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Senate

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

Eternal God, we praise Your greatness, might, and majesty. You are all that is in Heaven and Earth. Yours is the kingdom, O Lord, and You are exalted above all. Both riches and honor come from You and in Your hands is power. Your compassion never fails.

Bless our Senators as they strive to do Your will. Give them wisdom and courage for the living of these days. Bless the Members of this body who will be leaving us. May they find fulfillment in the knowledge that the full harvest of their labors is yet to come.

Unite us in the common endeavor of making America a beacon of freedom for our world. May all we say and do in the days to come truly honor You. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, I welcome everyone back for the final wrapup of the 108th Congress. I was just speaking with the Democratic leader, and we were remarking that we have a lot to do in a short period of time over the course of the week.

There is a lot going on in terms of orientation of new Senators who will not officially take office until January, but there are also leadership elections occurring today and tomorrow. I expect that in this brief session, which will bring the 108th Congress to a close, we will finish before Thanksgiving for sure. And as we sort out both the agenda and work that has been accomplished over the last several weeks, we will have a much better and clearer idea as to when we will finish this brief session.

I know everybody is anxious to get back to their families after this week or week and a half and to spend time with constituents and begin enjoying the eventual holidays and planning for the year ahead.

I look forward to working with the new Senators as they come onboard, and the leadership, as the leadership elections occur. I think we will all join with a renewed commitment to working together, working across the aisle, working with civility and respect for the traditions of the Senate. I think we will be able to build effectively on the accomplishments we have achieved to date in the 108th Congress.

Over the next several days, we have a lot of business, with three essential pieces of business that must be addressed. The nine remaining spending bills for fiscal year 2005 are currently being addressed in what is called an omnibus bill. It is a bipartisan bill. There has been huge progress over the last several weeks as staff and Senators have been working together on this very important bill.

Second, we have intelligence matters and an authorization bill for the Intelligence Committee that is currently being addressed, as well as legislation that is currently in conference that addresses the 9/11 Commission reform recommendations, an effort we began to aggressively address in late July once the 9/11 Commission Report was released, and immediately Senator

DASCHLE and I set a course that has been followed pretty much as we intended. That is, following hearings, we would discuss and write a bill in the Senate and pass that bill, and the House likewise.

Conferees were appointed several weeks ago, and the conferees have been working constantly to generate and produce a bill that I am very hopeful we will be able to bring to the floor later this week.

The third issue is the debt limit. Secretary Snow informs us that we have a short window of opportunity to get the debt limit accomplished. The Treasury Department estimates that Congress must take action by Thursday in order to prevent the Federal Government from defaulting on the debt. Discussions have been underway in the last several days and will be underway today as to how best we accomplish that.

We have some scheduling challenges that will occur over the course of this week, a little bit later in the week. It obviously is an issue we will be addressing. I am confident we will be able to take the necessary steps to avoid even any consideration of default.

In addition, there are a number of other issues that we will be addressing, such as nominations that we would like to settle in this 108th Congress. Those discussions are underway. We have the Individuals with Disabilities Education Act, IDEA. The House and Senate conferees will be meeting on Wednesday to approve the negotiated language. So I expect we will be able to pass that bill by the end of the week and have it on the President's desk before we adjourn.

Briefly, with respect to the schedule today, we will be recessing at 12:30 p.m. in order for the Democratic policy luncheon to meet. This side of the aisle will be conducting our leadership elections in a policy meeting tomorrow.

Today, we will reconvene at 2:15 p.m. to begin consideration of the nomination of Francis Harvey to be Secretary

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



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of the Army. The order provides for up to 3 hours of debate, and if all that time is used, we will be voting at approximately 5:15 p.m. today. We will be updating Members this afternoon as it becomes clear how much of that debate time will be necessary.

We will be having discussions with leadership over the course of the day on the debt extension bill as to how we will plan that out in terms of voting so people will be able to have their schedules accommodated for especially Thursday. As all of our colleagues know, the Clinton Library will be inaugurated at that point in time, and we will be making appropriate accommodations for voting.

I mentioned the appropriations process. I do think we are going to be able to carry out closure on those negotiations quickly and that we will have something for action sometime this week.

We in all likelihood will remain here this week and finish our work on the appropriations bill—hopefully this week, obviously very late this week. We will keep Senators notified as to the schedule.

I mentioned the Intelligence reform bill is still in conference. Members were working late last night and are in through today. As I mentioned, it has been nonstop. I am very hopeful we will be able to complete that bill as well.

In short, in closing, there are a very few days remaining. We have a lot of scheduling challenges. I will be looking forward to working with our counterparts on the other side of the aisle in addressing the business with the expectation, if at all possible, that we will be able to complete work this week, which would be the objective. Again, that is a lot to accomplish in the next several days.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democrat leader is recognized.

THIS WEEK'S AGENDA

Mr. DASCHLE. Mr. President, I want to acknowledge the work the majority leader has clearly laid out as an agenda that I think both sides wish and hope we can accomplish this week. There is a lot to be done but a lot has been done.

The distinguished chairman of the Appropriations Committee has worked diligently these past weeks to reach a point where we have agreement, as I understand it, on all but one of the bills. That will allow us to expedite consideration of the appropriations process this week.

A lot of work has been done on the 9/11 Commission. Even though we still have not resolved some of the remaining questions, I hope Senators—and House Members especially—would refrain from extraneous issues because

that only complicates our ability to complete our work.

There is a lot of effort that has been made now on the nominations package that has been the subject of a great deal of discussion and negotiation for many weeks. As the distinguished majority leader has noted, there is a possibility that we could also do IDEA. I think that would be a great culmination of the effort that has been made throughout the last several weeks as we have looked to completing that work before the end of the year.

So much remains. Much has been done. We hope to work very closely with our Republican friends to make this as productive a week as we can.

We are also appreciative of the majority leader's willingness to accommodate the schedule for many of us to allow for the travel to Little Rock to attend the dedication ceremonies for the new Presidential library, the Clinton Library.

It will be an exciting week, a very busy week, and one that I hope, at the end of the day, will be a very productive one as well. I look forward to working with the majority leader in that regard and will have more to say on many of these bills as the week unfolds.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 12:30 p.m., with Senators permitted to speak for up to 5 minutes each.

Who seeks recognition?

The majority leader is recognized.

ACCOMPLISHMENTS OF THE 108TH CONGRESS

Mr. FRIST. Mr. President, I will be very brief. I just want to make a few more comments since we have a few minutes before 12:30 and I see we do have another Senator in the Chamber who is desiring to speak.

Over the 108th Congress, we have worked hard to move America forward. Indeed, we have gotten results. We have an economy now that is rebounding with job growth that is robust; 2.4 million jobs have been created since August of last year with 14 straight months of job gains. We have unemployment down from its 6.3 percent peak last year. Unemployment rates have fallen across categories of race and age and all levels of education. Inflation remains low. Interest rates remain low. Our tax cuts clearly have had a huge effect on the economy. Americans today enjoy more of their hard-earned money to spend, to save,

to invest as they choose. We have home ownership at an all-time high including among African Americans, where it is at an all-time high. Health care security has made huge advances.

We have a lot more to do. Many of these issues played out in the recent elections. I think, as we all begin to plan for the next Congress, clearly health care will remain high on that agenda. We have a lot to be proud of in this Congress in addressing health care security for seniors, addressing Medicare modernization, strengthening of Medicare with the biggest reform package in the last 40 years. All this translates down to better health care security for seniors and individuals with disabilities.

For the first time, Medicare will cover the most powerful tool we have in medicine today and that is prescription drugs. That is a huge service to seniors to give them the health care security they deserve. That is a good first step. Again, we have to come back and look and make sure we continue to strengthen Medicare over time.

Over the last week, as I traveled around the country, I have taken the opportunity to ask about these drug discount cards we have made available through Medicare. Indeed, 4 million seniors today have these Medicare discount cards that give them discounts of 10 percent to 25 percent, which they simply did not have before we passed that legislation.

I do want to remind low-income seniors who have not yet signed up for one of those prescription drug cards that if you sign up for one of those cards, it has, in addition to those discounts, \$1,200 of value on it and \$600 of that value will go away after January 1 of next year. So I encourage you to sign up for those cards. If you have any questions, as most seniors know, you can call 1-800-MEDICARE and have those questions answered.

Health savings accounts—a lot is being written about them in the newspapers today. In fact, in the Federal Employees Health Benefits Plan, medical savings accounts for the first time will be made an option for us in the Senate and for the 8 or 9 or 10 million Federal employees around the country. Indeed, I look forward to signing up for a health savings account myself here as we reenroll in the next several weeks.

The President's agenda for the upcoming Congress is going to be vigorous. I had the opportunity to meet with the President yesterday, and with the Speaker of the House. Although we focused mainly on finishing the work over the course of this week, as I mentioned in my opening statement, I am very excited about the agenda, the vision that is laid out for next year.

As I also said in my opening comments, I look forward to working aggressively across the aisle, with civility, in a bipartisan way, as we address this agenda that the American people really deserve. The issues are many.

We will have the opportunity to discuss those in the future.

Mr. President, we are back for a short period of time. It is real clear, in terms of what we have to accomplish. We are not going to be doing a lot of new business because we have much unfinished business to do.

I do welcome my colleagues back. Over the next several days there will be opportunity for tributes for Senators who are retiring and leaving this body. The Democratic caucus just had their leadership elections and I want to congratulate each one of those new leaders and will do so formally, not quite now but a little bit later, in phone calls to them. We have our leadership elections tomorrow. I look forward, leadership to leadership, to working in a vigorous, robust way to accomplish the agenda before the American people.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Illinois.

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

The PRESIDENT pro tempore. There is no unanimous consent required. The Senator is authorized to speak for 5 minutes.

FINDING COMMON GROUND

Mr. DURBIN. Mr. President, I listened closely to the comments made by the majority leader, Senator FRIST, a man whom I respect and with whom I have worked over the past several years and look forward to working with again in this new Congress.

The Presidential election is completed. The people have spoken. A few moments ago the Democratic Senators gathered just a few feet from this Chamber in the Old Senate Chamber where we had an election of our new leaders for the upcoming Congress. In that meeting was Senator JOHN KERRY, who was our standard-bearer in the last election. We are all extremely proud of the job he did. Both he and Senator EDWARDS covered the United States, crisscrossed it from every corner, taking their message to the American people. The outcome was very close. When it was all said and done, President Bush had emerged the clear winner. The day after the election Senator KERRY and Senator EDWARDS conceded to the President and Vice President.

We now have a question before us as to which direction this Nation is headed. It is a question that is going to be dramatized even more by the recent resignations of key members of President Bush's Cabinet. It will now be up to the President and his close advisers to decide the team that he will put on the field for the next 4 years to serve and represent the American people.

The President will also have an opportunity and responsibility to develop an agenda, an agenda of issues to bring before the Congress.

At an early point the President will have to make threshold decisions. Will

he make decisions in terms of his leadership team, an agenda where we will try to find a bipartisan approach to solving our problems, or will we separate as we have in the past? I sincerely hope the President chooses the former and not the latter. It will be a better service to our country if we sit down on a bipartisan basis and address some of the serious issues we face.

On foreign policy, we can't escape the stubborn realities. We still have the ongoing threat from terrorists. The war in Iraq and Afghanistan is far from over. We face a nuclear North Korea. Our military concerns stretch across the world from Saudi Arabia to the Philippines. Our military is stretched to the limit, and our resources are constrained by record deficits which we have seen during the last several years in the Bush administration.

On the home front, the President's policies raise questions about the future of Social Security and whether we can trust it to continue to pay as it has in the past, and our ability to invest in America and the many freedoms we value which Senator FRIST talked about earlier. That is an issue that is front and center in my State of Illinois.

As I traveled across the Nation, I heard concern about the cost of health insurance from business leaders, families, and individuals alike. In the last 4 years absolutely nothing has been proposed from the administration to deal with the cost of health insurance. I hope the President will come forward with a good, sensible plan. A good starting place might be the Federal Employees Benefit Health Plan, a plan that covers millions of Federal employees and which offers them an enormous variety of options for health insurance at reasonable costs. That is a model we should use to offer the same insurance to small businesses and the American people.

Senator FRIST spoke of the Medicare prescription drug plan. This plan has been very coldly received by seniors across America. They cannot understand why Congress couldn't pass something that was understandable and which would truly help them. The Medicare prescription drug plan as passed by the Congress is so bad that we postponed its effective date until after this election. Those who wrote it knew if seniors saw exactly what we had proposed, they would rise up in opposition to it. They are learning that when you give everything to the pharmaceutical companies and you don't protect the seniors, you don't solve the problem.

We have a lot to do in the months and years ahead. I hope we can do this on a bipartisan basis. It would be a value to this country to see us come together. But it will start with leadership from the White House, and decisions by the President which can bring us together.

We have stood together, Democrats and Republicans, on the declaration of

the Afghanistan war, No Child Left Behind, intelligence reform, Sarbanes-Oxley, a bill to reform corporate governance, and also the approval of 201 of the President's proposed 211 judicial nominees. There has been good cooperation in many areas. If the President's party expects Senate Democrats to walk away from their basic values, I don't think that is going to occur.

I listened in this caucus we left and I wondered if some of the writers who said since the election the Democrats were adrift listened to the Democratic Senators. We understand their values. They are American values, and they are values which we take to the American people in each of our own States.

I look forward to working with our friends on the Republican side of the aisle in trying to find common ground, which is so important. We believe that on critical matters of personal responsibility and freedom we should have an honest resolution. We also believe that caring for the less fortunate is a moral value and most major religions should be respected. I look forward to the upcoming Congress and I hope we can find the common ground.

I yield the floor.

The PRESIDENT pro tempore. The Senator from New Mexico is recognized.

APPRECIATION OF PAUL NITZE

Mr. BINGAMAN. Mr. President, I wish to speak for a very few minutes to recognize and reflect on the extraordinary career in public service of Paul Nitze who died on October 21, since the Congress recessed.

Paul Nitze was probably the paragon of the private citizen rendering public service at the request of his government. His service was rendered to Democratic and Republican Presidents alike.

Paul Nitze was first summoned to Washington in 1940 by James V. Forrestal, his former boss at the New York investment bank where both had worked. Once in Washington, Nitze became involved in a variety of activities leading up to and supporting America's efforts in World War II. He helped draft the Selective Service Act. He served as chief of the Metals and Minerals Branch of the Board of Economic Warfare. He oversaw foreign procurement of goods and services for the U.S. Government.

From 1944 to 1946, Nitze served as vice-chairman of the U.S. Strategic Bombing Survey, which studied the impact of U.S. bombing in Europe and Japan after we had dropped the atomic bomb on Hiroshima and Nagasaki. This office applied rigorous analytical methods to assess the effectiveness of weapons and tactic in World War II. It was the forerunner of today's Program Analysis and Evaluation Office on the Pentagon.

After the war, the scope of Paul Nitze's contributions continued to expand. He headed a billion-dollar global

relief program to feed those left homeless and without food by World War II. Perhaps his most far-reaching contribution was as the head of the State Department's policy planning staff in the Truman administration. Working under Dean Acheson and along with other influential thinkers such as Charles Bohlen and George Kennan, Nitze was the principal author of the National Security Council document, entitled "United States Objectives and Programs for National Security," but more commonly known as NSC-68, that provided the strategic outline for the conduct of deterrence during the Cold War.

Key insights from NSC-68 still ring true today.

For example, NSC-68 situated our strategy towards the former Soviet Union in a broader world context. It stated, in part:

Our overall policy at the present time may be described as one designed to foster a world environment in which the American system can survive and flourish. It therefore rejects the concept of isolation and affirms the necessity of our positive participation in the world community. This broad intention embraces two subsidiary policies. One is a policy which we would probably pursue even if there were no Soviet threat. It is a policy of attempting to develop a healthy international community. The other is the policy of "containing" the Soviet system. These two policies are closely interrelated and interact on one another. Nevertheless, the distinction between them is basically valid and contributes to a clearer understanding of what we are trying to do.

Paul Nitze continued to make significant contributions to our national security through the 1960s, as Secretary of the Navy under Presidents Kennedy and Johnson and Deputy Secretary of Defense under President Johnson.

President Nixon appointed Nitze to the U.S. delegation to the Strategic Arms Limitation Talks with the Soviet Union in 1969, and he played an important role in negotiating the ABM Treaty with Moscow during that time. Under Presidents Nixon and Ford, he served as Assistant Secretary of Defense for International Affairs.

During the term of President Carter, Nitze played a seminal role as an external critic of national security policy. His stature was such that his opposition to the SALT II Treaty negotiated by President Carter was an important factor in its failure to garner support in the U.S. Senate.

Yet, his reputation as a hard-liner on defense was too simplistic a characterization for his formidable intellect and ability to respond to new realities with new strategies to maintain U.S. security.

The most famous example, perhaps, of this characteristic was Paul Nitze's famous "walk in the woods" with his Soviet counterpart in arms control negotiations, Yuli Kvitsinsky. His informal proposal to put drawdowns in intermediate-range nuclear missiles in a broader context of arms reductions was considered too radical at the time, and was rejected by both sides. Yet, only a

few years later, a more comprehensive approach is precisely what both sides agreed to, for in 1987 the United States and the Soviet Union signed the so-called "double zero" agreement that limited all medium-range missiles in Europe as shorter-range missiles as well.

But perhaps the most important lessons we can learn is from the pattern of Paul Nitze's life and contributions. At this time, when the news headlines are dominated with stories of transitions and resignations from the Executive Branch, covered like a sports story of who's won and who's lost, the tendency is to think of those leaving public service as persons who have had their shot, and are not likely to be heard from ever again. I think that the example of Paul Nitze shows how much the United States stands to lose if we were to fall into such an unfortunate way of thinking with respect to public service.

I for one hope some of those who are now leaving public service will in the future find additional ways to serve their country, as Paul Nitze found ways to serve his country over many decades. I hope Paul Nitze's life and career will inspire all of us to a vision of how our Nation can benefit from the extraordinary expertise of its citizens who are willing to respond to the call to public service.

RECESS

The PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

EXECUTIVE SESSION

NOMINATION OF FRANCIS J. HARVEY TO BE SECRETARY OF THE ARMY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session for consideration of Executive Calendar No. 915, which the clerk will report.

The assistant legislative clerk read the nomination of Francis J. Harvey, of California, to be Secretary of the Army.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise today in support of the President's nomination of Dr. Francis J. Harvey to be Secretary of the U.S. Army. Dr. Harvey was nominated by the President to be Secretary of the Army on September 15, this year. The Armed Services Committee conducted a hearing on Dr. Harvey's nomination on October 6. The committee voted favorably on the nomination on October 7. At that meeting there was some expression in opposition by members of the

committee, but the majority of the committee voted in favor.

