inadvertently attached to 109ec00017, and therefore not individually noted at that time.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LOTT, from the Committee on Rules and Administration, without amendment:

S. Res. 49. An original resolution authorizing expenditures by the Committee on Rules and Administration.

S. Res. 50. An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2005, through September 30, 2005, October 1, 2005, through September 30, 2006, and October 1, 2006, through February 28, 2007.

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. DODD:

S. 369. A bill to establish protections against compelled disclosure of sources, and news information, by persons providing services for the news media; to the Committee on the Judiciary.

By Mr. LOTT (for himself, Mr. ALLARD, Mr. COCHRAN, Mr. DEMINT, Mr. HATCH, Mr. SESSIONS, Mr. THUNE, and Mr. WARNER):

S. 370. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, and Ms. MIKULSKI):

S. 371. A bill to provide for college quality, affordability, and diversity, and for other purposes; to the Committee on Finance .

By Mr. LEAHY (for himself, Mr. BENNETT, Mr. BINGAMAN, Ms. CANTWELL, Mr. COCHRAN, Mr. CONRAD, Mr. DODD, Mr. DURBIN, Mr. JEFFORDS , Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mr. LUGAR, Mr. STEVENS, and Mr. WARNER):

S. 372. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literacy, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. HARKIN:

S. 373. A bill to amend the Farm Security and Rural Investment Act of 2002 to provide for a program to develop and demonstrate the cost-effective operation of a fleet of renewable hydrogen passenger vehicles; to the Committee on Energy and Natural Resources.

By Mr. THUNE (for himself and Mr. JOHNSON):

S. 374. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Indian Affairs.

By Mr. CONRAD (for himself, Mr. THOMAS, Mr. BAUCUS, Mr. SALAZAR, Mr. JOHNSON, Mr. DORGAN, Mr. REID, Mr. BINGAMAN, and Mr. DOMENICI):

S.J. Res. 4. A joint resolution providing for congressional disapproval of the rule submitted by the Department of Agriculture under chapter 8 of title 5, United States Code, relating to risk zones for introduction of bovine spongiform encephalopathy; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LOTT:

S. Res. 49. An original resolution authorizing expenditures by the Committee on Rules and Administration; from the Committee on Rules and Administration; placed on the calendar.

By Mr. LOTT:

S. Res. 50. An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2005, through September 30, 2005, October 1, 2005, through September 30, 2006, and October 1, 2006, through February 28, 2007; from the Committee on Rules and Administration; placed on the calendar.

By Mrs. FEINSTEIN:

S. Res. 51. A resolution recognizing the importance of the writings of Dashiell Hammett to American literature and culture on the 75th anniversary of the first publication of ''The Maltese Falcon''; considered and agreed to.

By Mrs. CLINTON (for herself and Mr. LEVIN):

S. Res. 52. A resolution honoring Shirley Chisholm for her service to the Nation and expressing condolences to her family, friends, and supporters on her death; considered and agreed to.

By Mr. ALLARD:

S. Res. 53. A resolution demanding the return of the USS Pueblo to the United States Navy; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. LUGAR, Mr. DODD, and Mr. BIDEN):

S. Res. 54. A resolution paying tribute to John Hume; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. KYL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 7, a bill to increase American jobs and economic growth by making permanent the individual income tax rate reductions, the reduction in the capital gains and dividend tax rates, and the repeal of the estate, gift, and generation-skipping transfer taxes.

S. 37

At the request of Mrs. HUTCHISON, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

At the request of Mrs. FEINSTEIN, the names of the Senator from California (Mrs. BOXER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 37, supra.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 98

At the request of Mr. ALLARD, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 183

At the request of Mr. GRASSLEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 183, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 236

At the request of Mr. NELSON of Nebraska, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 236, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 271

At the request of Mr. MCCAIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 271, a bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes.

S. 285

At the request of Mr. BOND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 285, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 304

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. DODD) 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.

S. 306

At the request of Ms. SNOWE, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 306, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 314

At the request of Mr. CORNYN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 314, a bill to protect consumers, creditors, workers, pensioners, shareholders, and small businesses, by reforming the rules governing venue in bankruptcy cases to combat forum shopping by corporate debtors.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor 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.

S. 339

At the request of Mr. REID, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 339, a bill to reaffirm the authority of States to regulate certain hunting and fishing activities.

S. 340

At the request of Mr. LUGAR, the names of the Senator from Connecticut (Mr. DODD) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 340, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 348

At the request of Mr. SANTORUM, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 348, a bill to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act, and for other purposes.

S. 351

At the request of Mr. KENNEDY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 351, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program.

S. 358

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a

cosponsor of S. 358, a bill to maintain and expand the steel import licensing and monitoring program.

S. 361

At the request of Ms. SNOWE, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 361, a bill to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, enhance homeland security, support maritime operations, and for other purposes.

S. CON. RES. 8

At the request of Mr. SARBANES, the name of the Senator from Massachusetts (Mr. KERRY) 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.

S. RES. 40

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 40, a resolution supporting the goals and ideas of National Time Out Day to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. DODD, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, and Ms. MIKULSKI):

S. 371. A bill to provide for college quality, affordability, and diversity, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it should be our common purpose to extend the promise of a quality education to all from birth through college. The strength, security, and future of our Nation lie in the education and character of our people.

Every student with the talent, desire, and drive to go to college should be able to go to college, unstopped by inability to pay.

Jobs requiring post-secondary education are expected to account for over 40 percent of total job growth over the next decade. Workers with a bachelor's degree earn $1 million more over a lifetime than workers without a degree.

But only 40 percent of whites, 30 percent of African Americans, and 16 percent of Latinos age 18 to 24 attend college. Just as unsettling, is that over 40 percent of those who do attend college fail to earn a bachelor's degree within 6 years of their initial enrollment, and for minorities the percentage is far worse.

We have to do more to help qualified students attend and finish college unburdened by crushing debt, and we must do more to help colleges train more and better teachers so that future college students are better prepared.

Today, along with Democratic colleagues on the Health, Education, Labor and Pensions Committee, I am introducing the College Quality, Affordability, and Diversity Improvement, QUAD, Act of 2005 to highlight our proposals to extend college opportunity.

First and foremost, our bill helps more needy and middle class students be able to attend college. It increases the maximum Pell grant by $1,000 next year in order to keep pace with tuition increases. It doubles the maximum Hope Scholarship Tax Credit, makes it available for 4 years of education instead of the current 2, and makes it refundable.

Our bill helps alleviate student debt burden by eliminating origination fees on subsidized loans. It enables over 5 million borrowers with consolidated loans to refinance their loans just as they would a home mortgage to take advantage of lower interest rates.

Our bill provides a new incentive to colleges to go into the Direct Loan program. The Direct Loan program saves the government and taxpayers money—11 cents on every dollar lent, according to the President's latest budget and Congressional Budget Office estimates. Under this bill, no one is forced into the Direct Loan program, but colleges in that cost-efficient program will get more funding dedicated to helping needy students. If private lenders are inspired to match or beat Direct Loan program associated benefits with their ''school as lender'' program, so be it. Either way, this proposal is a win for colleges, students and taxpayers.

Our bill provides increased support for minority and first-generation college students through increased funding for successful programs such as TRIO and GEAR Up, as well as support for minority-serving institutions. It also creates a new program to help ensure poor and minority students stay in and finish college.