At the hearing, there was a fair exchange of viewpoints, recognizing that Dr. Harvey is coming to this position from outside of the Department of Defense and has, during the course of his distinguished career, not a specific opportunity to form opinions about some of the key issues that confront the U.S. Army today.

No one should underestimate the challenges that have been faced by the Army and in large measure have been met by the Army under the distinguished leadership of the Acting Secretary of the Army and the current Chief of Staff of the Army. I commend both of them, who are daily meeting the new challenges as they arise.

There will be today in the course of this debate, and I shall await other Members coming to the floor, expressions of opinion different from what I am providing the Senate today so I will wait until such time as they may appear and then seek under my time the opportunity to rebut their views.

At the hearing of the committee on October 6, I indicated that Dr. Harvey has had an extraordinary career—and I underline very extraordinary career—as a business executive with extensive experience leading and managing very large corporate enterprises, particularly program-based organizations involved in the development and deployment of technology and systems.

As the Army goes through its transformation, he will have the opportunity to provide unique decision-making ability given his experience in those areas.

Dr. Harvey has a solid record of achievement in the private sector in areas related to transformation, financial management, and contracting which, as I said, will serve him very well if confirmed by the Senate as Secretary of the Army.

At the nomination hearing, as those in attendance will recall, I went to some length to emphasize that there is another side to the Army and that is the human side. I was privileged at one time in my lifetime to be in the Department of Defense and to be Secretary of the Navy. It is not all contracts and negotiations and things of that nature; there is a very strong family side to each of the military departments. I referred to it in that hearing as the human side. That reflects the hopes and aspirations and patriotism of soldiers, sailors, airmen, marines, and their families.

The family today has an ever increasing role in the life of the uniformed member of that family, be he male or female. Families now are instrumental in the decision process by which members of the military at the time they are up for consideration elect continuing service, to retire, or otherwise step aside and join the private sector. It is often the decision of the family that controls that sailor, airman, marine, as he or she makes that decision.

I urged Dr. Harvey to travel as soon as possible to Iraq, Afghanistan, the Republic of Korea, in order to gain firsthand appreciation for the sacrifice being made by the soldiers and the stress being placed upon them and their families. Soldiers must be confident that the civilian leader of the department he represents is truly aware of their specific meanings and the emphasis on the family role.

The Army is facing a great challenge today for which there are few precedents in a long, distinguished history. Dr. Harvey assured the committee on October 6 he would undertake this mission of familiarizing himself with the people who make up the Regular Army, the Army Reserve, and the National Guard. It is extraordinary, with over 400,000 who have been in this particular cycle of conflicts in Afghanistan and Iraq from the Guard and Reserve.

At the hearing, Dr. Harvey committed that he would put people first. He emphasized that even as the Army carries out its responsibilities in the near term, it must also develop a future force that is better able to meet the challenges of this dangerous security environment by implementing the key element of defense strategy. He is committed to this transformation that has been laid down in the years previous by the Secretary of Defense, whom I commend for his undertaking and transforming the Army, and the Chief of Staff who currently serves and, indeed, the accomplishments to date by the distinguished Acting Secretary, Secretary Brownlee.

Before I yield, I will say a few words about Secretary Brownlee. I was privileged to have the services of Secretary Brownlee on my personal staff and as a member of the committee staff. I note that he served as the senior member of the Armed Services Committee staff, chief of that staff, at the time our distinguished late colleague Strom Thurmond was chairman. He was a superb combat soldier. He brought to his work on behalf of the Senate an extraordinary record of a highly decorated officer. He had a tremendous inner confidence in his ability to understand the men and women in the Armed Forces and to understand particularly those who are experiencing the stress of combat, wherever that may be in the world—an extraordinary man: Two Silver Stars, three Bronze Stars, and the Purple Heart. He was a marvelous staff director not only for Senator Thurmond but to me. He is highly revered and respected and always will be by the Senate as a whole.

Many colleagues came up to me during the course of the vacancy at the Secretary of the Army position in expressing hopes that he would be considered. Indeed, I talked to the Secretary of Defense on several occasions about it. On behalf of myself, most particularly, and other colleagues, I advocated consideration be given to him, but the Secretary and the President made a decision. I am urging the Senate to go

forward with that decision today and to confirm the nomination of Dr. Harvey.

I will yield the floor as I see the presence of my distinguished ranking member and the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me first 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. LEVIN. 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. LEVIN. Mr. President, the Army's current situation is approaching crisis proportions. The Army is bearing the largest burden of the war in Iraq and of the larger war on terror worldwide as well as maintaining forward-deployed forces to deter a possible conflict in Korea. The intense operations and personnel tempo are having a severe impact on both people and equipment, and relief is currently not in sight.

There are nearly 270,000 soldiers deployed overseas in 120 countries. Soldiers make up 90,000 of the 135,000 U.S. troops in Iraq and 15,000 of the 20,000 in Afghanistan. The 495,000 active-duty soldiers have been stretched to the limit. The Army National Guard and Army Reserve soldiers have been called upon to shoulder the ever-increasing burden.

For instance, the first rotation in Iraq consisted of 75-percent active and 25-percent reserve component soldiers. In the current rotation, the Active Force has dropped to 61 percent and the Reserve Force has risen to 39 percent and the next rotation is projected to continue that trend, with about 57,000 percent active and 43 percent reserve.

This trend is simply not sustainable. Many reserve component soldiers are approaching their 24-month limit on active duty and many more will reach that limit as the war in Iraq drags on. The stress on reserve component soldiers, family members, and civilian employees will only grow worse, as Senator REED has pointed out to this body on many occasions and in the Armed Services Committee, has already had an adverse effect on reserve component recruitment, and greater problems are predicted for the future.

Further, as reserve component units have been mobilized, personnel and equipment shortages have been addressed by tasking other units to fill those shortfalls. This is a snowballing effect as those units that were tasked to provide personnel and equipment are then alerted and deployed to subsequent rotations and have to fill ever-increasing personnel and equipment shortfalls.

Ultimately, units lose cohesion and effectiveness as they are cobbled together from disparate pieces with peo-

ple who do not know each other, have not trained together, and are short of required equipment, or unfamiliar with the equipment provided.

This could have disastrous consequences, as evidenced by the leadership and performance failures witnessed in the 800th MP Brigade, a brigade formed in that manner during the Abu Ghraib incidents.

The Active component is and will be under increasing stress as the Reserve component commitments become unsustainable. The Army's 33 active combat brigades have all been deployed to Iraq or Afghanistan since those two operations began. Some units, including the 3rd Infantry, which led the initial attack into Iraq, have been alerted or deployed for a second 12-month combat tour. Two of these combat brigades had Iraq combat tours extended to 15 months last April during the Shiite uprising instigated by Moqtada Sadr. I understand that contingency plans exist to extend the combat tours of other Army brigades currently in Iraq to similarly build up troop levels prior to the Iraqi elections.

Army policy is that soldiers should have at least 12 months between combat rotations or 1 month for each month deployed. However, there are already soldiers who are returning to Iraq or Afghanistan, having left there only 9 to 10 months ago. And during those 9 to 10 months, the soldiers are working long hours to repair equipment and spending several months away from their families as they train in preparation for their unit's return to combat.

The Army is creating 10 additional combat brigades in an attempt to address the problems created by the high rotation rate. However, as the Army creates those additional brigades, it is reorganizing all of its brigades into brigade combat teams which are somewhat smaller than current brigades with respect to direct combat maneuver forces. Although the Army asserts that these brigade combat teams are more lethal because they have added artillery and reconnaissance assets that were previously located at the division level, it is not at all certain that the increased effectiveness that the Army expects from these redesigned brigades will make up for fewer combat troops on the ground. If more brigades than are currently deployed to Iraq and Afghanistan are then required to make up for the fewer number of combat troops in the new brigade structure, the operation and personnel tempo of the Active Force will not be much improved.

The Army is also addressing the personnel problem by imposing a stop-loss policy on soldiers in units alerted to deploy on combat rotations, forcing many to remain in the service well beyond their contracted time in the service. Additionally, the Army has had to recall over 5,600 members of the individual Ready Reserve, soldiers who have already served their contracted

Active-Duty time, for involuntary tours of duty. Clearly, many of the soldiers in the "All-Volunteer Army" are no longer volunteers. As several critics have pointed out, this can be considered tantamount to a "backdoor" draft.

The Army has also been suffering from the failure of the Department of Defense requirements generation and planning processes. The Department of Defense and the Army greatly underestimated the requirements for up-armored high-mobility multipurpose wheeled vehicles—Humvees—and individual body armor for the war in Iraq and Afghanistan, and have continually lagged behind in meeting those requirements, as well as requirements for armor for the entire truck fleet.

Similarly, the Army has had to implement a crash program to equip its helicopters with aviation survivability equipment. For instance, the requirement for individual body armor was originally limited to combat arms soldiers only, even though for years the Army has been predicting a battlefield where there would be no distinct front and rear areas and where support soldiers would also find themselves in combat situations.

The Army similarly failed to anticipate the need for armor for its trucks, again even though it had been predicting such a fluid battlefield. The Central Command requirement for up-armored Humvees was originally set at only 253. That requirement has been continually increased throughout the last year from 253 to 1,233 to 1,407 to 2,957 to 4,149 to 4,388 to 4,454, and now to 8,105. The Army and Congress have poured over a billion dollars in the last year into armor for trucks, but as of last month, the Army was still reporting a shortfall of \$380 million to meet its requirement for armored trucks, and that is simply unconscionable. There is no one in this Congress who would deny the Army the funding needed to meet its requirements for force protection.

However, force protection items are not the only funding shortfalls. The Army has had \$1.6 billion in equipment combat losses, \$1.4 billion of which are aviation losses. Much of that loss occurred in fiscal year 2003, and much of it has not been addressed in any of the supplemental appropriations bills to date because the Department of Defense did not choose to include all of those combat losses in its requests. This does not bode well for the Army as it continues its heavy engagement in Iraq.

Similarly, Army equipment repair and replacement is not keeping up with the increased wear and tear induced by such a high operations tempo. The Army's requirement for fiscal year 2003 was \$4.4 billion, of which none was funded. The cumulative requirement in fiscal year 2004 was \$11.1 billion, of which only \$3.4 billion was funded. If this trend continues at those emerging requirements and anticipated funding

rates, by fiscal year 2007 the Army cumulative equipment repair and replacement requirement will be \$28.8 billion, of which only \$12.1 billion will have been funded. At that point, the Army will face a \$16.7 billion maintenance backlog. This may have a severe impact on the Army's ability to sustain combat operations in the future.

Several months ago, the Army estimated that it would cost over \$20 billion to create the additional 10 combat brigades and reorganize the existing 33 in the Active Force into the new modular design. No estimate was provided Congress for the cost of similarly reorganizing the Reserve component. The Army expects the new and reorganized brigades for the Active Force to be completed by the end of fiscal years 2006 and 2007 respectively, and paid for through supplemental funding. It is my understanding that the Army, having received \$15 billion from the initial \$25 billion fiscal year 2005 supplemental appropriation provided by Congress, will send the Department of Defense a request for an additional \$45 billion, a fiscal year 2005 supplemental total of \$60 billion. Of this amount, only \$10 billion is expected to be for equipment. How far that will go toward meeting the Army's requirement is not clear at this time. Nor is it clear the Department of Defense will actually request that larger supplemental for the Army alone. Past history does not bode well for the Army in that regard either.

The challenges for the Army are huge, and the civilian leadership in the Department of Defense has certainly not been supportive of the Army's uniform leadership. In fact, it has often been hostile and vindictive. When General Shinseki, the former Chief of Staff, in answering my prewar hearing question concerning the troop level required for postwar stability and support, opined that it would take several hundred thousand troops, he was publicly ridiculed by the Secretary and Deputy Secretary of Defense and effectively sidelined. When Army Secretary White defended the Chief of Staff, he was fired.

Dr. Harvey, the nominee for Secretary of the Army, appears to have a wealth of industry experience but appears to have virtually no experience with regard to Army issues. In responding to questions for the record on his nomination before the Senate Armed Services Committee, Dr. Harvey answered one question concerning whether the Army had enough authorized Active-Duty end strength to sustain its commitments by saying he would use his "independent judgment and past experience" to determine the viability of Army initiatives to increase combat power and to "reach conclusions and make recommendations accordingly."

I have no reason to question his ability to make an independent judgment. I am concerned as to whether his past experience qualifies him to reach appropriate conclusions, under the circumstances which I have just outlined,

with an Army which is under so much stress and strain. I also question whether he would be willing to make recommendations contrary to the known positions of the Department of Defense leadership given the treatment received by his predecessors when they did so.

In answering a question concerning the problems in the Army's requirements generation and planning processes that resulted in such a large shortfall in individual body armor, armor for trucks, and aviation survivability equipment, Dr. Harvey said that his "current understanding is that the underestimation of the total requirement for armor protection for our Nation's service members was not the result of problems with the requirements generation process. The primary cause of the initial underestimation was a change in the hostile conditions under which military forces are now operating in Iraq."

Dr. Harvey apparently did not realize that is exactly the kind of hostile conditions which the Army for several years has been predicting for the future operational environment. It is an example of why I am concerned about Dr. Harvey's lack of experience as to whether he would be in a position to ask the hard questions and arrive at the appropriate recommendations under the very extraordinary and difficult circumstances in which the Army finds itself.

There are numerous challenges that the Army faces, and it would be preferable that the Secretary of the Army be one more knowledgeable of the service that he will lead.

Finally, I wish to comment on the comments of my good friend, Senator WARNER, about Les Brownlee. I thoroughly and totally concur with Senator WARNER's thoughts and feelings about Les Brownlee. He has served this Nation extremely well. He served our committee well before he went over to be the Under Secretary and then the Acting Secretary of the Army. I add my support for his service and for him personally on the RECORD today, as his former boss and employer has already done so eloquently and thoughtfully. I want to let Les Brownlee know, if he is listening, but more importantly let my friend, Senator WARNER, know that he was right on the mark when he expressed the thoughts he did about Les Brownlee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I will yield the floor momentarily, but I do thank my colleague for his comments with regard to Les Brownlee.

I remember the privilege I had introducing him at the confirmation hearing before our committee as Under Secretary of the Army. I went back and reread that introduction. I said he represented a tower of strength, dedication, and expertise that few could match. And, indeed, he has shown that in his exemplary manner in handling

the very difficult challenges that have been presented by the conflicts in Afghanistan and Iraq. I thank my colleague for those remarks.

Mr. President, the distinguished ranking member and I are trying to advise our leadership with regard to a procedural matter. So at this time, I suggest the absence of a quorum and ask that it be charged to both sides equally.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REED. Mr. President, I thank Chairman WARNER for his consideration in arranging this opportunity to discuss the nomination of Dr. Harvey to be the Secretary of the Army. First, let me say it is obvious Dr. Harvey is an admirable person with experience and skill. In my view, this debate is less about Dr. Harvey and more about the United States Army; whether he is prepared to take the necessary steps to respond to severe crises that affect the Army today. The Army is extended across the globe. The Army is engaged in Iraq and Afghanistan.

I just returned from a trip to both Iraq and Afghanistan. I have seen these magnificent soldiers serve us with distinction and courage, but it is a very stressful and demanding responsibility that each day they discharge, and, indeed, for the Army the stresses are beginning to build.

I think we have to recognize affirmatively that the Army must be bigger, not on a temporary basis but on a permanent basis. I think we also need to recognize the Army needs additional resources. Senator LEVIN, in his comments, pointed out the shortfall between the money the Army has estimated is necessary to recoup and repair their equipment and the actual funds they have available. If we do not address these issues, I believe we will begin to expose the Army to irreversible damage which certainly no one here in this body wants to see happen.

One inescapable conclusion of my trip to Afghanistan and Iraq is that we will be in these countries for years; not months but for years. The cost, the human cost and the financial cost to the country and to the Army particularly, will be substantial.

I have no doubt Dr. Harvey is a consummate professional. He is very skilled in managing organizations. I know he is committed to doing his best as Secretary of the Army, but I believe the Army needs a leader, not necessarily a manager. Also, I think we need an aggressive advocate for the Army. I hope that perhaps the result of this debate, if Dr. Harvey is confirmed, is that he will become that aggressive advocate for the Army. I know advocacy has to be appropriate. He has to

be loyal to his civilian superiors. But he has to be someone who will take the case of the Army to the Secretary and, if necessary, beyond. Also, I believe any Secretary of the Army has to be cooperative with this Congress. He has to respond candidly and directly to our questions and our comments.

One of the issues we all have as leaders is the necessity to speak truth to power on occasion. One of the observations I would make is that we have seen, in the experiences of General Shinseki and Secretary Tommy White, occasions where they gave us their best opinion and they effectively were punished for those views.

I think that is wrong. I think that attitude has to be corrected. That is another responsibility of the Secretary of the Army, to ensure that uniformed officers have the opportunity to express themselves appropriately and not fear retribution. All of us will benefit from the advice the uniformed officers of this country can so wisely give to us.

Secretary White was discharged many months ago as Secretary of the Army. It took a very long time for the Secretary of Defense and the President to nominate Dr. Harvey. In the interim we were extremely well served by Acting Secretary Les Brownlee. I don't have to add more than what the chairman and the ranking member have said about the qualities of that individual. I just had the privilege about 10 days ago to be with Secretary Brownlee up in West Point where he represented the Army at the Board of Visitors meeting. He is a consummate professional, someone who has rendered extraordinary service to the Army and to the Nation. But one of the issues I find somewhat disturbing is that even though we were well represented by Secretary Brownlee, it took so long for the Secretary of Defense to nominate a permanent Secretary. I think that I can put it this way: I find that doesn't suggest the importance the job must bear. That is another reason I found it somewhat unusual, at the very end of our session, before the election, there was a sudden rush to confirm Dr. Harvey.

I had the occasion to speak with Dr. Harvey.

Mr. WARNER. Mr. President, in the interest of accuracy, I wonder if the Senator will yield?

Mr. REED. Yes.

Mr. WARNER. I know you want to be accurate. You are known on the committee as being a very accurate person, but you know the Secretary of Defense did forward the name of Secretary Roche, Secretary of the Air Force, to the Senate. Therein we discovered other situations that dictated in good, common sense that nomination should be withdrawn. But it did show action by the Secretary, and I wanted that part of the record.

Mr. REED. I thank the chairman. I reclaim my time, and I thank him for that important and accurate input. I think, though, we have been so many

months without a Secretary, and even when the nomination of Secretary Roche seemed to be in doubt, there was not the kind of response I thought necessary to show we had a permanent Secretary in place.

Then, of course, Dr. Harvey was nominated in July. The chairman is absolutely right. After it became apparent that Secretary Roche would not lead the Air Force—but, July until, again, September or October, there was no movement to get someone confirmed in an office that is vital. The chairman is correct. He is entirely accurate and I accept that gratefully.

One of the real issues that we have to deal with is the situation in the Army, and I think there are three areas that are of critical importance. First is end strength. Senator LEVIN has spoken to that. Second is the recapitalization issue, how do we repair this equipment and how do we buy new equipment. Again, Senator LEVIN has talked to that. Finally, there is this issue of leadership, of making sure that the Army is accountable to its peers in the legislative branch, accountable to Congress, and accountable to the values that we have all seen as the hallmark of the military.

These are critical issues that the next Secretary will have to address.

On the issue of end strength, during the last several months it has become increasingly clear to me, at least, that the Army needs to increase defense. It needs more Active-Duty soldiers in its ranks.

Since 1989, the Army military end strength has been cut by more than 34 percent, and civilian end strength by more than 45 percent, while undergoing a 300-percent increase in mission rate. That is not illogical.

At the end of the Cold War—1989–1990—with the vanishing of the Soviet threat, the notion that we needed a heavy-armored corps in Europe to stop the potential thrust into Central Europe was no longer operative. So the Army was reduced. That logic was apparent.

Then mission rate began to increase not just a few years ago but through Somalia, Haiti, and the Balkan threat. Just as there was logic in the early 1990s to reduce the size of our Army, I believe there is a compelling logic today to increase the size of our Army.

For the past several years, the Army end strength has been virtually constant at 418,400. In December 2001, for example, with the 482,400 end strength, there were about 100,000 Army personnel stationed abroad. Today, there are about 330,000 Army personnel stationed abroad.

You can see the tremendous increase in demand for these troops to be taken from home stations and deployed overseas.

Similarly, in 2004, 26 of the Army's 33 active combat brigades were deployed overseas at least once, and in 2003 and 2004 all 33 of the active Army combat brigades will have been deployed.

We all recognize that our operations in Iraq were conducted by extraordinarily brave troops, and extraordinarily effectively in the opening phases. In a matter of days, the Iraqi military was destroyed. Saddam was toppled from power. Then we began what in retrospect was the most critical part of the campaign—the occupation and reestablishment of civil society in Iraq.

One of the aspects of this phase is the growing recognition that it was not well planned. And we are indeed paying for that in terms of American military on the ground. Mistakes were made in the planning process.

According to a recent article in the *Philadelphia Inquirer*, when a lieutenant colonel briefed war planners and intelligence officers about phase 4-C—not the combat but the occupation operations, both civilian and military operations after the battle is won—he was briefing them in March 2003. But he was a little bit reticent because the slide he had simply said this: “To be provided.”

We did not have good plans to occupy the country of Iraq. Today, we are paying for that lack of planning.

The same *Philadelphia Inquirer* article pointed out that it is not because we didn’t recognize there were potential problems in Iraq, but in the words of the article, there was a “foot high stack of material” discussing the probability of stiff resistance in Iraq. A former senior intelligence official stated, “It was disseminated. And ignored.”

But we see at least some indication of the difficult path ahead when the office referred to the comments General Shinseki made in February 2003. Senator LEVIN asked him how many troops it would take. He said, “Something on the order of several hundred thousand soldiers.” He was immediately castigated by Secretary Rumsfeld, saying this estimate was “far from the mark.” Secretary Wolfowitz called it “outlandish.”

And, once again, it raises another challenge for the next Secretary of the Army to deal with.

How do we ensure that military officers will give their best advice and not suffer adverse consequences when they are asked by the Congress? We have a role to play. In fact, I think when many of us looked back, we hoped we had played a more significant role, particularly about the postwar occupation of Iraq.

I think it is important for this next Secretary to develop a situation where these officers feel confident of being candid with their superiors in uniform and with Members of Congress.

I know it has been pointed out that General Shinseki already had announced his plans to retire, or the Secretary had announced his plans for him. But, nevertheless, I think the treatment he received after his candid response to the committee was shabby and not comparable with the service

this gentleman rendered the U.S. Army and the Nation.

We understand, given the occupation unanticipated in many respects, we are going to require a significant number of soldiers in Iraq. This, again, should not come as a surprise to many people.

This chart is illustrative. It basically compares the ratio of soldiers in Iraq with historical records. The first line—the blue line—is the occupation of Germany. Again, we had huge numbers of soldiers on the ground in Germany. The red line shows the troop level for Japan. The next is the Somalia level, then Haiti, and noticeably the successful operations in the Balkans. This horizontal line represents our troop levels in Iraq today, 142,000.

History should have shown us that we would need a much larger Army to carry off this occupation in Iraq.

You might say, Well, we succeeded in Japan. But we succeeded by essentially preempting the entire Japanese Government. Once the Emperor made his fateful visit to General MacArthur and bowed to him, our problems with insurgency and rehabilitation of the Japanese were all but over. It took years but not militarily successful; again, in Somalia and Haiti. In Somalia, we left abruptly without a great deal of grace despite the courage of soldiers who performed magnificently there. Haiti might be a special case. But it should be clear that we need more troops on the ground.

If you need more troops on the ground, then you just simply need a larger Army.

That is something that we have to confront. That is just one.

Last summer, Secretary Rumsfeld asked the Defense Science Board, an independent group of experts, to study the transition from hostilities. Do we need more troops or less? Can we rely on technology or troops? They took a comprehensive look at missions and initiatives to reduce strain on the Army. Again, these are very sophisticated individuals selected by Secretary Rumsfeld. Their conclusion:

A smaller force may be needed to defeat opponents than that needed for stabilization and reconstruction operations. Technology has not had the same leverage in stabilization sales and reconstruction that it has in conflict. Warfighting transformation is not likely to save manpower needed for stabilization and reconstruction.

Consistent with history, consistent with what military officers tell us and presumably telling the Department of Defense, we need more troops for operations such as stabilization operations.

We also understand that there are roughly 138,000 troops stationed in the country today. And in anticipation of the election, in January the Pentagon announced they were going to try to increase that size.

Again, I think the inescapable conclusion from history and from uniformed military leaders candidly telling us their best judgment and from the result of the Defense Science Board

is that we need more troops. We need a larger Army for these missions.

But there are other issues that should suggest to us that we could use more troops effectively. We recently heard about a huge ammo dump that was discovered. It was apparently looted, and apparently unguarded for many months.

When I was in Iraq traveling with the chairman and ranking member in July, we were in Kirkuk. I was amazed to hear a general of the 4th Infantry Division talk about the hundreds and hundreds of unsecured American ammo dumps. I don’t believe they were unsecured because we believed there was no danger. It is simply because they did not have sufficient forces then to guard every ammo dump. They didn’t have loyal Iraqi forces to support their efforts.

Again, we have seen a situation in the last few days where we have conducted very successful and very difficult operations in Fallujah. Once again, the courage of the marines and the soldiers has been extraordinary—house-to-house fighting, difficult fighting. They have endeavored and succeeded in many respects not only in taking valuable terrain but also sparing innocent civilians with extraordinary demonstration of courage and skill.

But as they reduce Fallujah, the insurgents again move operations into Mosul and Bogoba. They span out and spread out and hit us. Frankly, one of the reasons they were successful in Mosul was because there was no significant American forces there. And the local police—some fought valiantly and a few others disappeared. Over a period of time, the whole town was under the control of the insurgents.

When we went into Mosul and started injecting American forces and more reliable Iraqi forces, they now hit Bogoba and other parts of the Sunni triangle. That is another strong suggestion that more American forces might be useful in country.

Finally, the borders of Iraq remain very porous. Smuggling is a venerable tradition in that part of the world, and the smuggling trade continues to operate.

Could we use more troops? Yes. The administration and the Department of Defense have said that our future and our salvation is with the Iraqi security forces. I believe they are right, but that is the long term. That is years from now. We are training an Iraqi national army force. And, frankly, the training is at the level of squads and platoons. They haven’t reached the level of companies or battalions that can effectively replace American units. They do not have the kind of equipment we have. The prospect of reliable, well-trained and well-disciplined Iraqi forces is many months if not years away.

We have a large number in Iraq already. Some might say: Goodness gracious, you have a bigger army than the

130,000 troops that are there right now—140,000 troops. But I don't think people recognize that the troops that are deployed are just, if you will, the tip of the spear. They are behind in administration, behind in troops that are training there, and there are troops that are recovering from being there.

It is important to recognize that even though there are roughly 140,000 troops in Iraq, it is clearly tasking our Army.

An observer of the scene, former Army officer Phillip Carter, tried to put this in perspective. Even the simplest military task, such as moving a unit from point A to point B, requires a Herculean logistical effort. Planes have to be scheduled; trains have to be contracted and loaded; ships must be diverted and filled with equipment. Just consider what it takes to move a single tank company from Fort Stewart to Fallujah. Soldiers have to spend days inspecting and packing their vehicles before loading them onto trains to take them to port. The trains will be met by more soldiers at dockside, who will work with longshoremen and contractors to put the tanks on a ship. Then the ship has to sail across to Kuwait where it will be met by more troops and contractors. Only then can they roll them north to Iraq. Moving one tank company costs a fortune and requires hundreds of people.

Now imagine you want to move an entire unit such as the 3rd Infantry Division with hundreds of tanks and thousands of other vehicles. The size and complexity of the task is staggering. It may cost as much as \$1 billion to send a division to Iraq. And it can't be done quickly.

Major bases in the United States have a finite "throughput" capacity, meaning that they can only squeeze so many pieces of equipment out the door any given day.

The tip of this spear is in Iraq. But whatever we have there, we need many more back here, again raising, I think, the obvious need for additional end strength for our Army.

In January 2004, LTG John Riggs, in charge of the Army of the future, stated:

I have been in the Army 39 years, and I've never seen the Army as stretched in that 39 years as I have today.

In July, LTG Jay Garner, who was the Bush administration's first generation in postwar Iraq, stated:

I think people are worn out, equipment is run down, and we've overstressed the reserves. We're drastically short [of] infantry and MPs because the Army is too small.

But all of this seems to have not made an impression on the Department of Defense with respect to the need to increase the size of the Army.

I think it is not just a question of numbers. It is a question of the stress being borne by soldiers and their families.

Approximately 16,000 Active-Duty soldiers have had two tours in Iraq, and if they stay in the service longer, they will have another.

That is a very significant statement.

In June of 2004, DOD projected that over the next 3 to 5 years it will continuously have 100,000 to 150,000 Reserve component members mobilized.

It has been estimated that if we do not increase the Army size, forces that have already been deployed to Iraq will have to return two more times. Mr. President, 3,600 troops normally stationed in Korea to protect us against North Korea, a country that arguably is a dangerous threat to us with their nuclear weapons and their mentality, have been redeployed to Iraq.

On July 6, the Defense Department stated it was calling up 5,674 members of the Individual Ready Reserve soldiers who have completed active duty, were in an 8-year period to be recalled, and they are being recalled, but they do not drill on a regular basis and some have not put on a uniform in 3, 4, 5, 6 years.

The DOD also implemented a series of stop-loss policies, what some might call a backdoor draft. Since September 11, DOD has announced six stop-loss policies for the Army, two for the Navy, five for the Air Force, and two for the Marine Corps. Only the Army still has a stop-loss policy, which means, effectively, once the unit is alerted, until 90 days after they return, that individual soldier cannot leave the Army even if his enlistment is up. These tours are increasingly longer. It is not just 12 months in-country; it is also the training beforehand and the demobilization after.

As many have pointed out, a great burden is falling on our Reserve and National Guard units. Men and women who have full-time jobs, men and women who have families far away from their mobilization point. Today, frankly, we cannot meet our requirements in the Army without the Guard and Reserve. These are extraordinarily talented, consummate professionals. The citizen soldiers have done a remarkable job for us, but the strain is immense on the Reserve and National Guard, once again suggesting we need a larger regular force. We have adopted all sorts of measures, stop-loss, relying heavily on the Reserves, but the underlying point which has to be confronted by the next Secretary is how do we increase permanently, with regular budget authority, the Regular Forces of the United States. The average mobilization for members of the Reserves and National Guard has increased to 342 days this year from 156 during the Persian Gulf, again corresponding to the increased reliance we are placing on the Reserve soldiers.

As we pointed out previously, the DOD mobilization authority states that the members of the Reserve component can be mobilized for no more than 24 months. Currently, 30,000 Reserve component members are up against this 24-month cap. But in 2005, indeed, a large portion next year will bump up against this cap. So we are using the Reserves and National Guard,

and they are performing well, but this underscores the need for a large regular force. A larger regular force is included in the budget, but not funded by emergency provisions through supplemental appropriations.

We are beginning to see, as a result of the stress on the Guard particularly, an erosion in terms of recruitment and retention. The Army National Guard ended fiscal year 2003 approximately 7,800 soldiers below the recruiting goal. Last month, the Army National Guard announced it expected to fall 5,000 short of the goal of 56,000 soldiers. A survey by the Army Research Institute for Behavioral and Social Sciences reported to us that more than one in three Army reservists plan to leave or transfer to the inactive reserve when the current enlistment ended; only a quarter will reenlist.

The Active Army made the reporting goal, but they did this by pulling forward one-half of the delayed entry program. Each year, they sign up young men and women who do not expect to report until the next year. In order to make the goal, they counted those soldiers in this year's accounting. So they start off essentially in a hole for this year because they cannot double-count those soldiers.

The other factor I see potentially damaging in the longer run, for the first time in a very long time, a small fraction of soldiers is being led into the Army who are normally rejected because of lower qualifications. It is roughly 2,000 out of 100,000, but that is a trend that certainly we do not want to see grow or continue, and it is illustrative of the need to make the totals because of the stress our military is under.

The other aspect is we are committed to making sure that the Army is there and we are trying to do that through incentives and bonuses, which puts additional financial stress on the budget of the Army. Again, this is something we can't avoid. That is the way we have to fund and maintain a volunteer force, but it is an issue in terms of long-term ability of the Army to find the resources so that they can pay these bonuses, they can pay the benefits, they can enlist the force.

One other final aspect of this issue of reliance upon a force which I believe is too small. We have seen, for the first time in a notable way in Iraq, reliance and overreliance on contractors—not contractors who do the mess halls. By the way, they are doing a magnificent job over there. The quality of life of soldiers is first-rate. But I am taken aback when I see private contractors providing security. We all recall that even Ambassador Bremer's security was provided not by military people but by private civilian contractors. That is another indication to me that we have to increase the Regular Army.

Part of this was a result of a plan that did not anticipate a long-term, intensive involvement in Iraq. As mentioned before, this has been pointed out

by others. In December of 2003, Jeffrey Record, of the Army's own Strategic Studies Institute, published a report that stated the ground force requirements in Iraq have forced the U.S. Army to the breaking point. He says the Army appears incapable of sustaining a commitment of 16 of its 33 active-duty combat brigades in Iraq absent a reduction elsewhere or expansion of its force structure.

Again, the Defense Science Board stated that current and projected force structure will not sustain our current projected globalization. There are inadequate total numbers of troops and a lack of long-term endurance. The board recommended adding troops or cutting back missions. It is very difficult to cut back missions.

I should point out that the board was aware of the attempts to reform the military, the modularity that is going on within the military. Again, this is a very positive development. I commend the Chief of Staff, General Schoomaker, and those who are trying to reforge the Army to be more efficient, but the Defense Science Board recognized these efficiencies and still stated that we need more troops.

We have in the Senate, with the cooperation of the chairman and ranking member, tried to do this. Again, going back a year or so ago, together with Senator HAGEL, we introduced legislation that would increase the Army by 10,000. It passed this Senate, but the Department of Defense objected to it, and it fell out of the conference report. We were successful in the last authorization to include an increase of 20,000 end strength, but once again the Department of Defense insisted that these troops be paid through emergency procedure.

We have to have a situation where the end strength is increased but it is also paid for through the regular budget process. My fear is that eventually it will get more difficult to pass supplementals. Senator LEVIN pointed out how the Army will rethink the demand of a significant amount of money next year in the supplemental for 2005. Yet even with that money they might not be able to sustain all their needs, equipment, or otherwise.

Unless we have an authorized end strength that is paid for through the regular budget process, we may end up leaving the Army in the lurch in the years ahead. When the budget comes down, the supplementals are not as robust, and they still have the missions and the troops they need to conduct those missions. That is a critical issue that the Secretary must address. I raised these issues with Dr. Harvey. He certainly listened attentively, but I received no commitment that he was going to move aggressively to do this.

The other issue of equipment, which has been addressed by the ranking member, is the Army has sustained 1.6 billion in equipment battle losses in Afghanistan and Iraq. Presently it has an unfunded requirement of 1.3 billion

for ammunition. The Army estimates a third of the equipment is either already in Southwest Asia or en route. In fiscal year 2005, approximately 1.6 million pieces of Army equipment will be sent back to the United States from Iraq and Afghanistan for repairs, upgrade, or replacement. The Army expects to need \$7 billion for this effort.

We have an extraordinary demand to keep Army equipment going, and the requests, so far, the supplemental requests have not met those demands. I personally believe we have to have a robust, dedicated fund from sources outside the Army so we can fund the simple recapitalization of the equipment needs of the military.

There is another aspect of the equipment demand. We have taken a great deal of equipment from the National Guard and forces in the United States, moved it overseas, leaving our National Guard back here with a fraction of their critical equipment. As my colleagues recognize, the National Guard plays a critical role in homeland security, a critical role in aiding States and localities with disaster assistance, and they are not only deployed overseas but many of the guardsmen left behind do not have the full complement of equipment—another issue we have to deal with.

I could go on at great length talking about recurring equipment needs. There are other examples that are critically important. Nearly all the equipment, for example, in our stockpiles in Southwest Asia has already been deployed forward. We do not have those robust stockpiles of equipment necessary if there is another contingency in the area. The only area where stocks appear to be untouched is Korea, which I think is a very prudent decision. This is another example of the issues we are facing in terms of equipment.

As we go forward, we have endeavored to provide the resources to our military to conduct the important operations overseas. In the past 17 months, President Bush has requested and Congress has appropriated \$187 billion for Afghanistan and Iraq. We also anticipate an additional request of \$70 billion in the next few weeks or months. We are spending a great deal of money, but still the needs of the Army are unmet. We have to provide for the needs. We have to provide for the necessary equipment.

We have a crisis in end strength. We have a crisis in recapitalization of equipment, and we also have an issue of leadership. I have stressed this before so I will be brief.

We have had two individuals serving the Army in this administration. General Shinseki and Secretary White were called upon to give their best views to the Congress. They did, and essentially they were punished for those views. That, to me, is not an effective way to use the offices of the Army or to get the kind of cooperation within the executive branch and the

kind of cooperation between the Congress and the military service that is so necessary. Again, I feel the inhibitions that resulted from that very dramatic public behavior might have prevented individuals from appropriately sharing with us information about the planning problems for postwar Iraq, about the need for additional forces, about the need for recapitalization of equipment. In the long run, it is a very destructive and corrosive force. The next Secretary has to deal with that on an individual basis and on a collective basis in the Army and within the Department of Defense.