To help meet our goal under No Child Left Behind to ensure a qualified teacher in every classroom, the bill expands and strengthens programs to recruit, train, and retain highly qualified teachers, paraprofessionals, principals, and superintendents.

Because of the high costs of higher education for everyone, and because each individual's private interest in a college education is in our common interest, our bill works to help both low-income and hard-pressed middle income families send their children to college and graduate.

I hope the majority will look carefully at all the proposals contained in this legislation to see where we can find common ground.

We should all commit that cost will never be a barrier to a college degree. Just as Social Security is a promise to senior citizens, we should make ''education security'' a promise to every young American. If you work hard, if you finish high school, if you are admitted to a college, we will guarantee that you can afford the cost of college education.

That should be a goal we can all agree on.

By Mr. LEAHY (for himself, Mr. BENNETT, Mr. BINGAMAN, Ms. CANTWELL, Mr. COCHRAN, Mr. CONRAD, Mr. DODD, Mr. DURBIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mr. LUGAR, Mr. STEVENS, and Mr. WARNER):

S. 372. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

Mr. LEAHY. Mr. President, I rise today again with Senator BENNETT to introduce the ''Artist-Museum Partnership Act.'' This bipartisan legislation will enable our country to keep cherished art works in the United States and to preserve them in our public institutions, while erasing an inequity in our tax code that currently serves as a disincentive for artists to donate their works to museums and libraries. This is the same bill we introduced the past three Congresses. It was also included in the Senate-passed version of the President's 2001 tax cut bill, and in the Senate-passed version of the 2003 Charity Aid, Recovery, and Empowerment, CARE, Act. I would like to thank Senators BINGAMAN, CANTWELL, COCHRAN, CONRAD, DODD, DURBIN, JEFFORDS, KENNEDY, KERRY, LIEBERMAN, LUGAR, STEVENS and WARNER for cosponsoring this bipartisan bill.

Our bill is sensible and straightforward. It would allow artists, writers, and composers who donate works to museums and libraries to take a tax deduction equal to the fair market value of the work. This is something that collectors who make similar donations are already able to do. Under current law, artists who donate self-created works are only able to deduct the cost of supplies such as canvas, pen, paper and ink, which does not even come close to their true value. This is unfair to artists and it hurts museums and libraries—large and small—that are dedicated to preserving works for posterity. If we as a nation want to ensure that art works created by living artists are available to the public in the future—for study or for pleasure—this is something that artists should be allowed to do.

In my State of Vermont, we are incredibly proud of the great works produced by hundreds of local artists who choose to live and work in the Green Mountain State. Displaying their creations in museums and libraries helps

develop a sense of pride among Vermonters and strengthens a bond with Vermont, its landscape, its beauty, and its cultural heritage. Anyone who has contemplated a painting in a museum or examined an original manuscript or composition, and has gained a greater understanding of both the artist and the subject as a result, knows the tremendous value of these works. I would like to see more of them, not fewer, preserved in Vermont and across the country.

Prior to 1969, artists and collectors alike were able to take a deduction equivalent to the fair market value of a work, but Congress changed the law with respect to artists in the Tax Reform Act of 1969. Since then, fewer and fewer artists have donated their works to museums and cultural institutions. The sharp decline in donations to the Library of Congress clearly illustrates this point. Until 1969, the Library of Congress received 15 to 20 large gifts of manuscripts from authors each year. In the four years following the elimination of the deduction, the Library received only one such gift. Instead, many of these works have been sold to private collectors and are no longer available to the general public.

For example, prior to the enactment of the 1969 law, Igor Stravinsky planned to donate his papers to the Music Division of the Library of Congress. But after the law passed, his papers were sold instead to a private foundation in Switzerland. We can no longer afford this massive loss to our cultural heritage. Losses like this are an unintended consequence of the 1969 tax bill that should now be corrected.

Congress changed the law for artists more than 30 years ago in response to the perception that some taxpayers were taking advantage of the law by inflating the market value of self-created works. Since that time, however, the government has cut down significantly on the abuse of fair market value determinations. Under this legislation, artists who donate their own paintings, manuscripts, compositions, or scholarly compositions would be subject to the same new rules that all taxpayer/collectors who donate such works must now follow. This includes providing relevant information as to the value of the gift, providing appraisals by qualified appraisers, and, in some cases, subjecting them to review by the Internal Revenue Service's Art Advisory Panel.

In addition, donated works must be accepted by museums and libraries, which often have strict criteria in place for works they intend to display. The institution must certify that it intends to put the work to a use that is related to the institution's tax exempt status. For example, a painting contributed to an educational institution must be used by that organization for educational purposes and could not be sold by the institution for profit. Similarly, a work could not be donated to a hospital or other charitable institution that did not intend to use the work in a manner related to the function constituting the recipient's exemption under Section 501 of the tax code. Finally, the fair market value of the work could only be deducted from the portion of the artist's income that has come from the sale of similar works or related activities.

This bill would also correct another disparity in the tax treatment of self-created works—how the same work is treated before and after an artist's death. While living artists may only deduct the material costs of donations, donations of those same works after death are deductible from estate taxes at the fair market value of the work. In addition, when an artist dies, works that are part of his or her estate are taxed on the fair market value.

The Joint Committee on Taxation has previously estimated that our bill would cost $50 million over 10 years. This is a moderate price to pay for our education and the preservation of our cultural heritage.

I want to thank my colleagues again for cosponsoring this bipartisan legislation. The time has come for us to correct an unintended consequence of the 1969 law and encourage rather than discourage the donations of art works by their creators. This bill will make a critical difference in an artist's decision to donate his or her work, rather than sell it to a private party where it may become lost to the public forever. Mr. President, 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. 372

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Artist-Museum Partnership Act''.

SEC. 2. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, OR ARTISTIC COMPOSITIONS.—

''(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

''(i) the amount of such contribution shall be the fair market value of the property contributed (determined at the time of such contribution), and

''(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

''(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

''(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

''(ii) the taxpayer—

''(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

''(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

''(iii) the donee is an organization described in subsection (b)(1)(A),

''(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under subsection (c)),

''(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

''(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

''(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

''(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

''(C) MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

''(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

''(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

''(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

''(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

''(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

''(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

''(F) COPYRIGHT TREATED AS SEPARATE PROPERTY FOR PARTIAL INTEREST RULE.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.

By Mr. HARKIN:

S. 373. A bill to amend the Farm Security and Rural Investment Act of 2002 to provide for a program to develop and demonstrate the cost-effective operation of a fleet of renewable

hydrogen passenger vehicles; to the Committee on Energy and Natural Resources.

Mr. HARKIN. Mr. President, over the past several years, among the most challenging issues for this Congress has been reform of the Nation's energy policy.

Despite rising fuel costs and growing dependence on imported oil, despite evidence of global warming and concerns about the quality of our air and water, despite all the recent advances in renewable energy technology, we hobble along on an energy policy that is more than a decade out of date.

Fortunately, there are several initiatives in energy policy on which there is wide bipartisan support.

Perhaps the best example of an idea on which there is solid agreement is the importance of developing our hydrogen economy.

Hydrogen has the potential to transform completely the way we think of transportation, with vehicles that consume no foreign oil, spew no smog, no toxic emissions, and zero greenhouse gases. But only if we make it the right way.