Also, too, an issue that has concerned many, and one that we were shocked by, was the scenes of the Abu Ghraib prison, where individual soldiers have been held accountable, enlisted people, E-5s, E-6s, E-4s, but anyone who has read the reports and anyone who has been in the area in which the chairman has conducted it in a very professional and very courageous fashion has to understand that accountability does not stop here.

We have had numerous reports by the IG, by General Taguba, by General Kern, and by others which suggests at least people at ranks beyond non-commissioned officer have to be held accountable. Yet to date there has been no accountability, in my mind.

I was curious as to just simply who had the responsibility to press court-martial charges against some of the individuals notified in the report by General Karpinski. Now, that is, I am told no general officer can go before a court-martial without an IG report. The IG has conducted a report. I found out that the IG, General Mikolashek, is scheduled to retire in a few days. I don't know what the status of his report is, whether he forwarded it to the convening authority and whether the convening authority is taking steps. The convening authority is General Helmsley, who is the Reserve component commander. Colonel Pappas, who is out of the 5th Military Intelligence Brigade, and General Sanchez was originally the convening authority—he decided because of appearances, and I think appropriately, that he shouldn't be involved. It was then sent to General Bell, the USAREUR commander, and now it has been delegated to General Benny Williams. It seems to me in the course of trying to establish responsibility beyond the company grade level that we have not made much progress.

I believe the next Secretary of the Army has to deal with this issue directly because it would be unfortunate—more than unfortunate—if individual soldiers were punished and it appeared that seniors who might be culpable—not directly involved in brutality but for dereliction of duty or for failure to follow the law of warfare—simply walked away or were lost in the shuffle of paperwork and reports. That is the challenge this Secretary has to deal with because the essence, in my

mind, of a military officer is accountability and responsibility, and you do not get that by pushing reports and pushing paper and suddenly trying to make it go away.

Maybe I am just premature in my demands for some type of finality to this situation. I don't think so. Again, I believe the next Secretary of the Army has to establish a very simple rule: Soldiers are responsible for what they do and commanders are responsible for their commands. I hope that is done because, if not, all the issues I have talked about—the lack of troops, the need for new equipment and refurbishment of equipment—will pale in comparison if people can draw the lesson that only soldiers are punished and superiors are somehow able to escape, at least the opportunity to be held accountable.

Mr. WARNER. Will the Senator yield? He brings up a subject of great importance to the committee. Indeed, I commend the committee as a whole for the manner in which it pursued its look into this situation. We are awaiting what is described as maybe the final report—the Senator is aware of that—which is to be a compendium analysis of previous reports and such other factors deemed relevant.

There is also an outstanding request that I put to General Kern and his group in the course of the hearing that we would like to have them, once again, assess the full meaning of accountability as they use that.

I thank the Senator for raising the question. I assure him it is something I will continue as chairman in the coming Congress. This is a matter which the committee will once again address.

Mr. REED. Mr. President, I reclaim my time. Let me, once again, commend the chairman because he took a position that was very difficult.

Mr. WARNER. I thank the distinguished Senator. The ranking member was a full working partner, together with all Members of the committee.

Mr. REED. Let me add, honestly, without his sensitivity to the importance of this issue, to the long run values of the military, it would not have received any attention. I commend the chairman for continuing his efforts.

I just point out, all this might be coincidental. General Kern retired on Saturday, I believe. I hope the report and response is ready and en route to the chairman. I hope he, too, agrees with me that this is not an issue that we can ignore.

I must say also this is not just an Army issue. I think there was a tendency initially to portray this as the aberrant behavior of young soldiers. As we now know, there was much more complicated and high-level involvement. What involvement is still unclear, but we cannot walk away from this issue. And because the next Secretary of the Army will have so much authority with respect to reports, with respect to reviewing at least court-martial proceedings or involved in

these decisions, this issue has to be addressed. And that is one of the major challenges I think Dr. Harvey will address, I hope, if he is confirmed.

Let me again conclude by thanking the chairman not only for his leadership but for the gracious way he has helped today to illustrate these issues and to assist me in my presentation. I thank him. I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Virginia.

Mr. WARNER. Mr. President, before recognizing the distinguished Senator from Colorado, I would like to respond to two issues raised by our colleague from Rhode Island in the course of what I think has been a very constructive debate today.

The first is on the issue of end strength.

Senator REED has argued that the Regular Army—the active duty force—needs to be larger, and I would agree with him.

In the Ronald Reagan National Defense Authorization Act for fiscal year 2005, signed by the President on October 28, Congress required that the Army increase its active-duty strength by 20,000 soldiers over fiscal year 2004 levels.

The conference report, while noting that in a time of national emergency the President may direct even higher levels, specifically authorized an increase of 30,000 soldiers between 2005 and 2009.

These increased numbers reflect the recommendations of General Peter Schoomaker, the Chief of Staff of the Army, who is a great soldier. He has proven to be a superb Chief of Staff of the Army.

In the committee hearing on General Schoomaker's nomination last year, I recall very well the questions asked of him as to whether he thought that the Army needed to have more soldiers. General Schoomaker responded candidly that his intuition told him that he thought the Army needed to be larger.

He was right. Following his confirmation and appointment in August 2003, he has testified on several occasions about the end strength issues and communicated his views about what needs to be done to ensure the Army is prepared and ready in all respects for its current missions.

The Army laid out a plan to temporarily increase end strength by 30,000 over the next 5 years as it was transforming to "modular units of action."

General Schoomaker, for example, testified on November 19, 2003, in a full committee hearing on "Current Army Issues." I questioned him about the force level of the Army, asking General Schoomaker about whether we need additional troops.

His response was that as a result of stop-loss and stop-movement, which currently serves to ensure unit manning and cohesion, the Army was operating with 20,000 more soldiers in the regular Army than in 2002. He went on to emphasize that

the greatest move we can make is to get the proper utilization of the soldiers within the Army that we have authorized and we are paying for right now. This is going to require significant active-Guard and Reserve rebalancing and significant restructuring of policies that will give us access to more of the force that we are paying for and have on hand right now.

General Schoomaker reiterated this point in February 2004 when he testified with the Secretary of Defense on the President's fiscal year 2005 budget. General Schoomaker shared his "rain barrel" and "spigot" analogy with us in which he noted that because of the Army's current organization and composition, the Army cannot make use of the bulk of its manpower.

General Schoomaker has called for transformational changes in Army personnel planning, such as conversion of billets from military to civilian employees; he has advocated rebalancing of reserve and active skills to improve readiness; he has called for greater numbers of soldiers with essential occupational skills, and implementation of new technology. In doing so, he consistently has argued throughout the past year that precipitous increases in end strength were not the answer to the Army's readiness challenges.

In a recent interview last month, General Schoomaker stated:

We all agree the Army should grow. The issue is how to pay for it. Right now we have supplemental funding to increase numbers we're bringing in and retaining. . . . We are growing through increased accessions and retention. We have grown to 495,000 on active duty, up from 480,000 last year. We are making the Army as big as we can, as fast as we can. But paying for it is another issue.

In summary then, three points need to be made:

First, the Army is increasing in size. The Army active-duty strength on September 30 of this year was 499,530. That was about 17,000 above the authorized end strength for fiscal year 2004. The Army is projecting that it will meet the requirement to expand by 20,000 soldiers by the end of fiscal year 2005.

Second, while all agree that the Army is stretched, the Department of Defense has been clear that if the combatant commander in U.S. Central Command calls for more troops, he will receive them.

And, third, the cost of 10,000 additional active-duty soldiers has been estimated to be \$1.2 billion. It is essential that budgeting realities be taken into account and that the Army not be required to absorb additional soldiers "out of hide." To do otherwise would undermine General Schoomaker's critically important transformational vision.

I draw to my colleagues' attention that General Schoomaker, the current Chief of Staff of the Army, has addressed this issue. I questioned him in the course of the hearing on November 19 about the force level of the Army. I asked him how he felt about the need for additional troops. His response was that as a result of the stop-loss and

stop-movement which currently serves to ensure unit manning and cohesion, the Army was operating with 20,000 more soldiers in the Regular Army than in 2002.

In a subsequent interview last month, he stated:

We all agree that the Army should grow. The issue is how to pay for it.

The Senator from Rhode Island raised that point.

General Schoomaker went on to say:

Right now we have supplemental funding to increase numbers we're bringing in and retaining. . . .

I think he has looked at this in a very responsible way, recognizing that the supplemental, hopefully, has cared for the immediate needs of the Army and will provide funds to implement the legislation the committee incorporated in the Ronald Reagan Defense Act of 2004 that we put through.

Also, the Senator raised a question about General Shinseki, and that is one in which I have been increasingly interested through the years. And actually, on this floor, I stated to the Senate that so much has been said about this distinguished officer's career and how he concluded, which I always thought was the regular way, that the Chief of Staff would step down at the conclusion of his term. But others have views about that, and I am not going to get into that.

I would like to put in the RECORD the colloquy between Senator LEVIN and General Shinseki on February 25, 2003, when he addressed this question of the forces that could be used or required. It is interesting to go back and read it because I think people have seized on this so often to refer to it as a basis for their observations. But here is what he said. Senator LEVIN asked the question:

General Shinseki, could you give us some idea as to the Army's force requirement for an occupation of Iraq following the successful completion of the war?

Bear in mind, the operation had not even started at that time, and this question was put to General Shinseki after all the chiefs had made opening statements. General Shinseki had put into the record his full statement and then testified in open session to most of that statement.

General Shinseki said: "In specific number, I would have to rely on combatant commanders' exact requirements," which is much what the President and the Secretary of Defense have said each time this issue is up. If the combatant commanders made requests, indeed he, the President, would consider it and, in all probability, meet those requests.

Then he went on. It is very interesting. He is a most distinguished officer, and I share the Senator's views about him. There are moments in our Senate career that we never forget, but I remember in the course of the confirmation of General Shinseki, our distinguished colleague from Hawaii, Senator INOUE, rose and gave one of the most magnificent speeches on the floor

of the Senate I have ever heard about any individual in the 26 years I have been privileged to serve here. I share in the full respect for this officer.

Here is what he said again to Senator LEVIN:

I would say that what has been mobilized to this point, something in the order of several hundred thousand soldiers, is probably a figure that would be required.

In other words, it was not a finite statement. It was more or less a generalized statement. He continued:

We are talking about post-hostilities control over a piece of geography that is fairly significant with the ethnic tensions that could lead to other problems.

That is showing a lot of foresight.

It takes a significant ground presence to maintain a safe and secure environment to make sure that people are fed, that water is distributed, all with the responsibilities that go along with administering a situation like this.

But he makes no reference at that point that he ever anticipated the level of insurgency, the infiltration of these terrorists from other nations to come in and fuel this fight.

In fairness to him, I think the exact text that he responded to that question, which, again, was referred to by my distinguished colleague, the ranking member, and myself today should be made a part of this RECORD.

I inquire of the Presiding Officer as to the time remaining under the control of the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia has 40 minutes.

Mr. WARNER. And the distinguished ranking member, I believe, has roughly an hour.

The PRESIDING OFFICER. The ranking member has 56 minutes.

Mr. WARNER. I notice the presence on the floor momentarily of our distinguished colleague from South Carolina and, indeed, the current junior Senator from South Carolina. I know the Senate is anxious to hear from both our colleagues with regard to the forthcoming retirement of our distinguished colleague, Senator HOLLINGS.

I also see my colleague from Colorado who desires to speak to the matter before the Senate. I say to the Senate that I think this debate and discussion among the members of the committee as relating to the nomination is about to come to a close, and subject to the ranking member's views, which I ask he provide the Senate at this time, I would like to give—how much time would the Senator from Colorado desire?

Mr. ALLARD. I request from the chairman 10 minutes. I probably will not use that amount, but if there is a minute or two, I will yield that back.

Mr. WARNER. I think the Senator from Oklahoma, Mr. INHOFE, wants about 5 minutes. Perhaps 15 minutes on this side, I say to my colleagues, is the remainder of the time we would seek on this nomination.

Mr. LEVIN. Mr. President, if the Senator will yield for a unanimous consent

request first. I am glad the Senator put in the RECORD the remarks of General Shinseki. I think they fully support what Senator REED was saying and what I was saying. I also ask unanimous consent at this point in the RECORD that the reaction of Secretary Wolfowitz to those remarks be printed. We will provide those for the RECORD, to the effect General Shinseki was widely off the mark and that it is hard to believe it would take more troops to occupy a country than it would be to win the war. I ask those remarks be made part of the RECORD. We will supply those remarks to the clerk, if that meets with the agreement of the Senator.

Mr. WARNER. I certainly would not impose any objection to a colleague wishing to expand the remarks.

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

THE STATEMENT OF U.S. DEPUTY SECRETARY OF DEFENSE PAUL WOLFOVITZ BEFORE THE HOUSE BUDGET COMMITTEE ON FEBRUARY 27, 2003

If I might digress for a moment, Mr. Chairman, from my prepared testimony, because there's been a good deal of comment, some of it quite outlandish, about what our post-war requirements might be in Iraq. . . .

But some of the higher-end predictions that we have been hearing recently, such as the notion that it will take several hundred thousand U.S. troops to provide stability in post-Saddam Iraq, are wildly off the mark.

First, it is hard to conceive that it would take more forces to provide stability in post-Saddam Iraq than it would take to conduct the war itself and to secure the surrender of Saddam's security forces and his army. Hard to imagine.

Mr. WARNER. Mr. President, I call to the attention of my colleague that this issue of General Shinseki's remarks has been and perhaps will continue to be debated and discussed.

But actually, on the floor of the Senate—and my recollection is it was last fall from this fall in connection with the conference report—I said to the Senate that I had asked repeatedly of the Army, of members of the Army: Was there any staff work done on this issue of the troop levels required in a post-conflict situation, either in the Department of the Army or in the joint staff? I urged that that be forthcoming and that information be given to the committee.

To the best of my knowledge, no one has come forward to show any staff workup that provided the basis for the General's reply. As I point out, the General did not, in the course of these opening remarks, in a prepared statement, make any reference to that. As a matter of fact, he was supportive of the figure that was in the budget.

Mr. LEVIN. If the Senator will yield, though, again, for a comment on that.

Mr. WARNER. Yes.

Mr. LEVIN. If there was no staff workup on that issue, it would be shocking. There surely should have been staff work on the question of how many troops it would take to secure a country after its occupation. There

have been a number of press reports to the effect that there in fact were some assessments as to how many troops, but I have never seen that assessment. If it did not exist, it would be pretty serious mismanagement, it seems to me, and if it does exist, we ought to get a copy of it.

Either way, I think General Shinseki was mistreated. He was the subject of calumny, almost, inside the civilian part of the Defense Department, for expressing an opinion.

I know my friend, the chairman, would agree with me that when a military officer is asked a question, he is required by a commitment that he makes to us when he is before us for confirmation to give us his honest professional judgment, and he was pressed by me to give us that judgment. He said he couldn't be specific, and then I pressed him to give us a range and he said: Several hundred thousand. The reaction to that amongst the civilians is that is widely off the mark. He paid a price he never should have paid for giving an honest opinion to a congressional committee.

Mr. WARNER. You address this thing in a very broad context, which you are free to do. I was very specific. When he said several hundred thousand, I inquired as to whether there is any document, either in the Department of the Army or the joint staff, which supported that several hundred thousand individuals would be needed in a post-conflict situation.

Mr. LEVIN. Is there a document that supports 130,000 would be needed? I would like to see a document that supports any analysis of what would be needed. That is the problem with the failure to plan for the aftermath. It is that there was no plan for the aftermath. If there is a document that says 130,000—and maybe my good friend from Rhode Island has the document we are referring to?

Mr. REED. I don't have the document, but an article in the Philadelphia Inquirer of October 17, 2004 made several references. First:

Franks' Central Command did have an extensive plan to restore order and begin rebuilding the country, called Operation Desert Crossing, said retired Marine Gen. Anthony Zinni, who drew up the plan and updated it continuously when he led Centcom until 2000. It was never used.

Further in the story:

Central Command originally proposed a force of 380,000 to attack and occupy Iraq. Rumsfeld's opening bid was about 40,000, "a division-plus," said three senior military officials who participated in the discussions. Bush and his top advisers finally approved the 250,000 troops the commanders requested to launch the invasion. But the additional troops that the military wanted to secure Iraq after Hussein's regime fell were either delayed or never sent.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Philadelphia Inquirer, Oct. 17, 2004]

THE IRAQ WAR: MISCALCULATION AND MISSTEP
WASHINGTON.—In March 2003, days before the start of the U.S.-led invasion of Iraq, American war planners and intelligence officials met at Shaw Air Force Base in South Carolina to review the Bush administration's plans to oust Saddam Hussein and implant democracy in Iraq.

Near the end of his presentation, an Army lieutenant colonel who was giving a briefing showed a slide describing the Pentagon's plans for rebuilding Iraq after the war, known in the planners' parlance as Phase 4-C. He was uncomfortable with his material—and for good reason. The slide said: "To Be Provided."

An Inquirer Washington Bureau review of the Iraq policy and decisions of the administration has found that it invaded Iraq without a comprehensive plan in place to secure and rebuild the country. The administration also failed to provide about 100,000 additional U.S. troops that American military commanders originally wanted to help restore order and reconstruct a country shattered by war, a brutal dictatorship, and economic sanctions.

In fact, some senior Pentagon officials had thought they could bring most American soldiers home from Iraq by September 2003. Instead, more than a year later, 138,000 U.S. troops are still fighting insurgents who slip easily across Iraq's long borders, diehards from the old regime, and Iraqis angered by their country's widespread crime and unemployment and the United States' sometimes heavy boots.

"We didn't go in with a plan. We went in with a theory," said a veteran State Department officer who was directly involved in Iraq policy.

The military's plan to defeat Hussein's army worked brilliantly and U.S. troops have distinguished themselves on the battlefield.

However, the review found that the President and many of his advisers ignored repeated warnings that rebuilding Iraq would be harder than ousting Saddam Hussein, and they tossed out years of planning about how to rebuild Iraq, in part because they thought pro-American Iraqi exiles and Iraqi "patriots" would quickly pick up the pieces.

The CIA predicted up until the war's opening days that the Iraqi army would turn against Hussein, which never happened.

This report is based on official documents and on interviews with more than three dozen current and former civilian and military officials who participated directly in planning for the war and its aftermath. Most still support the decision to go to war but say many of the subsequent problems could have been avoided.

Every effort was made to get those who were interviewed to speak for the record, but many officials requested anonymity because they didn't want to criticize the administration publicly or because they feared retaliation.

President Bush and top officials in Secretary of Defense Donald H. Rumsfeld's office did not respond to repeated requests for interviews. They have publicly defended their plans for the invasion and its aftermath, and now some top officials are blaming the CIA for failing to predict the messy aftermath of Hussein's fall.

The United States and interim Iraqi Prime Minister Ayad Allawi are now taking steps to defeat the Iraqi insurgency and will have national elections in January. They have negotiated an agreement to disarm some of the militia led by radical Shiite Muslim cleric Muqtada al-Sadr and are pressing an offen-

sive against Sunni rebels. After more than a year of internal squabbling, U.S. military commanders, intelligence officers, and diplomats in Baghdad are acting as a team.

But the hole created by the absence of an adequate plan to rebuild Iraq, the failure to provide enough troops to secure the country, the misplaced faith in Iraqi exiles, and other mistakes made after Baghdad fell is a deep one.

"We've finally got our act together, but we're all afraid it may be too late," said one senior official who is engaged daily in Iraq policy.

The Bush administration's failure to plan to win the peace in Iraq was the product of many of the same problems that plagued the administration's case for war, including wishful thinking, bad information from Iraqi exiles who said Iraqis would welcome U.S. troops as liberators, and contempt for dissenting opinions.

However, the administration's planning for postwar Iraq differed in one crucial respect from its erroneous prewar claims about Iraq's nuclear, chemical and biological weapons programs and links to al-Qaeda.

The U.S. intelligence community had been divided about the state of Hussein's weapons programs, but there was little disagreement among experts throughout the government that winning the peace in Iraq could be much harder than winning a war.

"The possibility of the United States winning the war and losing the peace in Iraq is real and serious," warned an Army War College report that was completed in February 2003, a month before the invasion.

Without an "overwhelming" effort to prepare for the U.S. occupation of Iraq, the report warned, "The United States may find itself in a radically different world over the next few years, a world in which the threat of Saddam Hussein seems like a pale shadow of new problems of America's own making."

A half-dozen intelligence reports also warned that U.S. troops could face significant postwar resistance. This foot-high stack of material was distributed at White House meetings of Bush's top foreign policy advisers, but there's no evidence that anyone ever acted on it.

"It was disseminated. And ignored," said a former senior intelligence official.

The Pentagon's Defense Intelligence Agency was particularly aggressive in its forecasts, officials said. One briefing occurred in January 2003. Another, in April 2003, weeks after the war began, discussed Hussein's plans for attacking U.S. forces after his troops had been defeated on the battlefield.

Similar warnings came from the Pentagon's Joint Staff, the State Department's Bureau of Intelligence and Research, and the CIA's National Intelligence Council. The council produced reports in January 2003 titled "Principal Challenges in Post-Saddam Iraq" and "Regional Consequences of Regime Change in Iraq."

Unlike the 1991 Persian Gulf War, in which Iraqi troops were trying to maintain their grip on Kuwait, "they are now defending their country," said a senior defense official, summarizing the Joint Staff's warnings. "You are going to get serious resistance. This idea that everyone will join you is baloney. But it was dismissed."

Retired Army Lt. Gen. Jay Garner wasn't named to lead Iraq's reconstruction until January 2003 and didn't oversee the first major interagency conference on postwar Iraq until Feb. 21, less than a month before the invasion.

At the Pentagon, the director of the Joint Staff, Army Gen. George Casey, repeatedly pressed Gen. Tommy Franks, the head of the Central Command, for a "Phase 4," or postwar, plan, the senior defense official said.

"Casey was screaming. 'Where is our Phase 4 plan?'" the official said. It never arrived. Casey is now the commander of U.S.-led coalition forces in Iraq.

Franks' Central Command did have an extensive plan to restore order and begin rebuilding the country, called Operation Desert Crossing, said retired Marine Gen. Anthony Zinni, who drew up the plan and updated it continuously when he led Centcom until 2000. It was never used.

The same officials who saw no need for a plan to secure and rebuild a defeated Iraq also saw no need to position thousands of U.S. soldiers, including military police, engineers, ordnance disposal teams, and civil affairs specialists, to begin taking control in Iraq even before the war against Hussein was over.

Long-standing Army doctrine calls for beginning reconstruction in freed areas of a country while fighting rages elsewhere. It also calls for a shift in military forces from combat troops to civil affairs, military police and the like.

"Unfortunately, this did not occur despite clear guidance to the contrary," Army Col. Paul F. Dicker wrote in an assessment.

Bush, Rumsfeld, and other top officials insist that their military commanders were given everything they requested, and Franks wrote in his book, *American Soldier*, that Rumsfeld supported his war plan.

Technically, that's accurate. However, three top officials who served with Franks at the time said the plan was the product of a lengthy and sometimes heated negotiation between the Central Command and the Pentagon, in which Rumsfeld constantly pressed Franks and other senior officers to commit fewer troops to Operation Iraqi Freedom.

At one point, Secretary of State Colin Powell, a former chairman of the joint chiefs, weighed in on Franks' side and helped persuade Rumsfeld to commit more troops, a senior administration official said.

Rumsfeld and his aides wisely wanted to keep the U.S. footprint in Iraq as small as possible, realizing that more troops would likely breed more Iraqi resentment, and they wanted a smaller, faster force that could overwhelm the Iraqi military before it could torch the country's oil fields, retreat into the cities and create a humanitarian disaster.

"There were different motivations by different people in this administration for going after Iraq, but they all came together . . . in a way that blotted out prudence and caution," said a senior intelligence official.

Central Command originally proposed a force of 380,000 to attack and occupy Iraq. Rumsfeld's opening bid was about 40,000, "a division-plus," said three senior military officials who participated in the discussions. Bush and his top advisers finally approved the 250,000 troops the commanders requested to launch the invasion. But the additional troops that the military wanted to secure Iraq after Hussein's regime fell were either delayed or never sent.

As a result, the two Army divisions that Centcom wanted to help secure the country weren't on hand when Baghdad fell and the country lapsed into anarchy, and a third, the First Cavalry from Fort Hood, Texas, fell so far behind schedule that on April 21 Franks and Rumsfeld dropped it from the plan.

Moreover, one senior military official said, there was a realization that fresh troops would eventually be needed to replace worn-out units in Iraq.

"We could not burn the candle on the Cav prematurely," he said.

Others said that civilian officials in the Pentagon were so convinced that these "follow-on forces" wouldn't be needed in Iraq that they thought they could withdraw 50,000

troops from Iraq in June 2003; 50,000 more in July; and a final 50,000 in August. By September 2003, Rumsfeld and his aides thought, there would be very few American troops left in Iraq.

Instead of providing a plan and enough troops to take control of Iraq, officials, advisers and consultants in and around the Pentagon and Vice President Dick Cheney's office bet on Iraqi exiles such as Ahmed Chalabi of the Iraqi National Congress, who assured them that Iraqis would welcome U.S. troops as liberators.

Gen. John Keane, the vice chief of the Army staff during the war, said some defense officials believed the exiles' promises.

"We did not see it [the insurgency] coming. And we were not properly prepared and organized to deal with it. . . . Many of us got seduced by the Iraqi exiles in terms of what the outcome would be," Keane told a House committee in July.

Rumsfeld's office "was utterly, arrogantly, ignorantly and negligently unprepared" for the aftermath of the war, said Larry Diamond, who was a political adviser in Baghdad from January to March of this year.

Douglas Feith, the Defense Department's number-three official, and former Pentagon consultant Richard Perle both acknowledged that their vision for post-Hussein Iraq included putting pro-Western exiles in power.

"We had a theme in our minds, a strategic idea, of liberation rather than occupation, giving them [Iraqis] more authority even at the expense of having things done with greater efficiency" by coalition military forces, Feith told *The Philadelphia Inquirer* last month.

Perle, in an interview, said he and others had for years advocated "helping the Iraqis liberate themselves—which was a completely different approach than we settled on."

"We'll never now how it would have come out if we did it the way we wanted to do it," he said.

The CIA, the Defense Intelligence Agency, and the State Department all warned that Chalabi was a charlatan, and the uniformed military dragged its heels in training exiles to join the fight against Hussein.

The battle over Chalabi was one of numerous bitter interagency fights about Iraq that Bush and his national security adviser, Condoleezza Rice, never resolved.

"I'm not going to put my thumb on the scale," Bush said at a White House meeting in which Chalabi's bona fides were hotly debated, according to an official who was present.

That left Pentagon officials to plow ahead with their attempt to position Chalabi and his militia, the Free Iraqi Fighting Forces, to take power after Saddam's fall.

Within 48 hours of their arrival in Baghdad in April, some of Chalabi's men, including members of his personal bodyguard force, began taking cars, bank accounts and real estate, said a senior military officer who received reports of the events. It became evident almost as quickly that Chalabi and other exiles had a larger political following in the Pentagon than they did in Iraq.

Intelligence officials now charge that Chalabi or some of his senior aides were paid agents of Iran's intelligence service, and that Chalabi or his security chief provided classified U.S. military information to Iran. Chalabi has denied the allegation.

Mr. WARNER. Mr. President, at this point I further ask unanimous consent to have printed in the RECORD testimony by General Franks in response to questioning by Senator LEVIN on this issue.

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

Senator LEVIN. Could you give us just a range of troops? I mean, would it be from 100-150,000 for many years? I'm not asking for any kind of precise figure, but what's your current best estimate?

General FRANKS. Senator Levin, that actually is not as hard to answer as it might seem. We have about 145,000 troops in there right now. As I have talked to commanders at every level inside Iraq, one finds that that footprint appears to us on the operational side to be about what that footprint needs to look like. There has been suggestion that perhaps there should be more troops, and, in fact, I can tell you in the presence of this Secretary that if more troops are necessary, this Secretary is going to say yes. We have talked about this on a number of occasions, and when the tactical commanders on the ground determine that they need to raise force levels, then those forces in fact will be provided. The Secretary may want to comment on that, but what we—

Mr. WARNER. That concludes the debate at this point. I wonder if Senator ALLARD and Senator INHOFE—I see Senator SESSIONS—we are trying, if I might, to acquaint my colleagues who have arrived on the floor—the distinguished senior Senator from South Carolina desires to speak to his forthcoming retirement. The senior Senator wishes to speak to that. Yet this issue has been fully debated by those who have been on the floor. I judge my colleagues here wish to take some time.

If my colleague could indicate that to me, I would like to allocate the time you would like to have.

First, Senator ALLARD.

Mr. ALLARD. Mr. Chairman, if I might have 10 minutes. I am not sure I would use that time, but I appreciate that.

Mr. WARNER. Other Senators?

Mr. SESSIONS. Mr. Chairman, I will be pleased—2 minutes will be sufficient to me.

Mr. WARNER. Let's say 5. He is the chairman on the subcommittee for the Army and I think that is important.

Mr. SESSIONS. I also have a 4 o'clock commitment I will need to be in.

Mr. WARNER. I say to the Senator from Oklahoma—

Mr. INHOFE. Mr. Chairman, if there is 10 minutes, I would like to have that. If not, I will downgrade that.

Mr. WARNER. I will leave that to the Senator's judgment. For the moment I will say 7 minutes. Is that agreeable?

Mr. INHOFE. That is agreeable.

Mr. WARNER. Does the Senator from Colorado wish to allow our distinguished colleague from Alabama to proceed?

Mr. SESSIONS. Mr. President, I ask if the Senator from Colorado will give me 2 to 3 minutes. I want to say a couple of things.

Mr. WARNER. For that purpose, I ask unanimous consent for the Senator from Alabama, to be followed by the Senator from Colorado, followed by the Senator from Oklahoma, to address the Senate in the confines of the time allocated.

Mr. ALLARD. That is all right with me. I yield 3 minutes.

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

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I was present when Dr. Harvey came before the Armed Services Committee for the nomination hearing on his appointment as Secretary of the Army. As the hearing went along, I became more and more impressed with this extraordinary man. This is not the time to debate somebody's differing opinions about how General Franks and others should have handled the war in Iraq. They did a dadgum good job of it, as far as I am concerned, in achieving the victory over there and in Afghanistan also. There will always be people to second-guess it.

But Dr. Harvey has extraordinary experience of remarkable breadth. He has his B.S. from Notre Dame and Ph.D. from the University of Pennsylvania in metallurgy and materials science. He has been CEO of some of the country's largest corporations. He has been a COO of two high-tech startup companies in recent years. He is high-tech oriented. He is management oriented. He will bring those skills to the Department of Defense.

As he goes through it, he will be able to help us decide how big the Army should be and how the transformation should go forward to help us transform our great Army, which is doing magnificent work this very moment in a hostile environment in Iraq. He will help us make it better. I am convinced of that.

He is not a uniform man himself, nor should he be. He will bring his talents to bear to that subject. I am excited by his nomination. I believe he will do an outstanding job.

I thank Senator WARNER for his leadership and I yield the remainder of my time to Senator ALLARD and Senator INHOFE.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I have the utmost confidence in Dr. Francis Harvey and I do believe he will act on behalf of our men and women in the field. I think he has a sincere concern about what happens to them and that they have the adequate equipment and manpower and whatnot to do their job. Frankly, it boils down to the fact that we can always anticipate what the force size has to be. That has to be determined basically by the men in the field, the commanders in the field. To try to run a war out of the Pentagon is a mistake. I happen to be rising in support of the nomination of Dr. Francis Harvey for the post of Secretary of the Army because I think he understands that.

I will say a few things here to comment on Dr. Harvey's qualifications.

In addition to the time Dr. Harvey spent with us in committee hearings, I spoke with him individually on a variety of Army issues, critical not only to our overall national security but also

the citizens of Colorado. I believe Dr. Harvey to be fully qualified for this post. My distinguished colleague from Alabama, I think, went over some of his qualifications. I thank our distinguished chairman from Virginia for this timely debate and confirmation.

Let me first acknowledge the outstanding performance of the current Acting Secretary of the Army, Les Brownlee. Secretary Brownlee, together with General Schoomaker, the Army Chief of Staff, has successfully directed the Army through this time of challenge and change. The Army is leading our Nation in the global war against extremist terrorists, and is making giant strides in transforming warfighting, logistics, and business management capabilities.

Additionally, I know the Nation greatly appreciates the significant improvements in the quality of life of our Active Duty, Reserve, and National Guard soldiers. This includes our retirees, veterans, and dedicated spouses and families. I applaud Secretary Brownlee for these achievements and am thankful for his continued service to our country.

The challenges and pace of change in the Army remain steady and are top national priorities. Based on my conversation with Dr. Harvey, I am confident he has the right skills and experience to lead this next period of transformation. Dr. Harvey demonstrated a record of management success in both public and private enterprise that will enable him to develop prudent choices and solutions for several strategic Army outcomes. Among the key strategic evaluations are force structure and force sizing reviews in pursuit of Army transformation objectives; global posture and "mission needs" evaluations to improve Army mobility and responsiveness regarding future demands at home and abroad; and, finally, manpower studies to assess and balance both the military, civilian, and the Active-Reserve distribution of skills to ensure we are optimally employing our military personnel and resources. These critical activities will define the composition and capability of the U.S. Army for the foreseeable future, and will improve the recruitment, retention, and motivation of our men and women and families throughout the Army family.

Another high priority I covered with Dr. Harvey is the Army's commitment to, and funding for, our obligations to eliminate our chemical weapons stockpiles. The Army is the executive agent to carry out the chemical demilitarization and disposal program at various sites across the country. Unfortunately, the program is falling behind schedule and costing more money than originally planned.

Dr. Harvey's qualifications and experience are well suited to address the problems associated with the chemical demilitarization program. In my personal conversations with the nominee, and again in public testimony, I re-

ceived Dr. Harvey's assurances and commitment for Army leadership to pay close attention to and fix the problems within the technology and demilitarization programs at all of our chemical weapons facilities. I am convinced Dr. Harvey is as dedicated as I am to seeing the United States fulfill our chemical weapons treaty obligations.

Thank you, Mr. Chairman, for the opportunity to speak in support of Dr. Harvey's nomination. I believe Dr. Harvey is well qualified for the significant challenges facing him and I look forward to working with him to keep our Army the greatest the world has ever known.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 23 minutes, of which 10 minutes has been allocated to the Senator from Oklahoma.

Mr. INHOFE. Thank you, Mr. President.

First of all, let me address some of the things that have been talked about today. We have had a drawdown in the military, starting with the Cold War. When it was over, all of us heard so many people say the Cold War is over, we have no need to have the strength we had before. Then after the 1991 gulf war, the drawdown continued. The Army is on the right track right now to regain the manpower they lost during that drawdown. I agree with the Senator from Rhode Island, who has been concerned about the end strength. I have joined him in that, and feel the same way.

But I agree the drawdown in force that took place at the end of the Cold War went too far. We cut 365,000 troops, too many for the force we had. We should have stayed with the original number provided by General Powell during the first Bush administration.

During the Clinton administration, we took a procurement holiday that cost us dearly. Budgets were woefully inadequate to sustain our force. Readiness suffered. The euphoria was around the fact that "the Cold War is over," we no longer need this much military. We found out we were wrong. From fiscal year 1994 to 2001, we did not keep up with inflation. Defense spending lost \$430.2 billion in constant 2002 dollars. This was an average of \$53.8 billion a year. We are talking about a loss of that amount. The deterioration would have been \$53.2 billion greater if not for the Congress plus-up of the Clinton budget from fiscal year 1996 onward.

The Republicans gained control of both the House and the Senate in 1994. To turn this positive from fiscal year 1996 onward, it would have been \$58.1 billion or \$9.7 billion a year average.

The Democratic Congress had even reduced the Clinton request from 1994 to 1996 by \$4.8 billion, or \$2.4 billion a year average, and reduced the last fiscal 1993 year Bush budget request by a whopping \$8.1 billion.

The Republican Congress was able to flatten this trend by fiscal year 1997 and turn the trend upward from fiscal year 1999 to fiscal year 2004 but never recovered the shortfall.

When George W. Bush took office, the military readiness was in decline. We had not made the proper investment in modernization, readiness, and standard of living for our soldiers.

I know it is true. I chaired the readiness subcommittee of the Senate Armed Services Committee during that timeframe. We desperately needed to reorganize the military to cope with this post-world war era.

Just short of 9 months after taking office, George W. Bush was faced with 9/11. He was faced with mobilizing the military to protect the United States in a new kind of war, a new kind of war we never experienced before, one not properly dealt with by previous administrations, and one the military had not been funded to cope with.

We are now paying for that mistake. We have been playing catchup. We need to put the Army back on the right track. And General Shoomaker and Acting Secretary Brownlee have done just that. We are reorganizing the Army to retrain soldiers from skills needed in today's threatened environment to skills more appropriate to those threats.

We are adding 30,000 soldiers to the force and turning many noncombat jobs being performed by soldiers today into civilian positions.

We are stabilizing families and rotating units rather than individual soldiers through Iraq and Afghanistan.