You see, to get energy out of hydrogen, first you have to make it. And the way we make it is going to make all the difference to our energy future.

Right now, the main way we make hydrogen is from natural gas.

Natural gas is a clean-burning fuel, but its price is volatile. And as a fossil fuel, it is a finite resource and releases carbon dioxide and other greenhouse gases when burned.

Ultimately, we hope to form hydrogen from pollution-free water, using wind or solar energy to extract the hydrogen—the H2—from the H2O. But this technology is still too expensive to make a significant contribution to our energy needs today.

Thanks to research at some of the country's leading institutions, including those in my state of Iowa, a cost-effective technology is now available to produce hydrogen from another clean, renewable energy source: one that we grow right here at home.

Hydrogen can now be formed from ethanol made entirely from corn and other agricultural products grown right here on American farms.

Ethanol is an increasingly important source of fuel. It is made from corn and other agricultural products from farms throughout the Midwest and increasingly in other parts of the country. It is manufactured in plants scattered across rural America, and has become one of the most important value-added enterprises for our rural economies.

Today, ethanol is made from corn, as well as from crop residues, stalks, and other low-cost biomass.

By blending ethanol into conventional gasoline we reduce our dependence on foreign oil, support rural economies, and make a cleaner-burning fuel. But even blended fuel produces some pollution, and we still depend on imported oil for the gasoline component.

A vital next step is to begin using ethanol to make hydrogen. Hydrogen from ethanol produces little in the way of pollution. Whatever carbon dioxide is released gets absorbed by next year's crop as it grows; and it's possibly the most economical way to make renewable hydrogen for the foreseeable future.

Imagine hydrogen ''Made in the USA'' from crops ''Grown in the USA'' with generating facilities in rural communities in desperate need of jobs and economic growth.

So why aren't all of our cars being converted to run on renewable farm-based hydrogen? As we all know, the fuel cells needed to convert that hydrogen efficiently into usable energy are still years from being commercially ready.

However, hydrogen-powered internal combustion hybrid electric engines have been developed that can achieve over 90 percent of the environmental benefits and 100 percent of the reduced oil import benefits of fuel cells, and this technology is ready for demonstration right now.

American businesses are ready to show the world that hydrogen can be produced from clean, farm-based renewable sources, and that renewable hydrogen can be used as a fuel for our cars and trucks.

As we debate the bigger picture of our Nation's energy policy, we have the opportunity to make a small investment with huge potential.

Now is the time for a renewable hydrogen transportation demonstration program.

I am introducing the Renewable Hydrogen Passenger Vehicle Act of 2005 to provide a testing ground for renewable farm-based hydrogen transportation technology. We need to get renewable hydrogen production out into fueling stations, where it can be put through its paces, analyzed and improved for the day when fuel cells arrive, so we can supply our fuel cells with clean, renewable hydrogen right from day one.

This bill would authorize $5 million over three years to develop and demonstrate the cost-effective operation of a small hydrogen-from-ethanol reformer and a fleet of at least 10 internal combustion hybrid electric vehicles converted to run on that hydrogen.

The program would allow investors, manufacturers and entrepreneurs to see first-hand that clean renewable hydrogen can be cost-effectively produced from farm-based fuels; that the technology to run our vehicles on renewable hydrogen is here and ready to deploy; and that renewable hydrogen is ready for the day that fuel cell vehicles arrive in local showrooms.

The successful demonstration will help stimulate development of hydrogen fueling systems at existing gasoline fueling stations to convert ethanol to hydrogen onsite, thereby significantly accelerating the adoption of super-clean domestic renewable hydrogen as an alternative to gasoline made from imported oil.

It includes monitoring of emissions and fuel economy data, quick start-up and rapid deployment—all for a tiny fraction of the funds already being invested in fuel cell research.

This is not a large or costly initiative, but it is one that has the potential to take us a big step towards a clean, renewable hydrogen-based economy. 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. 373

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Renewable Hydrogen Passenger Vehicle Act of 2005''.

SEC. 2. RENEWABLE HYDROGEN TRANSPORTATION DEMONSTRATION PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) reductions in local air pollution, greenhouse gas emissions, and oil imports resulting from the introduction of vehicles with gasoline-powered internal combustion hybrid electric engines will be only temporary, as improved fuel economy of the hybrid vehicles is offset by increases in vehicle miles traveled;

(2) direct substitution of farm-based renewable fuels for gasoline in gasoline-powered internal combustion hybrid electric engines will result in further reductions in local air pollution, greenhouse gas emissions, and oil imports;

(3) for permanent reductions in criteria pollutants, greenhouse gas emissions, and oil imports, Congress should establish as a national goal the development of renewable hydrogen as a clean effective energy carrier;

(4) the development of vehicles powered by hydrogen derived from domestic renewable resources such as ethanol, energy crops, agricultural waste, landfill gas, municipal solid waste, wind power, and solar electricity, will—

(A) substantially and permanently reduce local air pollution and greenhouse gas emissions;

(B) improve the energy security of the United States; and

(C) create domestic jobs;

(5) notwithstanding paragraph (4), as of the date of enactment of this Act, the fuel cell technology required to make the most efficient use of renewable hydrogen is too costly and has not achieved the reliability necessary for consumer acceptance in the near term;

(6) in the near term (before affordable and reliable fuel cell vehicles are developed), hydrogen-powered internal combustion engine hybrid electric vehicles have been developed that can achieve more than 90 percent of the environmental benefits and 100 percent of the oil import reduction benefits of fuel cell vehicles;

(7) in addition to robust research and development for fuel cell vehicles, a program to develop and demonstrate renewable hydrogen production and distribution technology is justified;

(8) reforming ethanol at a vehicle fueling station may be the least costly method of producing renewable hydrogen;

(9) a low cost renewable hydrogen vehicle demonstration program that will yield valuable information regarding an interim transition strategy of using hydrogen-powered internal combustion engine hybrid electric

vehicles to pave the way for fuel cell vehicles once fuel cell vehicles become affordable and reliable can be implemented in 1 year; and

(10) the introduction of commercial hydrogen internal combustion engine hybrid electric vehicles can provide the economic incentives to help stimulate development of hydrogen fueling systems at existing gasoline fueling stations to convert ethanol to hydrogen onsite, thereby significantly accelerating the adoption of super-clean renewable hydrogen as an alternative to gasoline made from imported crude oil.

(b) PROGRAM.—Section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107) is amended by adding at the end the following:

''(c) DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Secretary of Energy, in coordination with the Secretary, shall conduct a 3-year program to develop and demonstrate the cost-effective operation of a fleet of at least 10 direct hydrogen passenger vehicles based on existing commercial technology under which the hydrogen is derived from ethanol or other domestic low-cost transportable renewable feedstocks.