We are accelerating equipment fielding to incorporate the latest innovations to defend against EIDs, the threat that we really didn't know about in years past.

We are committed to providing the Army with anything and everything they need, but we can't waste resources by throwing money at the problem. We have to respond to the requests of our leaders in the field. I think we have done that, and I am committed to making sure we continue to do that.

I am confident that Secretary Harvey, as has been said by so many people, will also continue to do that. I am confident he will be successful because he understands industry. Today, we need industry to give their best and as fast and as affordable as possible. It is important to have someone of Dr. Harvey's character and ability to provide the guiding hand and make this partnership between Government and industry work for the maximum benefit of our soldiers.

You have to keep in mind that is one of the serious problems we face right now. The number of defense contractors is about one-fifth of what it was 20 years ago. It is important that we have someone who understands industry, and certainly Dr. Harvey will be such a person.

We are playing catchup in the world. It is changing daily before our eyes.

The Army must reorganize and modernize.

How many people in America know we are sending our troops out many times with equipment that is not as good as that of our potential adversaries? In the area of artillery, five countries make a better artillery piece than we have, including South Africa. We found out from a very courageous general back in 1998 that in fact our best strike vehicles—F-15 and F-16—are not as good as some of the SU series being sold by Russia to many of our potential adversaries in the future. We must mobilize our Guard and Reserve in ways we haven't seen since World War II to fight this world war.

We have a great team to accomplish all of that. General Shoomaker and Dr. Harvey and Les Brownlee and the brave men and women of our Army, both uniformed and civilian. What a task they have and what a team we have.

Senator AKAKA and I are both veterans of the Army. We started the Army Caucus. Up to that time they had not been given the proper attention as to how we are reliant on our Army for our ability to sustain this war against terrorism.

I look forward to the confirmation of Dr. Harvey as the next Secretary of the Army, and support the Army's advice to end this war.

We want to give, I believe, 10 minutes for the Senator from South Carolina. Is there more than 10 minutes remaining at this time?

The PRESIDING OFFICER. At this time, the majority has 15 minutes remaining.

Mr. WARNER. Mr. President, does the Senator from Oklahoma desire additional time?

Mr. INHOFE. I will take only maybe 3 or 4 minutes.

Mr. WARNER. Mr. President, I yield to the Senator 3 more minutes.

Mr. INHOFE. Mr. President, a lot of things have been said about the condition of the soldiers in Iraq and about their attitudes. I can tell you that I don't think there is any Member of this body who has spent more time in Iraq and Afghanistan than I have. I hear statements of individuals. They are proud of the mission. They are proud of what they are doing. They have a spirit I have never seen before.

I would like to quote Secretary Brownlee. He said:

Some in this country have charged that the situation in Iraq is getting progressively worse. You who have been there know the truth, and so do the people of Iraq. Things are getting better, not worse. Though the insurgents have caused immense pain and suffering and delayed reconstruction efforts in some parts of Iraq, most Iraqis are looking at the future with hope, hope they lacked under the former regime.

These successes constitute significant milestones of which the people of our Nation should be proud and hopeful. But the fight is by no means over to ensure that Afghanistan and Iraq attain stability and success and the transition into the democracies is very key.

I think we have seen this with the election in Afghanistan. I personally was there when officials turned over to the Iraqis the training of the Iraqi National Army. I see the successes over there. The media has not done a good job and I feel they need to spend more time congratulating and talking about the great job we are doing.

As Mr. Brownlee said, the Army is decisively engaged in fighting terrorism. But our soldiers are also building alliances, training other militaries with tenets of democracy and civilian control, executing counter drug operations and providing disaster relief and humanitarian assistance. These missions are equally important to our national security. They help to increase mobile stability to prevent the development of serious crises and to demonstrate the goodwill of the American people.

In light of the potential for terrorism to spread, the Army remains committed to participate. That is exactly what they are doing.

I just got back from eight countries in Africa. There is a concern there. There is terrorism. As the squeeze comes in, terrorism is now infiltrating into the continent of Africa, and we are in the process of doing something with four brigades or five African brigades. So we will have them trained to face this when that time comes.

I see other Senators waiting.

I yield the floor.

Mr. ROBERTS. Mr. President, I rise today to offer my support for the President's nomination of Dr. Fran Harvey to the post of Secretary of the Army.

Our forces are deployed around the world as they have never been before. They are fighting hard and they are fighting well to defend Americans in the war on terror, and the Army is at the front line of that fight.

Gone are the days when massive and overwhelming force was all this country needed to ensure victory. The threats we face and the stresses they cause on our force require visionary solutions. Fran Harvey is the visionary we need at the head of our largest force.

Fran Harvey knows how to look at a large organization where the bureaucracy is an overwhelming force in its own right, and mold it to meet future threats. Dr. Harvey is a successful executive who has extensive experience in leading and managing large organizations, particularly program based organizations involved in the development and deployment of technology and systems.

He will bring a results oriented management approach to an organization where results matter more than anywhere else. As part of this approach, Dr. Harvey places major emphasis on business transformation through process improvement in combination with the application of information technology.

Fran Harvey's broad base of experience has been multi-dimensional in

terms of industries, functions, and markets. His industrial experience is very diverse and includes aerospace and defense, environmental and infrastructure, energy, government facilities management, communications and information systems and electronics.

Fran Harvey has the requisite experience to be Secretary of the Army, but what is more important, he is a visionary where long-term vision is badly needed. It is my great pleasure to support what I am sure will be a successful tenure leading our Army.

● Mr. SANTORUM. Mr. President, due to a prior commitment, I will not be able to vote in the Senate today on President Bush's nomination of Dr. Francis J. Harvey of California to be the next Secretary of the Army.

I wish to state for the record that, had I been able to cast my vote today in the Senate, I would have voted in favor of Dr. Harvey. As he noted in his appearance before the Senate's Committee on Armed Services, Dr. Harvey has experience in leading, managing and fostering change in large organizations. In addition, I also appreciate that Dr. Harvey has experience in the defense industry, experience that should help him as he oversees the Army's important process of transforming to meet 21st century threats.

On this last point, I hope that Dr. Harvey will devote considerable time and effort to the Army's transformation initiative. If the Army is to be a relevant force in future combat operations, it must have the resources and the commitment from senior leadership necessary to transform. This means that Dr. Harvey and others will need to fight for critical science and technology funds to enable key transformational programs, such as the Future Combat System, to succeed. While the Army does have current needs that require critical funds, it cannot sacrifice its future if it hopes to successfully transform.

In addition, transformation encompasses more than just equipment and weapons platforms. I am hopeful that Dr. Harvey will continue to make sure that we achieve the proper balance of skills located in the Active Duty with those located in the Reserve component. Too many Low Density/High Demand capabilities, such as military police and civil affairs, are found in Army's Reserve component. I am hopeful that the Army, under Dr. Harvey's leadership, will be able to strike the right balance so that Operational Tempo problems—highlighted by the war on terrorism—are not exacerbated.

Again, had I been present in the Senate today, I would have voted in favor of confirming Dr. Francis J. Harvey as the next Secretary of the Army. I wish Dr. Harvey good luck on his new responsibilities and duties as Secretary of the Army.●

Mr. CHAMBLISS. Mr. President, I rise today in support of Dr. Fran Harvey to be the next Secretary of the Army. I have met with Mr. Harvey and

discussed the responsibilities of this position with him, and I believe he is well qualified to lead the Army during this critical time.

As I stand here today, the U.S. Army is succeeding in the global war on terrorism despite continued stress on and transformation of the force. It is remarkable that the Army is succeeding to the extent that they are while—at the same time—undergoing a significant reshaping of the force. Many of my colleagues have suggested that a simple increase in the number of troops in the Army will solve the Army's challenges. While I believe that the Army does, at least in the near-term, need additional troops, I believe the Army's largest and most promising challenge is to continue transforming itself into a 21st century fighting force with 21st century tools and a 21st century management structure. I believe that Francis Harvey will help lead the Army in this direction.

As I see it, to relieve the stress on the force, we have to create a more flexible force, and I commend Secretary Rumsfeld on the steps he has taken to achieve this. To implement these reforms, the Army needs a leader who has experience with leading, managing, and reforming large organizations. Mr. Francis Harvey has that experience, and the necessary business acumen and results oriented approach to get the job done.

I have confidence in Mr. Harvey's ability to lead the men and women of the U.S. Army as they meet the challenges of the next decade. He will be an effective, forward-thinking leader who will take the Army where it needs to go in the coming years.

In closing, I would also like to recognize the outstanding leadership and contribution of the Acting Secretary of the Army over the last 18 months, my good friend Les Brownlee. Les has led the Army during an extraordinary time in the Army's history and deserves to be commended for his professionalism and his selfless service to our country and to the men and women of the U.S. Army.

Mr. WARNER. Mr. President, I wish to conclude this debate on the nominee. The nomination will be voted on, I am told, at 5:15, subject to modifications at that time.

I say in conclusion that I think we have had a very good debate on this nomination and also the serious issues affecting the Department of the Army. I think it has been helpful in many respects.

I am prepared to yield back all the remaining time which I have in the debate. I understand the distinguished ranking member is prepared to do likewise.

Mr. LEVIN. We yield back the remainder of our time.

Mr. WARNER. Mr. President, in that case, I yield the floor with the understanding that the distinguished colleague from South Carolina can now proceed as he desires with regard to a

very important set of remarks the Senate is anxious to receive. I say that in all sincerity.

I thank colleagues for their participation in this debate. I strongly urge Members of the Senate to vote for confirmation of the nominee. This particular individual who is nominated to be Assistant Secretary of Defense came before the Armed Services Committee. He was reported out favorably to the floor and had been waiting for some period of time for confirmation to that position. The Secretary of Defense made the decision to resubmit his name in connection with the Secretary of the Army.

I strongly urge colleagues to support this nominee. This is the nomination of the President of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM of South Carolina. Mr. President, I thank the chairman and Senator LEVIN for allowing us to use the time, and I appreciate it very much.

FAREWELL TO SENATOR HOLLINGS

Mr. President, the task at hand for me is a difficult one. I want to take some time to talk about my senior Senator, Senator HOLLINGS, who is retiring. Trying to do justice to his career is going to be a difficult task for me, but I will do my best.

I want the people of South Carolina to understand that whatever differences I may have with Senator HOLLINGS, they are political in nature. They have never been personal, and I cannot thank him enough for the time he has dedicated to the transition from the House to the Senate for our office. Senator HOLLINGS has been a tremendous benefit to me personally. He has made the transition from the House to the Senate very enjoyable. He has helped my staff. He has been indispensable in our getting started in the Senate. I want to thank him personally and thank him for the kindnesses he has shown to me.

Trying to follow Senator Thurmond and Senator HOLLINGS is a tough act. South Carolinians have relied on these two great gentlemen for literally my entire lifetime. With the retirement of Senator HOLLINGS, I think it is going to be hard to put in words how much he will be missed by the Senate and South Carolina.

But when you start talking about a man, trying to give tribute to him, I think the first thing you have to start with is what means most to that person, to the man himself, and to his family. His wife Peatsy is one of the most delightful people you ever hope to meet. She is beloved by the colleagues in this Chamber and their spouses on both sides of the aisle. She is a joy to be with. She is a lot of fun, and she has been a great soulmate to Senator HOLLINGS for many years. I know he is equally proud of his children. He lost a daughter. It is a terrible thing to have happen. He has four children and I think seven grandchildren.

For those people listening in South Carolina, the demands on one's time in this job are immense, and your family sacrifices in a variety of ways, whether it is going back home on the weekend to try to say hello to constituents or to be in a parade. I don't think we stress enough how important families are to Members. Senator HOLLINGS has enjoyed the support of a first-class group of family members who have represented South Carolina very well.

Wherever Peatsy Hollings goes, South Carolina goes, and there is no better way to be introduced in our State than to meet her.

Senator HOLLINGS' time in the Senate will be coming to an end. He has chosen to retire. It is a lifetime of public service that I will try to talk about in the next 10 or 15 minutes.

As his generation is noted for "The Greatest Generation," the World War II generation, he seems to have been there every time his State and his country needed him. He was a graduate of the Citadel. He graduated in 1942.

As you can tell by his accent, which is the ultimate low country accent, he is from Charleston. If you had to create an image of a Senator, he would be my model. He looks like a Senator and he sounds like a Senator, and he also acts like a Senator. I mean that in the highest form of a compliment.

He has represented my State since 1996 in the Senate but that is not the first time he has represented my State. It is not the first time he has served this country. As I mentioned, in 1942 he graduated from the Citadel. That was the class that got their diploma in the morning, got commissioned in the afternoon, and their orders the next day and they went off to fight a war. He is very emblematic of that generation. They never really had a chance to be young because the day they graduated college they went off to take on a vicious enemy.

People talk about 1-year tours and the stress it puts on families—that is true—but in World War II you signed up for the duration. You didn't know when you were coming home and you didn't know if you were coming home. You were coming home when the war was over, when Berlin fell and when Tokyo fell. His generation never enjoyed the benefits of getting out of college and being young men or young women because they had a tough task at hand at an early age.

Let it be said for Senator HOLLINGS and an entire generation, you handled the job exceedingly well. You rose to the occasion. You made the world free. If the Senator had done nothing else, that would have been a pretty good legacy for life. He went on to fight in north Africa and Europe. He fought the Nazis. He received the Bronze Star and seven campaign ribbons. He was in the action. He did his job well. He commanded troops in combat.

At the ripe old age of 26 he comes back to South Carolina, but a 26-year-old back then is not like a 26-year-old

in normal times. I would argue that the 26-year-olds who come back from Iraq are going to be a little bit different, too. I can only imagine how war matures and ages you. It makes you able to put in perspective what is important. And his entire generation has had that perspective from the time they came back from the war and for the rest of their lives.

It was shown in Senator Thurmond's and Senator HOLLINGS's life. Both are World War II veterans. When he came back to South Carolina, he was elected to the House of Representatives at the age of 26. Shortly thereafter, he became Speaker pro tempore. So his colleagues saw in him something of a leader at an early age. They saw what the rest of South Carolina has seen for decades: Somebody who will speak their mind. You can be on the receiving end of speaking that mind—I have been on the receiving end—but he is fair. He has been tough on everybody. But people know he has a good heart. And he also has a good heart for South Carolina. That is why his colleagues put him at a young age in charge in the House.

In the *Brown v. Board of Education* litigation, one of the first cases that came about was the South Carolina case involving Clarendon County. Senator HOLLINGS participated in that case. It was a life-changing experience.

In 1953, he became Lieutenant Governor. In 1958, he was elected Governor, the youngest Governor in South Carolina history at that time. From 1959 to 1963, he was a young Governor who had served in World War II, participated in one of the greatest legal cases of our time, and he took that experience and changed my State for the better.

From 1959 to 1963, if you open up any history book, particularly in the South, these are tremendously troubling times. Social change is abounding. The old way of doing business is being challenged. People are fighting and sometimes dying throughout the South to bring about a new way of doing business.

I never will forget Senator HOLLINGS telling me about the court appearance in the Supreme Court when an African-American lawyer stood up and talked about fighting in the war, coming back home and being told to go to the back of the bus. And Senator HOLLINGS said, "that ended it for me. There was no way that I was going to be a voice for segregation." It hit him like a ton of bricks.

One of his best legacies for my State and the Nation and the power of the Governor from 1959 to 1963—no lives were lost in South Carolina—as he was leaving the office, there are all kinds of speeches going on in the South by Governors. Some people were standing in front of a schoolhouse and saying: You are not coming in; segregation now and segregation forever. Senator HOLLINGS said that in South Carolina we will be a government of laws, not men. He challenged my State to accept the in-

evitable. He challenged my State to respect the Supreme Court decision. He led the way to the successful integration of Clemson University in 1963.

The list goes on and on of what he has done to empower African Americans in South Carolina. He has been a champion for racial fairness his entire time. It is fashionable now. It is the politically correct thing to do now. But in 1963 it was not the politically correct thing to do in South Carolina or any other Southern State. But he chose the path less traveled. Our State is better off for it, and because of his leadership and others who followed, we were able to do things in South Carolina in a way of which we should all be proud. Hats off to you for that, Senator HOLLINGS.

During the time as Governor, he did some things economically that we have the benefit of today. Our technical school program, for those who are not familiar with South Carolina, is No. 1 in the Nation. If you are looking at doing business in South Carolina, we have a technical school system that will meet your needs. We will design a training program for your employees, specifically for your business. We have thousands of South Carolinians receiving college level education through our technical schools in an affordable manner. We have 16 colleges now, over 160 career programs and high-tech professionals who have made the Michelins, BMWs, and Fujis possible to come to our State. He is the father of that legislation.

If he had done nothing else, that would have been a great tribute, but there is a lot more that he has done. He created the South Carolina public broadcasting system, one of the best in the Nation, if not the best in the Nation. South Carolina ETV is known all over the world, really.

As a young Governor, he took the road less traveled; he invested in education in a new and different way that pays dividends today. That is something he should be proud of and I am proud of on his behalf.

In 1966, as a young man, he comes to the Senate. I don't have the time to read his legislative accomplishments because it would take most of the afternoon. It is fair to say that since Senator HOLLINGS has been in the Senate he has not let any grass grow under his feet. He has been one of the most proactive Senators I have ever known. Almost anything that has been done in South Carolina with Federal assistance has been as a result of his efforts and that of Senator Thurmond.

Primarily, Senator HOLLINGS has led the charge on the Appropriations Committee in making sure South Carolina was as well taken care of in terms of Federal Government assistance as humanly possible. You will be missed, Senator HOLLINGS.

I will have, along with Senator DeMint, a very tough act to follow. We will try our best. But the Senator has done some things that I don't think

most people know about but which have had a huge impact on who we are as a State and really the Nation.

The Coastal Zone Management Act of 1972 was Federal legislation for the first time addressing the coastal areas of the United States. In 1972, you were so far ahead of your time. The Coastal Zone Management Act allowed Senator HOLLINGS to be named Environmentalist of the Year by about every group in the Nation. Because of that act, we have come up with a plan to manage our coastline in terms of erosion.

The Senator has also contributed to the clean health of the ocean, in 1976, with the Ocean Dumping Act and the Maritime Transportation Act, a series of legislation that Senator HOLLINGS offered that has changed the way we treat our coastlines as a nation.

He probably has the most proactive environmental policy that we have had as a nation dealing with our coastal areas. It was a result of his efforts. Long after he is gone, the coastline of South Carolina and every other coast in the United States will be the beneficiary of his time in the Senate.

He was talking about deficits before it was fashionable. Gramm-Rudman-Hollings was an attempt in the 1980s to bring fiscal sanity to the Congress. By the time the 1990s came along, it becomes the way we campaign. About 10 years after his efforts—along with his colleagues, Senators Gramm and Rudman—it got to be the fashionable thing in politics to talk about not running up the debt.