''(2) GOALS.—The goals of the program shall include—

''(A) demonstrating the cost-effective conversion of ethanol or other low-cost transportable renewable feedstocks to pure hydrogen suitable for eventual use in proton exchange membrane fuel cell vehicles at 1 or more local fueling stations, including hydrogen compression and storage necessary to fill vehicle tanks to their operational pressure, using existing commercial reforming technology or modest modifications of existing technology to reform ethanol or other low-cost transportable renewable feedstocks into hydrogen;

''(B) converting 10 or more commercially available internal combustion engine hybrid electric passenger vehicles to operate on hydrogen;

''(C) installing and operating an ethanol reformer or reformer of another low-cost transportable renewable feedstock (including onsite hydrogen compression, storage, and dispensing) at the facilities of a fleet operator not later than 1 year after commencement of the program;

''(D) operating the 10 or more hydrogen internal combustion engine hybrid electric vehicles for a period of 2 years; and

''(E) collecting emissions and fuel economy data on the 10 hydrogen-powered vehicles over various operating conditions and weather conditions.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000.''.

By Mr. THUNE (for himself and Mr. JOHNSON):

S. 374. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Indian Affairs.

Mr. THUNE. Mr. President, I rise today to introduce the Tribal Parity Act. I am proud to be joined by my colleague from South Dakota, Senator JOHNSON, in introducing this legislation.

Several Indian tribes that border the Missouri River in South Dakota have been compensated for damage to their tribal lands caused by Pick-Sloan projects. Unfortunately, the compensation provided to those tribes has not been consistent. This legislation will allow the Lower Brule and Crow Creek Sioux Tribes to be fairly compensated.

The Tribal Parity Act passed the Senate three times during the 108th Congress, after being reported out of the Indian Affairs Committee without objection. This legislation has also been endorsed by the Governor of my home State, Governor Rounds, and a similar bill has been introduced in the U.S. House of Representatives.

I am committed to working with my colleagues to get this compensation for the Lower Brule and Crow Creek Sioux Tribes. I hope we can pass it in an expeditious manner and send it to the House for timely consideration.

By Mr. CONRAD (for himself, Mr. THOMAS, Mr. BAUCUS, Mr. SALAZAR, Mr. JOHNSON, Mr. DORGAN, Mr. REID, Mr. BINGAMAN, and Mr. DOMENICI):

S.J. Res. 4. A joint resolution providing for congressional disapproval of the rule submitted by the Department of Agriculture under chapter 8 of title 5, United States Code, relating to risk zones for introduction of bovine spongiform encephalopathy; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CONRAD. Mr. President, today I am introducing a resolution pursuant to the Congressional Review Act to disapprove of the final rule promulgated by USDA that designates Canada as a Minimal-Risk Region for Bovine Spongiform Encephalopathy or BSE.

I am taking this action because opening our border to Canadian cattle imports at this time is premature. Allowing the BSE rule to go forward could have very serious consequences for the human and animal health in this country. Reopening the border poses serious economic risks for the U.S. cattle industry. And it complicates our efforts to reopen export markets.

BSE is an extremely dangerous disease. After BSE was first identified in England in 1986, Europe was forced to destroy millions of head of cattle. And, around the world, dozens of human deaths from Creutzfeld—Jacob's Disease have since been linked to BSE. So we must be very careful before we consider opening our border to imports from a country known to have BSE.

Since the European outbreak, scientists from around the world have been engaged in efforts to learn more about the disease. They have developed methods to test, control, and eradicate BSE. Through the International Organization for Animal Health, known as the OIE, experts have designed science-based standards for the safe trade of beef products and live cattle from countries that have or may have BSE. In particular, because BSE is transmitted through livestock feed contaminated with animal proteins containing BSE, it is critical that countries adopt measures to ensure that animal proteins and other specified risk materials are not present in cattle feed.

Unfortunately, the USDA does not appear to have fully followed OIE guidelines in developing its rules. Moreover, with respect to Canada, USDA has not done a thorough evaluation to ensure that Canada's cattle feed is not contaminated with animal proteins.

The United States has appropriately blocked cattle imports from Canada since Canada confirmed its first indigenous case of BSE in May of 2003. Concerns were only heightened when BSE was confirmed in a dairy cow of Canadian origin in Washington State in December of 2003. This case resulted in many important U.S. trading partners banning the importation of U.S. cattle and beef products—a situation that continues today with regard to some of our most important customers.

So it is very important that USDA move slowly and deliberately and evaluate all possible risks before reopening the border to Canadian cattle.

But the USDA rule does not do this. In particular, Canada has not effectively implemented measures to contain and control BSE for 8 years, as required by the OIE. Moreover, USDA has applied a very loose and flexible interpretation to the specific recommendations developed by the OIE.

Since USDA announced its proposed final rule designating Canada as a Minimum-Risk Region for BSE, Canada has confirmed two additional BSE cases. The most recent one is particularly disturbing because it involves a cow born several months after Canada implemented its ban on animal proteins in cattle feed. This raises serious questions about whether the Canadian feed ban is being effectively enforced.

These questions are only reinforced by other evidence of lax enforcement in Canada.

For example, numerous Canadian newspapers have reported that Canadian Food Inspection Agency tests indicate a disturbingly high level of noncompliance with Canada's overall livestock feed regulations.

An article in the Vancouver Sun indicates that secret tests found animal proteins that violated Canada's feed regulations in 41 of 70 Canadian feed samples. More than half of these ''vegetarian'' feed samples contained animal proteins. More than half. Clearly, feed regulation compliance in Canada is not up to par.

Since October, 2003, our own Food and Drug Administration has issued 19 import alerts concerning imported Canadian feed products that are contaminated with illegal animal proteins. Eight of those import alerts against Canadian livestock feed manufacturers are still in force.

Finally, Canada has recently issued new rules to further restrict the Use of animal proteins in livestock feed as well as in fertilizer. Canada's own justification for tightening its regulations is to reduce the potential for the cross contamination of livestock feed products and fertilizers with animal proteins that might contain the BSE prions. To me, this suggests that even

Canadian officials are concerned that the enforcement and compliance with existing regulations may be inadequate.

In addition, as noted in a letter I, along with Senators HARKIN, JOHNSON and SALAZAR, recently sent to Secretary of Agriculture Johanns, there is concern, that not enough time has elapsed to be sure that Canada's education, surveillance and testing measures are truly indicative of their level of BSE risk.

The bottom line is this. Canada has not achieved the necessary level of compliance with OIE rules to justify designating it as a minimal risk region.

Canada's failure to enforce its BSE measures could have serious consequences if USDA proceeds to reopen the border.

First and most obviously, it would create potential dangers for consumers in this country.

Second, it would pose dangers for the health of our U.S. cattle herd.

Third, even if we do not end up with BSE-tainted imports, the perception of heightened risk for consumers could have adverse economic consequences for the U.S. cattle industry.

Finally, our major export markets have remained closed to U.S. beef exports, even though there has been no indigenous case of BSE in the U.S. I fear that reopening the border now, before we have reached agreement on reopening our export markets, will only give our trade partners an excuse to further delay reopening these critical markets for U.S. producers.

Yesterday's announcement by Secretary Johanns to restrict the importation of Canadian beef products to those from cattle under 30 months of age is a small step in the right direction. However, this announcement does not address the unresolved concerns about Canada's compliance with its feed regulations, which has been cited as the primary basis for extending a Minimal-Risk Region designation to Canada.

It was my hope that our new Secretary of Agriculture would withdraw the proposal to resume trade with Canada when he learned of these serious issues. But it now appears that the only way to stop this rule from going forward is for the Congress to block it. Therefore, I hope my colleagues will join me in supporting this resolution of disapproval.

Then perhaps we can have a meaningful dialogue on how to move forward in a way that will ensure the safety of the U.S. cattle herd and help open export markets. Our consumers and livestock producers deserve nothing less.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 49—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 49

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration (referred to in this resolution as the ''Committee'') is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $1,383,997, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $6,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $2,431,002, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $1,035,189, of which amount (1) not to exceed $21,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $4,200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005; October 1, 2005 through September 30, 2006; and October 1, 2006, through February 28, 2007, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''.

SENATE RESOLUTION 50—AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIODS MARCH 1, 2005, THROUGH SEPTEMBER 30, 2005, OCTOBER 1, 2005, THROUGH SEPTEMBER 30, 2006, AND OCTOBER 1, 2006, THROUGH FEBRUARY 28, 2007

Mr. LOTT submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

Resolved,

S. RES. 50

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2005, through September 30, 2005, in the aggregate of $52,563,753, for the period October 1, 2005, through September 30, 2006, in the aggregate of $92,292,337, and for the period October 1, 2006, through February 28, 2007, in the aggregate of $39,287,233, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2005, through September 30, 2005, for the period October 1, 2005, through September 30, 2006, and for the period October 1, 2006, through February 28, 2007, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $2,090,901, of which amount—

(1) not to exceed $150,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $3,670,623, of which amount—

(1) not to exceed $150,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $1,562,289, of which amount—

(1) not to exceed $150,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,859,485, of which amount—

(1) not to exceed $80,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $6,778,457, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,886,176, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,196,078, of which amount—

(1) not to exceed $12,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $700, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $5,611,167, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,388,363, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,367,870, of which amount—

(1) not to exceed $35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $21,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $5,915,179, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $36,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,518,660, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,463,046, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $6,080,372, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,588,267, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $2,923,302.

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $5,133,032.

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,185,132.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $2,696,689, of which amount—

(1) not to exceed $4,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $4,732,998, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,014,046, of which amount—

(1) not to exceed $3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,765,508, of which amount—

(1) not to exceed $17,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $6,610,598, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,813,662, of which amount—

(1) not to exceed $12,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,095,171, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $5,434,387, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the

committee under this section shall not exceed $2,313,266, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 11. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $5,112,891, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $8,977,796, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $3,821,870, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2005, through February 28, 2007, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 66, agreed to February 26, 2003 (108th Congress) are authorized to continue.

SEC. 12. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $4,545,576, of which amount—

(1) not to exceed $32,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $7,981,411, of which amount—

(1) not to exceed $32,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $3,397,620, of which amount—

(1) not to exceed $32,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $4,946,007, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $8,686,896, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $3,698,827, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $1,383,997, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $6,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $2,431,002, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $1,035,189, of which amount—

(1) not to exceed $21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $1,302,943, of which amount—

(1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $2,286,820, of which amount—

(1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $973,120, of which amount—

(1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and

the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $1,193,865, of which amount—

(1) not to exceed $59,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,900, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $2,096,382, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $892,457, of which amount—

(1) not to exceed $42,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $1,445,446, of which amount—

(1) not to exceed $117,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $2,537,525, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $1,080,025, of which amount—

(1) not to exceed $85,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445 (105th Congress), in accordance with its jurisdiction under section 3(a) of that resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of that resolution, the Select Committee on Intelligence is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $3,050,594, of which amount—

(1) not to exceed $32,083, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,834, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $5,355,503, of which amount—

(1) not to exceed $55,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $2,279,493, of which amount—

(1) not to exceed $22,917, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,166, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $1,124,384, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $1,972,189, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $838,771, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account ''Expenses of Inquiries and Investigations'' appropriated by the legislative branch appropriation Acts for fiscal years 2005, 2006, and 2007, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed $4,375,000, shall be available for the period March 1, 2005, through September 30, 2005; and

(2) an amount not to exceed $7,500,000, shall be available for the period October 1, 2005, through September 30, 2006; and

(3) an amount not to exceed $3,125,000, shall be available for the period October 1, 2006, through February 28, 2007.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1) and (2) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the

approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

SENATE RESOLUTION 51—RECOGNIZING THE IMPORTANCE OF THE WRITINGS OF DASHIELL HAMMETT TO AMERICAN LITERATURE AND CULTURE ON THE 75TH ANNIVERSARY OF THE FIRST PUBLICATION OF ''THE MALTESE FALCON''

Mrs. FEINSTEIN submitted the following resolution; which was considered and agreed to:

S. RES. 51

Whereas Samuel Dashiell Hammett was born in St. Mary's County, Maryland, on May 27, 1894, and died in New York City, on January 10, 1961;

Whereas Dashiell Hammett joined Pinkerton's National Detective Agency in 1915 at the age of 21 and worked for the agency in Maryland, Washington, Idaho, Utah, Montana, and California;

Whereas Dashiell Hammett served the United States in the Army Ambulance Motor Corps during World War I and, after enlisting in 1942 at the age of 48, in the Aleutian Islands during World War II, and is buried at Arlington National Cemetery;

Whereas Dashiell Hammett wrote ''The Maltese Falcon'' (published on Febraury 14, 1930), 1 of the most widely-read crime novels in history, which introduced the literary figure Sam Spade, 1 of the most famous detectives in American literature, and set San Francisco as the center of hard-boiled crime fiction;

Whereas ''The Maltese Falcon'' has appeared in hundreds of editions in 50 countries and over 30 languages and was adapted into 3 movies, including a 1941 Warner Brothers film directed by John Huston and starring Humphrey Bogart, which has been recognized by the American Film Institute as 1 of the greatest movies of all time; and

Whereas ''The Maltese Falcon'' turned mystery and crime novels into a widely-recognized genre of literature and is a classic novel of American literature: Now, therefore, be it

Resolved, That the Senate—

(1) salutes Dashiell Hammett as 1 of the most notable authors of hard-boiled crime fiction;

(2) notes the 75th anniversary of the publication of Dashiell Hammet's ''The Maltese Falcon''; and

(3) recognizes ''The Maltese Falcon'' as a great American crime novel.

SENATE RESOLUTION 52—HONORING SHIRLEY CHISHOLM FOR HER SERVICE TO THE NATION AND EXPRESSING CONDOLENCES TO HER FAMILY, FRIENDS, AND SUPPORTERS ON HER DEATH

Mrs. CLINTON (for herself and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 52

Whereas Shirley Chisholm was born Shirley Anita St. Hill on November 30, 1924, in Brooklyn, New York, to Charles and Ruby St. Hill, immigrants from British Guyana and Barbados;

Whereas in 1949, Shirley Chisholm was a founding member of the Bedford-Stuyvesant Political League;

Whereas in 1960, she established the Unity Democratic Club, which was instrumental in mobilizing black and Hispanic voters;

Whereas in 1964, Chisholm ran for a New York State Assembly seat and won;

Whereas in 1968, Chisholm became the first African-American woman elected to Congress, representing New York's Twelfth Congressional District;

Whereas a member of Congress, Chisholm was an advocate for civil rights, women's rights, and the poor;

Whereas in 1969, Shirley Chisholm, along with other African-American members of Congress, founded the Congressional Black Caucus;

Whereas on January 25, 1972, Chisholm announced her candidacy for President and became the first African-American to be considered for the presidential nomination by a major national political party;

Whereas although Chisholm did not win the nomination at the 1972 Democratic National Convention in Miami, she received the votes of 151 delegates;

Whereas Shirley Chisholm served 7 terms in the House of Representatives before retiring from politics in 1982;

Whereas Shirley Chisholm was a dedicated member of Delta Sigma Theta Sorority and received the sorority's highest award, the Mary Church Terrell Award, in 1977 for her political activism and contributions to the Civil Rights Movement;

Whereas Shirley Chisholm was a model public servant and an example for African-American women, and her strength and perseverance serve as an inspiration for all people striving for change; and

Whereas on January 1, 2005, Shirley Chisholm died at the age of 80: Now, therefore, be it

Resolved, That the Senate—

(1) honors Shirley Chisholm for her service to the Nation, her work to improve the lives of women and minorities, her steadfast commitment to demonstrating the power of compassion, and her dedication to justice and equality; and

(2) expresses its deepest condolences to her family, friends, and supporters.