Senator HOLLINGS was talking about the social integrity of Social Security before anyone else I have ever known. What are we talking about today? We are going to save Social Security. I hope we do. It would be wise to listen and learn from what he has been trying to instruct us to do.

The first national park and only national park in South Carolina happened a couple years ago, the Congaree Swamp. That will be a monument to a balance between development and the environment for the rest of the time that South Carolina exists, long after we are gone. The Congaree Swamp will be well taken care of.

There are so many things. The ACE Basin is probably one of the best monuments to our Creator. God has been good to South Carolina. When you travel through our State from the mountains to the sea, you will see some nature that is beyond description. From the mountains to the sea, Senator HOLLINGS has been integrally involved in preserving what God has given us. The ACE Basin is a project he helped fund that has saved some coastal areas and some waterways in South Carolina. The whole basin is a monument to the environment. We worked together preserving over 30,000 acres in perpetuity in South Carolina. The Congaree Swamp is in the middle.

As we look back over Senator HOLLINGS's time in the Senate, you can see

that he used his power in the Senate to make sure that future generations of South Carolinians would enjoy the things he has experienced as a young man. What better legacy to leave than a State that maintains its beauty.

He has been aggressive when it comes to changing the fabric of the education climate in South Carolina with technical schools. One thing he should be most proud of is the Hollings Cancer Institute at the Medical University of South Carolina. South Carolina has pockets of health care problems that are Third World in nature. One day we are going to conquer these problems, but we have a litany of health care problems in South Carolina. My mother died of Hodgkin's disease. The Hollings Cancer Institute and the Medical University of South Carolina is doing some research that will pay great dividends in the future in terms of conquering this disease called cancer.

My personal commitment to Senator HOLLINGS is that I will continue to build upon what the Senator has started. It is my hope that the National Cancer Institute will designate this and we will try our best to make sure this happens as a tribute to the Senator.

Again, I could go through legislative enactments, specific projects that have helped South Carolina, but I would like to end by saying that life is short. No matter how long it seems you have been around, it really is a small time in the scheme of things. South Carolina has enjoyed two long-serving Senators: Senator Thurmond and Senator HOLLINGS. Both will have departed the Senate come next January. Let it be said about Senator HOLLINGS that his time in the Senate will be felt by South Carolinians as long as there is a South Carolina. What the Senator has been able to do with the power entrusted to him by the people of South Carolina is to bring about a lot of good, Senator HOLLINGS. The Senator has made our State a better place to live. The Senator has preserved things that would have been lost without the Senator. The Senator has talked about the future in responsible terms. The Senator has served our Nation during peace and war. The Senator has served South Carolina and the Senate well.

I am honored to call you my senior Senator. It is my wish that you have many more years to help my State, help our State, and help our Nation. I hope that comes to pass.

As I try to go forward as a Senator from South Carolina, I hope I am smart enough to draw upon what you have done and look at the model you have created and build upon that model.

I am a Republican; Senator HOLLINGS is a Democrat. That means something, but it really does not mean that much because we are both Americans, and we both love South Carolina.

God bless, godspeed, and well done. I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The senior Senator from South Carolina.

FAREWELL

Mr. HOLLINGS. Mr. President, my distinguished colleague has been more than generous, and I thank him not just for today but for the years to come. I do so genuinely in the sense that his coming here as a Senator is like going over on the wall and turning on the lights. Here I had somebody diligently working to get things done. That is why I came to the Senate, to get things done for South Carolina. And Senator GRAHAM has not only worked hard—we all work hard; there is no lazy Senator in the 100 Senators—but he has that secret of making friends. After all, this is a political body, and you cannot get things done unless you make friends.

He instantly came to the Chamber and started working with Democratic Senators, which was a surprise to me. Things are so confrontational at the present time in politics, to see that occur, I said: That fellow is going to be here a long time. And I believe it. He is going to be here a long time.

Just this past week, he got on to my crusade of trying to get jobs and industry. He's following in the footsteps of our distinguished former colleague, the senior Senator from Kentucky, Wendell Ford, who is on the floor and graces us. He makes me feel like old times when he was our whip, and no one, as chairman of the Rules Committee, did a better job. But LINDSEY GRAHAM went out of his way to get things done.

This past week he has been taking around ambassadors from various countries to prompt their interest in investing in South Carolina. As Governor, I started going on trips in 1960 to encourage businesses to move to South Carolina, and now we have 134 German industries in South Carolina. We have French Michelin, and we have Japanese Hitachi, Fuji, and others. Now, Senator GRAHAM is working the beat. He is a realist, and he knows how to get things done.

I cannot thank him enough for being already distinguished, not just because we gave him the title, but because I have heard from colleagues on both sides of the aisle: That fellow, LINDSEY GRAHAM, is really a fine fellow. He is working, and you really ought to be proud of him.

I address the distinguished Senator from South Carolina by saying that the only way I can show my gratitude is to make sure he gets this desk. I have the John C. Calhoun desk. You will laugh, Wendell. When I got here I told Senator Russell, I would like to have this desk. He said: Colleague, colleague, colleague—you know how he talked—I guess you would like to have this desk. My father sat at this desk, my mother sat at this desk, and I am sitting at this desk.

I said: Excuse me, I didn't know all three of them had been there.

He came to me the night before he left, and gave me the Calhoun desk, and I am going to make sure the Sergeant at Arms gets this desk to Senator GRAHAM.

This is my chance to thank my colleagues for putting up with me for 38 years. I thank the distinguished staff, not just my staff and the committee staff, but particularly this afternoon the floor staff, Marty and Lula and everybody else. We couldn't get anything done without their wonderful help. And I thank the poor reporters. If you can understand what I am saying—

(Laughter.)

They are always asking later, Mr. President: What did he say and how did he say it?

I will never forget politicking for President. I went up to Worcester, MA. I kept calling it Worcester. I knocked on the door and the lady said: Who are you?

I said: FRITZ HOLLINGS. She thought it was a German trucking company.

I do thank the reporters who have done an outstanding job for me over the many years.

I started my career as a trial lawyer, and I made enough as a good trial lawyer to afford to come to Washington and be in the United States Senate. Senators don't make enough money. You ought to double their pay, and I say that before leaving. I have said that along with TED STEVENS for years. No little young fledgling lawyer, such as HOLLINGS, can afford to run, keep up two homes, and everything else. It can't happen anymore. You all are just politically using the salary and not really attracting the best of the best.

I don't leave with the idea that the Senate is not what it used to be in the sense of personnel. We have a way better group of Senators. We had five drunks or six drunks when I came here. There is nobody drunk in the United States Senate. We don't have time to be drunk and, more than that, we have the women. We had one woman. She was outstanding, but she was outstandingly quiet. That was Margaret Chase Smith from Maine, a wonderful lady. Now we have 14, and you can't shut them up. They keep on talking and talking and talking. If you get into a debate with BARBARA MIKULSKI or BARBARA BOXER, they will take your head off, I can tell you that. They know how to present a viewpoint, and that is very valuable.

The Senators have done a wonderful job. The Senate itself is the greatest of institutions, but I know we can do better. As a trial lawyer, I was overjoyed. When I came here, we had the proceeding to learn the truth and we could hear the best of witnesses. I had better clients as a United States Senator, and obviously, I could make the final argument to the jury and then go in the jury room and vote. That, to me, is a trial lawyer. I had reached the ultimate.

Yet as I am leaving, I am very sensitive to the full docket of unfinished business. I am constantly being asked about legacy, legacy, legacy. I am thinking the things we ought to have done long ago and have not done because rather than seeking the truth—

and I say this advisedly—we have obscured it.

Take right now the issue that is going to confront us tomorrow afternoon or Thursday of raising the debt limit. I read the business page of the New York Times this morning. We are spending at the rate of \$600 billion more than we are taking in. That is a deficit. Don't give me this doubletalk of on-budget deficit, off-budget, or Government debt and public debt. We are spending \$600 billion more than we are taking in, which is 6 percent of our GNP.

In the European Union, if you exceed 3 percent of your gross national product, you are not eligible to be in the European Union. Here we are telling the world what they ought to do in diplomacy, international affairs, defense affairs, and fiscal affairs, and we would not even be eligible to be in the European Union.

We have, Mr. President, the economy on steroids. Add it up. Add up the deficit of 2001, 2002, 2003, and 2004—those 4 years—and you have \$1.7 trillion that we have goosed into the economy with these tax cuts. We have not increased spending on the war \$1.7 trillion. No, no. We have tax cut, tax cut, tax cut, and they still want more tax cuts. I am talking bipartisan because both sides are guilty. I am not talking in a partisan fashion.

We have to do something about that deficit. I was here when we balanced the budget without Social Security in 1968. President Clinton got the Government back into the black when Bush came in. But he turned a \$6 trillion projected surplus, to a \$5 trillion projected deficit, and now we have to increase the debt limit. Now the dollar is in a deep dive. Interest rates are going to have to go up. We are depending on financing our debt some \$700 billion by the Japanese, \$170 billion by the Chinese, and \$67 billion by Korea. Can you imagine going with a tin cup to Korea, begging: Please finance my debt because I need another tax cut?

What about Social Security? Let's tell the truth about it because there isn't any question that we have been spending Social Security moneys for any and everything but Social Security, in violation of the law.

And don't give me this thing about, oh, yeah, Lyndon Johnson used Social Security. He did not. Look at the record. He balanced it, and we did not spend Social Security moneys until the seventies when Wilbur Mills, the chairman of the Ways and Means Committee on the House side, started giving these inordinate COLAs. We started draining the fund.

We appointed the Greenspan Commission in 1983. The Greenspan Commission came out with an inordinately high tax to take care of the baby boomers in the next generation. Don't misunderstand me. They act like the baby boomers are coming along as a new problem. We foresaw that in 1983. We said, as a result of this high tax, do

not spend this money on anything but Social Security. I fought like a tiger, but we finally got it into law. On November 5, 1990, George Herbert Walker Bush signed into law section 13301 that says that the President and the Congress cannot use for budget purposes Social Security moneys.

I was talking a minute ago to my distinguished colleague from South Carolina. He is going to try, I guess, to raise taxes. I would support it so long as we are not raising taxes for anything and everything but Social Security.

You are going to have to increase the age. You are going to have to get some revenues to make it fiscally sound. But if we started immediately with the Social Security surplus going to just the Social Security trust fund, we immediately have \$160 billion, and with that \$160 billion in 7 years, we would have a trillion dollars and you wouldn't have to worry until 2045 or 2050, and there would not be any crisis. We ought to study that.

It is the same with trade. Everywhere in the land people cry: Free trade, free trade, free trade. There is no such thing; never has there been and never will there be free trade. I know about freer governmental restrictions, subsidies, and quotas, but that is not going to happen.

People ought to remember that we built this industrial giant and power, the United States of America, with protectionism. The Brits corresponded with the Founding Fathers, and they said: Under David Ricardo's comparative advantage, what needs to be done is we will trade with you what we produce best and you trade back with us what you produce best. Free trade, free trade, free trade.

Hamilton wrote the Report on Manufacturers. He said: Bug off, we are not going to remain your colony. We are going to maintain our own manufacturing capacity.

The second bill that ever passed this Congress in history, on July 4, 1789, was a 50-percent tariff on articles and we started with protectionism, linking the steel mills with protectionism. Roosevelt came in with protective subsidies on agriculture. Our friend, President Eisenhower, had import quotas on oil—protectionism. President Kennedy came in with a 7-point program to protect textiles. More recently, our good friend President Ronald Reagan, put in voluntary restraint agreements on automobiles, steel, handtools, and semiconductors.

Ask Andy Grove if he would have Intel today if President Reagan had not put in that protectionist measure. There would not be any Intel.

We did that with Sematech and everybody knows it. But we were treating trade as aid in the war of capitalism versus communism right after World War II. We had the only industry. So we sent over, with the Marshall Plan, money, experts, equipment, and we started giving away my textile industry—giving it away.

Right now 70 percent of the clothing I am looking at is imported; 86 percent of the shoes on the floor are imported. It is all gone. All that time they said: Don't worry. We are going to be a service economy.

My light bill in South Carolina is administered in Bangalore, India. So we have lost the service economy. We have lost the manufacturing economy and capacity.

What happens is your security is like a three-legged stool. You have the one leg, your values as a nation. Around the world we stand for individual freedom and democracy.

We have the second leg, unquestioned, as a superpower.

The third leg of the economy has been fractured intentionally and we are happy about it because capitalism has defeated communism in Europe, in the Soviet Union, and in the Pacific rim. And it is defeating it right now in China. Let's not disturb it and what have you, except to begin to compete. As Akio Morita says: That world power that loses its manufacturing capacity will cease to be a world power. What we need to do is to rebuild.

We can begin to immediately rebuild by changing the culture, the mindset, the legislation. Around here we passed, 4 weeks ago, a \$50 billion tax cut bill that was supposed to represent foreign credit sales. Instead, it subsidized the export of jobs, the outsourcing of jobs overseas.

We are still treating trade as aid. If you are going to open up Sununu Manufacturing, before you open the door you have to have a minimum wage, clean air, clean water, Social Security, Medicare, Medicaid, plant closing notice, parental leave, OSHA, a safe working place, safe machinery, and I can go all the way down. And in Manchester, NH, your competition has moved to China because they can operate and produce there for 58 cents an hour and none of those requirements. If you don't move to China yourself, you are going broke. You will go bankrupt.

The policy of the crowd that is hollering and wailing and moaning about the outsourcing of jobs is exactly the policy of the very crowd that is causing that outsourcing. If you head up a multinational, you are supposed to compete and make a profit. We are supposed to create a strong economy and produce jobs. The Congress of the United States, the Senate, we are the guilty parties. We have to put in a change of the culture. We need a Department of Trade and Commerce, and to put the Special Trade Representative over there and to do away with the International Trade Commission, because this is just a sop. The International Trade Administration—and not Commission should find the penalty rather than having that separate hearing and say there is no injury and everything else of that kind.

I have worked with the lawyers. We need a Deputy Attorney General for Trade in the Justice Department. We

have one for antitrust. We have one for civil rights. We have one for taxation. We don't have one for trade. We need somebody enforcing those laws. We need, by gosh, to turn around and start competing the way they have done. We need more customs and—but that is a long story.

Let me just say what we need to do is get ahold of ourselves and realize we have a problem.

I was at a meeting earlier today where one of the Senators was counseling the new Senators: Don't take too many committees. They are going to take all the committees. Our time has come. We want it all. So we want all the committees.

The rules ought to say a Senator should not be on any more than two committees. You can't keep up with it. I am on the Appropriations Committee. They used to have 17 members; now they have 29 members. You know, the Appropriations Subcommittee on Defense has 19 members. You can't hardly get a quorum for the Appropriations Subcommittee on Defense. We have a third of the Senate. Everybody wants to be on all the committees, so you have your staffs doing all the work, because you can't keep up.

But the main culprit, the cancer on the body politic, is money: Money, money, money. When I ran 6 years ago, in 1998, I raised \$8.5 million. That \$8.5 million is \$30,000 a week, every week, for 6 years. If you miss Christmas week, you miss New Years week, you are \$100,000 in the hole and don't you think we don't know it and we start to work harder at raising money.

As a result, the Senate doesn't work on Mondays and Fridays. We have longer holidays. The policy committee is adjourned and we go over to the campaign building because you can't call for money in the office. So we go over to the building and call for money and obviously we only can give attention to that. We don't have time for each other. We don't have time for constituents, except for the givers. Somebody ought to tell the truth about that.

Unless and until we excise this cancer, the Congress and Government is going to languish alone because it has to be done.

When I helped write the Federal Election Campaign Practices Act in 1973, we said each Senator would be limited to so much per registered voter. That meant that Strom Thurmond and I were limited to \$637,000. Fast forward 25 years, add in inflation, and give me \$2.5 million. Quadruple it, \$2.5 million but not \$8.5 or \$10 million that you have to spend because all your time is on the campaign and not the country. I can tell you right now we are in real, real trouble.

I worked with JOHN MCCAIN and RUSSELL FEINGOLD on the McCain-Feingold. I worked with Senator BIDEN on public finance. What really needs to be done, and I tried 20 years ago, is to put in a constitutional amendment that

Congress is hereby empowered to regulate or control spending in Federal elections. Then we can go back to the 1973 act: So much per registered voter. When you are limited to \$2.5 million, you have limited the campaign. You have limited the time of the campaign; you have limited the expenditures of the campaign. Then you have time for constituents. Then you have time for problems.

When I came here, Mike Mansfield would have a vote at 9 o'clock just about every Monday morning and we would work to Friday at 5 o'clock. We all stayed here on the weekends and we didn't have all of these long holidays we have now.

But if you want to limit campaigning and if you want to change—as Abe Lincoln said—disenthrall ourselves of the dogmas of the quiet past that are inadequate for the stormy present of money grubbing, then we have to think anew and act anew. We need to disenthrall ourselves from this money grubbing and go to work finally for the country instead of the campaign.

That is our situation. I have watched it. I have studied it. I have seen it. They don't have me going to meetings. They have me going to the telephone and calling and calling, traveling all over the country for money. Money is a cancer on the body politic.

Other than that, I have spoken seriously about trying to face up to some of these problems that we have confronting us. There are a lot of opportunities.

They are talking now about immigration. Mexico is not a foreign country. They are our neighbor. All you have to do is put down the billions that we spend: Give them a Marshall Plan, increase their standard of living just like Canada. Then you don't have immigration.

I can tell you right now, the money spent on immigration, drugs, and border patrol, and financing that government out of the banks in New York and then refinancing it on us taxpayers, we could have a Marshall Plan and solve the problem.

There are a lot of problems that we can solve. But if there is a last word, it is one of gratitude. This has been the finest experience I have ever had. When you come right down to it, I was always worried that I couldn't make enough money to stay in Washington. Now I have looked at my trial lawyer colleagues who made a lot of money. Most of them are dead. Those who are alive are looking for a new golf course and a new drink and they don't know anything about what is going on and they are not interested in anything going on. If you really want to be enriched in your life be a United States senator. The best postgraduate course is to run and be in this Senate.

It is with heartfelt gratitude I thank the colleagues for their indulgence this afternoon, particularly my colleague, Senator GRAHAM. We just have a fine time working together, and I know he

will be representing us in the Senate for years to come.

Mr. President, I yield the floor.

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

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

Mr. DORGAN. Mr. President, my understanding is that the vote is ordered for 5:15.

The PRESIDING OFFICER. Under the previous order, a vote will occur at 5:15.

FAREWELL

Mr. DORGAN. Mr. President, I wanted to come to the floor to say that this Senator is going to miss the booming voice and the southern drawl of the Senator from South Carolina who is one of a few who has relentlessly, over a long period of time, talked about the issue of international trade. He has talked about how it relates to our country's economy. Very few come to the floor to talk about the doctrine of comparative advantage and Adam Smith and the kind of things that I have had the privilege of hearing from Senator HOLLINGS.