SENATE RESOLUTION 53—DEMANDING THE RETURN OF THE USS ''PUEBLO'' TO THE UNITED STATES NAVY

Mr. ALLARD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 53

Whereas the USS Pueblo, which was attacked and captured by the North Korean Navy on January 23, 1968, was the first United States Navy ship to be hijacked on the high seas by a foreign military force in over 150 years;

Whereas 1 member of the USS Pueblo crew, Duane Hodges, was killed in the assault while the other 82 crew members were held in captivity, often under inhumane conditions, for 11 months;

Whereas the USS Pueblo, an intelligence collection auxiliary vessel, was operating in international waters at the time of the capture, and therefore did not violate North Korean territorial waters;

Whereas the capture of the USS Pueblo resulted in no reprisals against the Government or people of North Korea and no military action at any time; and

Whereas the USS Pueblo, though still the property of the United States Navy, has been retained by North Korea for more than 30 years, was subjected to exhibition in the North Korean cities of Wonsan and Hungham, and is now on display in Pyongyang, the capital city of North Korea: Now, therefore, be it

Resolved, That the Senate—

(1) demands the return of the USS Pueblo to the United States Navy; and

(2) directs the Secretary of the Senate to transmit copies of this resolution to the President, the Secretary of Defense, and the Secretary of State.

SENATE RESOLUTION 54—PAYING TRIBUTE TO JOHN HUME

Mr. KENNEDY (for himself, Mr. LUGAR, Mr. DODD, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 54

Whereas John Hume is one of the greatest advocates of peace and non-violence of our time;

Whereas throughout the long and difficult years of civil strife and turmoil, John Hume has dedicated his life to achieving a peaceful, just, and lasting settlement of the conflict in Northern Ireland;

Whereas throughout the turbulent years in Northern Ireland, John Hume never lost faith in the belief that violence and terrorism are wrong, that a negotiated settlement is the only realistic hope for peace, and that ancient antagonisms cannot be settled by bombs and bullets;

Whereas John Hume deserves enormous credit for the peace process in Northern Ireland, which led to the 1998 Good Friday Agreement;

Whereas John Hume's enduring vision of reconciliation, based on equal respect and recognition for both the Protestant and Catholic traditions in Northern Ireland, has served as an inspiration to those seeking peaceful resolution of conflicts in many other parts of the world;

Whereas John Hume has worked consistently for the rights of the members of his community, beginning with the launching of a credit union to provide assistance to the minority community to purchase housing;

Whereas John Hume's commitment was to effective programs and peaceful works, at a time when others in his community increasingly urged or acquiesced to bombs and bullets;

Whereas John Hume's ideas and eloquence lit a candle in the darkness of the violence in Northern Ireland, kindled an increasing sense of hope in the minority community, and created new possibilities for understanding between the opposing sides of the conflict;

Whereas John Hume's community activity and involvement led directly to his long and distinguished political career;

Whereas John Hume brought together a broad coalition of leaders who advocated non-violence and together they founded the Social Democratic and Labour Party in 1970, which has been at the forefront of years of significant efforts to achieve peace in Northern Ireland;

Whereas John Hume was the first to emphasize the necessity of establishing an on-

going Anglo-Irish framework as the cornerstone for institutionalizing the process of reconciliation to heal the divisions within Northern Ireland, between North and South in Ireland, and between Great Britain and Ireland;

Whereas in 1983, largely as a result of the efforts of John Hume, the principal political parties in Ireland and the Social Democratic and Labour Party in Northern Ireland established the far-reaching New Ireland Forum;

Whereas the New Ireland Forum developed alternatives for progress and prepared the report that laid the groundwork for an unprecedented new dialogue on Northern Ireland between Britain and Ireland, culminating in November 1985 with the signing of the historic Anglo-Irish Agreement by Prime Minister Margaret Thatcher of the United Kingdom and Taoiseach Garret FitzGerald of Ireland;

Whereas John Hume conducted talks with Gerry Adams, the leader of Sinn Fein, before the Irish Republican Army agreed to a cease-fire, showing great courage by taking significant personal and political risks to achieve a lasting peace;

Whereas those talks, together with the December 1993 Joint Declaration by the British and Irish Governments, led to the August 1994 cease-fire by the Irish Republican Army and the October 1994 cease-fire by the Loyalist paramilitaries and ultimately to the Good Friday Agreement in 1998;

Whereas John Hume served as the Deputy Leader of the Social Democratic and Labour Party in Northern Ireland until 1979, and its leader from 1979 to 2001;

Whereas John Hume's political career has also included serving as a member of the Northern Ireland Assembly, the European Parliament, and the British House of Commons;

Whereas in his many visits to the United States, John Hume has been a consistent ambassador for peace, urging the cause of reconciliation and educating Congress and the country about the issues in Northern Ireland;

Whereas John Hume is well respected in the United States and has had an important influence on United States policy and on the American dimension of the Northern Ireland question;

Whereas John Hume is a courageous leader of exceptional achievement and was honored for his leadership in the cause of peace in Northern Ireland with the Nobel Peace Prize in 1998, along with the leader of the Ulster Unionist Party, David Trimble;

Whereas respect for John Hume was the single most important influence in the development of the Friends of Ireland in the United States Congress and in convincing leaders of the Irish-American community throughout the United States to oppose political, financial, or other support for the violence in Northern Ireland; and

Whereas John Hume is retiring this year after a long and brilliant career dedicated to the people of Northern Ireland and to the cause of peace: Now, therefore, be it

Resolved, That the Senate—

(1) pays tribute to John Hume for his lifetime commitment to promoting reconciliation and achieving a lasting peace in Northern Ireland; and

(2) calls on all the parties in Northern Ireland to redouble their effort to restore the trust that is necessary to fully implement the Good Friday Agreement and to achieve stable democratic institutions, peace, and justice in Northern Ireland.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, February 16, 2005, at 9:30 a.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the President's fiscal year 2006 budget request for Indian programs.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Jeff Smith, a fellow in my office, be granted floor privileges for the rest of the afternoon.

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

Ms. COLLINS. 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.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 11 and Calendar No. 12.

I further ask that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

The nominations considered and confirmed are as follows:

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

A. Wilson Greene, of Virginia, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2009.

Katina P. Strauch, of South Carolina, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2009.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

RECOGNIZING THE IMPORTANCE OF THE WRITINGS OF DASHIELL HAMMETT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 51, submitted earlier today by Senator FEINSTEIN.

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

The legislative clerk read as follows:

A resolution (S. Res. 51) recognizing the importance of the writings of Dashiell Hammett to American literature and culture on the 75th anniversary of the first publication of ''The Maltese Falcon.''

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

Mrs. FEINSTEIN. Mr. President, I rise today to support passage of a resolution I submitted recognizing the importance of the writings of Dashiell Hammett on the 75th anniversary of the first publication of The Maltese Falcon. This novel has had a notable impact on American literature and culture, as well as a profound influence on my hometown of San Francisco—the home of hard-boiled detective stories.

Dashiell Hammett's work exemplifies a unique and original American literary style. Drawing upon his own experiences in detective work and amateur sleuthing, Hammett brought realism and fact into the crime novel: He did not tolerate inaccurate details, and even once wrote a column for the New York Evening Post to note incorrect facts in others' works, to aid would-be writers who were never detectives and would not know the difference between an automatic pistol and a revolver.

The Maltese Falcon, his best-known work, one of the most historically significant crime novels in history, portrayed its protagonist, Private Investigator Sam Spade, in the rough and tumble San Francisco underworld of the 1920s. The novel was the third of the five published Hammett novels. After its 1930 publication as a novel, it also appeared as a comic book and was syndicated in newspaper supplements. It became a giveaway for soldiers serving during World War II. And it has been printed in hundreds of editions in 50 countries and in over 30 languages.

It is not only in print that The Maltese Falcon has soared. Within a year of its initial publication, it had already been adapted for the screen in 1931, followed by a second adaptation in 1936. The final, and most faithful, adaptation is the 1941 film starring Humphrey Bogart and Mary Astor by first time director John Huston. The American Film Institute rated this version as one of the top films of the twentieth century and it can be found on the countless other ''Great Films'' listings.

Much of Dashiell Hammett's formative experience that led to his stories was found in San Francisco. In fact, in one of his short stories, ''The Scorched Face,'' some of the action takes place in a house set on the street where I lived as a child. Because of Hammett's works, San Francisco is still the preferred setting for crime noir and detective stories on the page and on the screen.

On February 14 and throughout this year, literary organizations across the

country will be celebrating this important anniversary, including a lecture organized by the Center for the Book in the Library of Congress and cosponsored by the Mystery Writers of America, by Dr. Richard Layman, a literary scholar and Hammett specialist.

The National Council of Teachers of English, which will hold its annual conference in San Francisco, has invited Hammett's daughter to present a lecture. The Friends of the Library USA will dedicate 891 Post Street, where Hammett lived when he wrote The Maltese Falcon, as a National Literary Landmark, on March 19.

The San Francisco Public Library will also commemorate the anniversary with an exhibition—The Maltese Falcon at 75—of Hammett memorabilia connected with the novel and will have discussions with Hammett's granddaughter. This collection could even become a traveling exhibit.

I hope that my colleagues will join me in commemorating this important anniversary in American literary history.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 51) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 51

Whereas Samuel Dashiell Hammett was born in St. Mary's County, Maryland, on May 27, 1894, and died in New York City, on January 10, 1961;

Whereas Dashiell Hammett joined Pinkerton's National Detective Agency in 1915 at the age of 21 and worked for the agency in Maryland, Washington, Idaho, Utah, Montana, and California;

Whereas Dashiell Hammett served the United States in the Army Ambulance Motor Corps during World War I and, after enlisting in 1942 at the age of 48, in the Aleutian Islands during World War II, and is buried at Arlington National Cemetery;

Whereas Dashiell Hammett wrote ''The Maltese Falcon'' (published on Febraury 14, 1930), 1 of the most widely-read crime novels in history, which introduced the literary figure Sam Spade, 1 of the most famous detectives in American literature, and set San Francisco as the center of hard-boiled crime fiction;

Whereas ''The Maltese Falcon'' has appeared in hundreds of editions in 50 countries and over 30 languages and was adapted into 3 movies, including a 1941 Warner Brothers film directed by John Huston and starring Humphrey Bogart, which has been recognized by the American Film Institute as 1 of the greatest movies of all time; and

Whereas ''The Maltese Falcon'' turned mystery and crime novels into a widely-recognized genre of literature and is a classic novel of American literature: Now, therefore, be it

Resolved, That the Senate—

(1) salutes Dashiell Hammett as 1 of the most notable authors of hard-boiled crime fiction;

(2) notes the 75th anniversary of the publication of Dashiell Hammet's ''The Maltese Falcon''; and

(3) recognizes ''The Maltese Falcon'' as a great American crime novel.

HONORING SHIRLEY CHISHOLM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 52, submitted earlier today by Senator CLINTON.

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

The legislative clerk read as follows:

A resolution (S. Res. 52) honoring Shirley Chisholm for her service to the Nation and expressing condolences to her family, friends, and supporters on her death.

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

Mrs. CLINTON. Mr. President, I add my voice to so many in New York and Washington who are mourning the loss of Representative Shirley Chisholm of New York. Shirley Chisholm was a bold pioneer who fought for civil rights and equality with an energy that forever changed the way American politics deals with matters of race and gender.

When she was elected to Congress in 1968, Representative Chisholm became the first African-American congresswoman. She overcame the twin obstacles of racism and sexism to win election. But she didn't stop there. When she reached Congress she spoke with a loud, clear voice, and she quickly lived up to her slogan of being ''unbought and unbossed.'' She was a cofounder of the Congressional Black Caucus in 1969, and she fought to improve the lives and opportunities of inner city children and families. She opposed the Vietnam war and the military draft. And she bravely declaimed the sexism and racism she encountered in a political world that, prior to her arrival, had been exclusively white and almost exclusively male.

Her positions on the issues and her statements about race and gender made her a lightning rod for criticism. But despite the intense pressure of being both outspoken and a ''first,'' Representative Chisholm continued to blaze a path to greater equality. In 1972, she became the first woman to run for the Democratic Presidential nomination. Despite being largely ignored by the media, her committed run for the Presidency, and the 152 delegates she won, proved to the entire country that a woman was up to the task of taking on a serious run for national office.

Representative Chisholm was a powerful symbol, an ''historical person'' as she put it. But perhaps her greatest achievement was reminding us that the purpose of fighting for equality is not to simply make a point or become a symbol; it is to work for that day when we can all enjoy the quiet responsibility of being equal. As she explained in her 1969 speech to the House in favor of the equal rights amendment: ''A woman who aspires to be the chairman of the board or a member of the House does so for exactly the same reason as any man . . . She thinks she can do the job and she wants to try.''

Arthur Ashe said that heroism ''is not the urge to surpass all others at whatever cost, but the urge to serve others at whatever cost.'' Representative Chisholm was a heroine. She knew that ''there is little place in the political scheme of things for an independent, creative personality, for a fighter. Anyone who takes that role must pay a price.'' She paid that price in order to serve Americans who were not being served by the political establishment. She fought injustice and discrimination and refused to be cowed by a history of exclusion. And in so doing, she served not only the constituents of her time but all Americans for all times.

Shirley Chisholm's legacy is undeniable; 13 African-American women served in the House in the 108th Congress. We are grateful for her life, and we are grateful for the doors she opened and the barriers she brought down on behalf of us all.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 52) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 52

Whereas Shirley Chisholm was born Shirley Anita St. Hill on November 30, 1924, in Brooklyn, New York, to Charles and Ruby St. Hill, immigrants from British Guyana and Barbados;

Whereas in 1949, Shirley Chisholm was a founding member of the Bedford-Stuyvesant Political League;

Whereas in 1960, she established the Unity Democratic Club, which was instrumental in mobilizing black and Hispanic voters;

Whereas in 1964, Chisholm ran for a New York State Assembly seat and won;

Whereas in 1968, Chisholm became the first African-American woman elected to Congress, representing New York's Twelfth Congressional District;

Whereas a member of Congress, Chisholm was an advocate for civil rights, women's rights, and the poor;

Whereas in 1969, Shirley Chisholm, along with other African-American members of Congress, founded the Congressional Black Caucus;

Whereas on January 25, 1972, Chisholm announced her candidacy for President and became the first African-American to be considered for the presidential nomination by a major national political party;

Whereas although Chisholm did not win the nomination at the 1972 Democratic National Convention in Miami, she received the votes of 151 delegates;

Whereas Shirley Chisholm served 7 terms in the House of Representatives before retiring from politics in 1982;

Whereas Shirley Chisholm was a dedicated member of Delta Sigma Theta Sorority and received the sorority's highest award, the Mary Church Terrell Award, in 1977 for her political activism and contributions to the Civil Rights Movement;

Whereas Shirley Chisholm was a model public servant and an example for African-American women, and her strength and perseverance serve as an inspiration for all people striving for change; and

Whereas on January 1, 2005, Shirley Chisholm died at the age of 80: Now, therefore, be it

Resolved, That the Senate—

(1) honors Shirley Chisholm for her service to the Nation, her work to improve the lives of women and minorities, her steadfast commitment to demonstrating the power of compassion, and her dedication to justice and equality; and

(2) expresses its deepest condolences to her family, friends, and supporters.

ORDERS FOR TUESDAY, FEBRUARY 15, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, February 15. Further, I ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period for the transaction of morning business until 12:30 p.m., with the first 30 minutes under the control of the Democratic leader or his designee, the second 30 minutes under the control of the majority leader or his designee, and the remaining time equally divided between the two leaders or their designees; provided that at 12:30 p.m., the Senate recess until 2:15 p.m. for the weekly party luncheons, and upon reconvening at 2:15 p.m., the Senate proceed to executive session and resume consideration of the nomination of Michael Chertoff to be Secretary of Homeland Security, as provided under the previous order.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will be in a period for the transaction of morning business throughout the morning. At 2:15 p.m., we will resume consideration of the Chertoff nomination for Secretary of Homeland Security. Under the agreement, at 4 p.m., the Senate will proceed to a vote on the confirmation. The confirmation vote tomorrow afternoon will be the first vote of the day. For the remainder of the week, the Senate will act on any legislation or nominations cleared for action.

It is my hope we will be able to move forward with the Genetic Nondiscrimination Act which was reported out of the HELP Committee last week. We will continue to work with the Democratic leadership to reach an agreement on this legislation. I will have more to say on the week's schedule tomorrow.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

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.

There being no objection, the Senate, at 5:36 p.m., adjourned until Tuesday, February 15, 2005, at 9:45 a.m.

NOMINATIONS

EXECUTIVE NOMINATIONS RECEIVED BY THE SENATE FEBRUARY 14, 2005:

NUCLEAR REGULATORY COMMISSION

GREGORY B. JACZKO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2008, VICE GRETA JOY DICUS, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JANUARY 6, 2005, TO JANUARY 20, 2005.

PETER B. LYONS, OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2009, VICE RICHARD A. MESERVE, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JANUARY 6, 2005, TO JANUARY 20, 2005.

INTER-AMERICAN FOUNDATION

ADOLFO A. FRANCO, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2008, VICE JEFFREY DAVIDOW, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JANUARY 6, 2005, TO JANUARY 20, 2005.

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, VICE HARRIET C. BABBITT, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM JANUARY 6, 2005, TO JANUARY 20, 2005.

DEPARTMENT OF STATE

JOHN B. BELLINGER, OF VIRGINIA, TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE, VICE WILLIAM HOWARD TAFT, IV.

R. NICHOLAS BURNS, OF MASSACHUSETTS, TO BE AN UNDER SECRETARY OF STATE (POLITICAL AFFAIRS), VICE MARC ISAIAH GROSSMAN, RESIGNED.

C. DAVID WELCH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE (NEAR EASTERN AFFAIRS), VICE WILLIAM J. BURNS.

THE JUDICIARY

A. NOEL ANKETELL KRAMER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS, VICE JOHN MONTAGUE STEADMAN, RETIRED.

JULIET JOANN MCKENNA, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE NAN R. SHUKER, RETIRING.

LAURA A. CORDERO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE SHELLIE FOUNTAIN BOWERS, RETIRED.

JENNIFER M. ANDERSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE STEFFEN W. GRAAE, RETIRED.

TERRENCE W. BOYLE, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE J. DICKSON PHILLIPS, JR., RETIRED.

WILLIAM JAMES HAYNES II, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE H. EMORY WIDENER, JR., RETIRED.

PRISCILLA RICHMAN OWEN, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE WILLIAM L. GARWOOD, RETIRED.

RICHARD A. GRIFFIN, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE DAMON J. KEITH, RETIRED.

DAVID W. MCKEAGUE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE RICHARD F. SUHRHEINRICH, RETIRED.

SUSAN BIEKE NEILSON, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE CORNELIA G. KENNEDY, RETIRED.

HENRY W. SAAD, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE JAMES L. RYAN, RETIRED.

WILLIAM GERRY MYERS III, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE THOMAS G. NELSON, RETIRED.

WILLIAM H. PRYOR, JR., OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

JANICE R. BROWN, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE STEPHEN F. WILLIAMS, RETIRED.

THOMAS B. GRIFFITH, OF UTAH, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE PATRICIA M. WALD, RETIRED.

BRETT M. KAVANAUGH, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE LAURENCE H. SILBERMAN, RETIRED.

J. MICHAEL SEABRIGHT, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII, VICE ALAN C. KAY, RETIRED.

DANIEL P. RYAN, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE PATRICK J. DUGGAN, RETIRED.

THOMAS L. LUDINGTON, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE PAUL V. GADOLA, RETIRED.

SEAN F. COX, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE LAWRENCE P. ZATKOFF, RETIRED.

JAMES C. DEVER III, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA, VICE W. EARL BRITT, RETIRED.

ROBERT J. CONRAD, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–273, APPROVED NOVEMBER 2, 2002.

PETER G. SHERIDAN, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE STEPHEN M. ORLOFSKY, RESIGNED.

PAUL A. CROTTY, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE HAROLD BAER, JR., RETIRED.

DEPARTMENT OF JUSTICE

GRETCHEN C. F. SHAPPERT, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE ROBERT J. CONRAD, JR.

EARL CRUZ AGUIGUI, OF GUAM, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF GUAM AND CONCURRENTLY UNITED STATES MARSHAL FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS FOR THE TERM OF FOUR YEARS, VICE JOAQUIN L. G. SALAS, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, February, 14, 2005:

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

A. WILSON GREENE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2009.

KATINA P. STRAUCH, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2009.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.