As one who comes to the floor to talk about trade a lot, I am going to miss very much the work which has been done by Senator HOLLINGS and which he has been doing for so many years. He is absolutely right about these issues.

They will take a look at statements and say, well, he is a protectionist. I don't view Senator HOLLINGS as wanting to put up walls around this country. I think if the charge is that Senator HOLLINGS or I or others want to protect the economic interests of the United States, we ought to plead guilty quickly. That is why I am here and why he has served this country for so many decades. We want to protect the economic interests of this country.

I wanted to say, having heard the comments just offered by my colleague from South Carolina, how proud I am to have served with him. Being here when Senator HOLLINGS was here and when Senator BYRD has been here and a few others is a very special privilege for someone like myself.

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield?

Mr. DORGAN. Of course, I yield.

Mr. HOLLINGS. I wanted to thank the distinguished Senator from North Dakota. He has been in the vanguard. He headed up our policy committee and we have learned more. I was on the original policy committee under Senator Mansfield. But it has been quite an education. He has really put the program so we can learn about the issues. I thank him for that. But I particularly want to commend him for his leadership on trade because he has been leading the way on that score. I thank him very much.

Mr. DORGAN. I thank my colleague from South Carolina and wish him well.

SINKING OF THE "LEOPOLDVILLE"

Mr. President, yesterday I was privileged to be at a very moving ceremony at the Tomb of the Unknown Soldier.

Very few people will know of this issue, but I want to mention it because yesterday was the commemoration of the 60th year of the sinking of the SS *Leopoldville*, a troopship that was sunk in the English Channel on Christmas Eve 1944 by a torpedo shot by a German U-boat. Seven-hundred and sixty-three young American soldiers died in the frigid waters of the English Channel on that Christmas Eve.

What was most interesting about this and in many ways the most tragic of this circumstance is that those young soldiers died in the waters of the English Channel, and virtually no one knew of them.

On Christmas Eve of 1944, at a critical period, during the Battle of the Bulge, the announcement that 763 young American soldiers had been killed would have been devastating to the psyche of the American public, according to the Defense Department. So the result was there was no news. This was an enormous tragedy that occurred with virtually no one knowing of it.

Yesterday, we placed a wreath at the Tomb of the Unknown Soldier. I was proud to have been a part of the ceremony. My uncle was on this ship and was killed when it sunk. I walked down the aisle to place the wreath with Tony Martinez, one of the survivors from that night, and with Lucy Ruggles, the widow of one of the fellows who was killed in that event. I believe 20 survivors from this ship were there yesterday at Fort Myers and at the Tomb of the Unknown Soldier, along with more than 100 family members and friends.

Let me say just a word about what happened.

The *Leopoldville* was a Belgium ship staffed by a Belgium crew. It was within 5 miles of the French coast. They could see the lights of the French coast when the German U-boat hit it with several torpedoes. Then this ship sank. There were 2,300 soldiers on this ship, and 763 of them died on Christmas Eve 1944.

There was no notice to anybody about the tragedy because the Americans, the English, the Belgians, the French, and others decided to keep it silent. Sixty years later, we know much more about it largely thanks to a book that was written, by Allan Andrade.

Let me say thanks to Carmella LaSpada, who is the Executive Director of the White House Commission on Remembrance, for putting together a program yesterday that was extraordinarily moving. At that program, we heard from the survivors of the *Leopoldville*. They told us that the Belgium crew in most cases didn't speak English. When the ship was torpedoed and began to sink, the Belgium crew

got in the life boats, and by and large the young American soldiers were stranded on that ship, and 763 of them died.

I was invited to be a speaker yesterday and to be at the Tomb of the Unknown Soldier as a part of the ceremony because my uncle, Allan Dorgan, was one of the casualties that evening.

I have known a lot about this in recent years because there has been a lot of investigation done.

I just wanted to say that yesterday was a very moving day with discussions and visits with those who survived this sinking, and also a tribute to the memory of those who perished in the sinking of the *Leopoldville*.

I hope America remembers that the young soldiers, 19, 20, 18, and 21 years of age who died that night in the frigid waters of the English Channel did not die in vain. They were patriots.

There is an old saying that when the night is full of knives, the lightning is seen, and the drums are heard, the patriots are always there ready to fight and die as necessary for their country. These 763 patriots died that evening, and the world didn't know it. But they know it now. Yesterday's ceremony was a tribute to their service to our great country.

I know we have a 5:15 vote. My colleague, I believe, wishes to speak. I wish to speak just for a moment about a trade issue. Might I ask my colleague how much time he needs?

Mr. BURNS. I will only require about 5 or 6 minutes.

Mr. DORGAN. Mr. President, I think as a courtesy to my colleague from Montana, I will not speak 5 or 6 minutes on trade. I will do that tomorrow because I think we have about 6 minutes before the vote.

But let me just say this in 1 minute.

TRADE

My colleague from South Carolina has talked about trade. I just got off the telephone talking with some workers. They are concerned about their jobs going to China.

We just passed a bill in Congress that continues to provide incentives for businesses to move their jobs to China. I think job one for us as we convene in a new Congress is to start deciding we need to stop the outsourcing of American manufacturing jobs. We especially ought to decide that in the Tax Code of this country we ought not reward companies that move American jobs overseas. That is an outrage. There is no one in Congress who ought to be voting for and supporting the rewarding of companies that move their American jobs elsewhere.

I will come to the floor of the Senate tomorrow to talk more about what is happening with our manufacturing base that I think injures this country in an irrevocable way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Thank you, Mr. President. I want to thank my colleague

from North Dakota for yielding. It will not take me long to make this statement.

(The remarks of Mr. BURNS pertaining to the introduction of S. 2987 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the vote now occurs on the nomination.

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Francis J. Harvey, of California, to be Secretary of the Army? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. McCONNELL. The following Members were necessarily absent from today's session of the Senate:

The Senator from Pennsylvania (Mr. SANTORUM).

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Louisiana (Mr. BREAUX) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 212 Ex.]

YEAS—85

Alexander	Dorgan	Lugar
Allard	Edwards	McCain
Allen	Ensign	McConnell
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham (FL)	Nickles
Brownback	Graham (SC)	Pryor
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Rockefeller
Campbell	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Chafee	Hollings	Sessions
Chambliss	Hutchison	Shelby
Clinton	Inhofe	Smith
Cochran	Inouye	Snowe
Coleman	Jeffords	Specter
Collins	Johnson	Stevens
Conrad	Kerry	Sununu
Cornyn	Kohl	Talent
Craig	Kyl	Thomas
Crapo	Landrieu	Voinovich
Dayton	Leahy	Warner
DeWine	Lieberman	Wyden
Dole	Lincoln	
Domenici	Lott	

NAYS—12

Akaka	Dodd	Levin
Carper	Durbin	Mikulski
Corzine	Kennedy	Reed
Daschle	Lautenberg	Stabenow

NOT VOTING—3

Biden	Breaux	Santorum
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

Mr. WARNER. I move to reconsider the vote and I move to lay that motion on the table.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. WARNER. 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 dispensed with.

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

MORNING BUSINESS

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

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

FREE TRADE AGREEMENT WITH THE UNITED ARAB EMIRATES

Mr. STEVENS. Mr. President, I ask unanimous consent that the attached correspondence from the Executive Office of the President be printed in today's RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,

Washington, DC, November 15, 2004.

Hon. TED STEVENS,
President Pro Tempore, U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: In accordance with section 2104(a)(1) of the Trade Act of 2002 (the Trade Act), and pursuant to authority delegated to me by the President, I am pleased to notify the Congress that the President intends to initiate negotiations for a free trade agreement (FTA) with the United Arab Emirates (UAE). We expect these negotiations to get underway in the beginning of 2005, and we will be consulting closely with the Congress over the next 90 days, as required by the Trade Act.

An FTA with the UAE will promote the President's initiative to advance economic reforms and openness in the Middle East and the Persian Gulf, moving us closer to the creation of a Middle East Free Trade Area. A U.S.-UAE agreement will build on the FTAs that we already have with Israel, Jordan, and Morocco, as well as the FTA that we recently have signed with Bahrain, and will encourage the six members of the Gulf Cooperation Council (GCC) to adopt standards that promote trade and investment. In 2003, the UAE had \$4.6 billion in two-way trade with the United States, and the United States had a \$2.4 billion trade surplus with the UAE. The UAE is an important strategic partner on a broad array of foreign and national security issues.

This FTA will directly benefit the United States. By reducing and eliminating barriers to trade, a comprehensive FTA with the UAE will generate export opportunities for U.S. companies, farmers, and ranchers, help create jobs in the United States, and help American consumers save money while offering them more choices. The UAE already pro-

vides an attractive market for U.S. products, and is a regional transportation and business hub in the Gulf and the Middle East. The UAE's Jebel Ali port is the third busiest port in the world, with excellent growth opportunities. In 2003, U.S. businesses exported \$3.5 billion worth of products in such areas as machinery, aircraft, vehicles, electrical machinery, and optical and medical instruments. Agriculture exports from the United States totaled \$259 million during the same period. The United States' trade relationship with the UAE is the third largest in the Middle East, behind only Israel and Saudi Arabia.

An FTA will provide new export opportunities for U.S. services firms in sectors such as telecommunications, finance, distribution, energy, construction, engineering, health care, legal services, accounting, tourism and travel, and environmental services. An FTA will also support the UAE's commitment to transparency, openness, and the rule of law, thereby enhancing respect for intellectual property, labor rights, and environmental protection. An FTA will also allow the United States to work more closely with UAE customs and port authorities that manage Jebel Ali and other transshipment points, an important opportunity for cooperation similar to that provided by our FTA with Singapore and the agreement we are negotiating with Panama.

Last year, the UAE entered into a Trade and Investment Framework Agreement (TIFA) with the United States. Since signing the TIFA, the UAE has demonstrated a serious commitment to free trade. It has become a party to the World Intellectual Property Organization (WIPO) Copyright Treaty, and has pledged to join the Information Technology Agreement (ITA) and the WIPO Performances and Phonograms Treaty.

Our initial consultations with the Congress, including with the Congressional Oversight Group on September 8, 2004, indicate broad bipartisan interest in an FTA with the UAE. Following these consultations, I visited the UAE to discuss with top officials the topics covered in our comprehensive FTAs, to identify particular areas for work, and to assess the UAE's commitment to moving forward with an FTA. I came back with a strong sense of the UAE's interest in connecting the FTA to their plans for development, growth and openness. The UAE interest in an FTA also complements the 9/11 Commission Report recommendation urging the United States to expand trade with the Middle East as a way to "encourage development, more open societies, and opportunities for people to improve the lives of their families."

Through our FTAs in the Middle East, the United States is supporting moderate Islamic countries led by modernizers who are promoting openness and economic growth. Supporting countries such as the UAE as they expand their trading and investment relationships with the United States is a concrete and mutually beneficial way for the American people to enhance opportunity and hope in this critical region.

The Administration will continue to work closely with the Congress, including through the consultation, notification, and reporting procedures in the Trade Act. Moreover, to ensure that interested stakeholders are informed and have ample opportunity to provide their views, the Administration will conduct the negotiations in a transparent and accessible manner.

The specific objectives for negotiations with the UAE are as follows:

TRADE IN GOODS

Seek to eliminate tariffs and other duties and charges on trade between the UAE and

the United States on the broadest possible basis, subject to reasonable adjustment periods for import-sensitive products.

Seek to eliminate the UAE's non-tariff barriers to U.S. exports.

Pursue fully reciprocal access to the UAE's market for U.S. textile and apparel products.

CUSTOMS MATTERS, RULES OF ORIGIN, AND ENFORCEMENT COOPERATION

Seek rules to require that the UAE's customs operations are conducted with transparency, efficiency, and predictability, and that customs laws, regulations, decisions, and rulings are not applied in a manner that would create unwarranted procedural obstacles to international trade.

Seek rules of origin, procedures for applying these rules, and provisions to address circumvention matters that will ensure that preferential duty rates under an FTA with the UAE apply only to goods eligible to receive such treatment, without creating unnecessary obstacles to trade.

Seek terms for cooperative efforts with the UAE regarding enforcement of customs and related issues, including trade in textiles and apparel.

SANITARY AND PHYTOSANITARY (SPS) MEASURES

Seek to have the UAE affirm its WTO commitments on SPS measures and eliminate any unjustified SPS restrictions.

Seek to ensure that the UAE's policies regarding agricultural biotechnology products and food safety standards are science-based and do not create unjustifiable barriers to trade.

Seek to strengthen collaboration with the UAE on implementing the WTO SPS Agreement and to enhance cooperation with the UAE in relevant international bodies on developing international SPS standards, guidelines, and recommendations.

TECHNICAL BARRIERS TO TRADE (TBT)

Seek to have the UAE reaffirm its WTO TBT commitments, including those relating to labeling requirements on U.S. food and agricultural products produced through biotechnology, and help ensure that the UAE's technical regulations, standards, and conformity assessment procedures do not serve as an unnecessary impediment to trade.

Seek to strengthen collaboration with the UAE on implementation of the WTO TBT Agreement, enhance regulatory transparency, and create a procedure for exchanging information with the UAE on TBT-related issues.

INTELLECTUAL PROPERTY RIGHTS

Seek to establish standards to be applied in the UAE that build on the foundations established in the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS Agreement) and other international intellectual property agreements, such as the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

Seek to have the UAE apply levels of protection and practices in line with U.S. law and practices, including appropriate flexibility, in areas such as trademark, copyright, patent, and data protection and enforcement of intellectual property rights.

Seek to strengthen the UAE's procedures to enforce intellectual property rights, such as by ensuring that the UAE authorities seize suspected pirated and counterfeit goods, and related equipment and documentary evidence.

Seek to strengthen measures in the UAE that provide for compensation of right holders for infringements of intellectual property rights and to have the UAE provide for criminal penalties to deter piracy and counterfeiting.

TRADE IN SERVICES

Pursue disciplines to address discriminatory and other barriers to trade in the UAE's

services market, and pursue a comprehensive approach to market access, including any necessary improvements in access to the financial services, telecommunications, and distribution sectors, while permitting each government to address domestic sensitivities.

Seek improved transparency and predictability of the UAE's regulatory procedures, and seek specialized disciplines for financial services and additional disciplines for telecommunication services and other sectors, as necessary.

In parallel with the FTA negotiations, work with the UAE in its efforts to make commitments in the WTO on access to its market for basic telecommunications services.

INVESTMENT

Seek to establish rules that reduce or eliminate artificial or trade-distorting barriers to U.S. investment in the UAE, while ensuring that UAE investors in the United States are not accorded greater substantive rights with respect to investment protections than U.S. investors in the United States, and to secure for U.S. investors in the UAE important rights comparable to those that would be available under U.S. legal principles and practice.

Seek to ensure that U.S. investors receive treatment as favorable as that accorded to domestic or other foreign investors in the UAE and to address unjustified barriers to the establishment and operation of U.S. investments in the UAE.

Provide procedures to resolve disputes between U.S. investors and the UAE that are in keeping with the trade promotion authority goals of being expeditious, fair, and transparent.

ELECTRONIC COMMERCE

Seek to affirm that the UAE will allow products and services to be delivered electronically and will not unjustifiably discriminate among those products and services.

Seek to affirm that the UAE does not apply customs duties on digital products that are delivered electronically.

Seek to ensure that the UAE determines the dutiable value of digital products contained in carrier media based on the value of the media, not their content.

GOVERNMENT PROCUREMENT

Seek to establish rules requiring government procurement procedures and practices in the UAE to be fair, transparent, and predictable for suppliers of U.S. goods and services who seek to do business with the UAE.

Seek to expand access for U.S. goods and services to the UAE's government procurement market.

TRANSPARENCY/ANTI-CORRUPTION/REGULATORY REFORM

Seek to make the UAE's administration of its trade regime more transparent, and pursue rules that will permit timely and meaningful public comment before the UAE adopts trade-related regulations and other measures.

Seek to ensure that the UAE applies high standards prohibiting corrupt practices affecting international trade and investment and enforces such prohibitions.

TRADE REMEDIES

Provide an appropriate bilateral safeguard mechanism, if necessary.

Make no changes in U.S. antidumping and countervailing duty laws.

ENVIRONMENT

Seek to promote trade and environment policies that are mutually supportive.

Seek an appropriate commitment by the UAE for the effective enforcement of its environmental laws.

Establish that the UAE will strive to ensure that it will not, as an encouragement for trade or investment, weaken or reduce the protections provided for in its environmental laws.

Help the UAE strengthen its capacity to protect the environment through the promotion of sustainable development, such as by establishing consultative mechanisms.

LABOR, INCLUDING CHILD LABOR

The UAE needs to independently take significant further steps to address concerns we have raised regarding protection of worker rights. Within the text of the FTA, we will:

Seek an appropriate commitment by the UAE to effectively enforce its labor laws.

Establish that the UAE will strive to ensure that it will not, as an encouragement for trade or investment, weaken or reduce the protections provided for in its labor laws.

Establish procedures for consultations and cooperative activities with the UAE to strengthen its capacity to promote respect for core labor standards, including compliance with ILO Convention 182 on the worst forms of child labor.

STATE-TO-STATE DISPUTE SETTLEMENT

Encourage the early identification and settlement of disputes through consultation.

Seek to establish fair, transparent, timely, and effective procedures to settle disputes arising under the agreement. In addition, the FTA will incorporate other U.S. objectives such as the protection of legitimate health, safety, environment, essential security, and consumer interests.

The Administration is committed to concluding these negotiations with timely and substantive results for U.S. workers, farmers, ranchers, businesses, and families. We look forward to continued close consultations with Congress as negotiations begin and to pursuing the specific, overall, and principal U.S. negotiating objectives set out in the Trade Act. Working together, we will achieve an FTA that benefits the United States and the UAE, and that advances America's broader goals.

Sincerely,

ROBERT B. ZOELLICK.

HONORING OUR ARMED FORCES

SPECIALIST JAMES C. KEARNEY, III

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to Emerson, IA native Spc. James C. Kearney, III, who lost his life when the military vehicle he was traveling in was struck by a rocket-propelled grenade and small arms fire near Sharan, Afghanistan. Spc. Kearney was assigned to the Iowa Army National Guard Company B, 1st Battalion, 168th Infantry, Air Assault, based in Shenandoah, IA. Spc. Kearney enlisted as an infantryman in 1999 and was mobilized for Operation Enduring Freedom in March 2004. My prayers go out to James's mother and father, Theresa and James Kearney, Jr., as well as his brothers and sister.

In paying tribute to Spc. Kearney, we recognize the efforts of an extraordinary young man who worked to make the world a safer place. The Rev. Ken Gross, a friend of James, describes him as "... a person of character with great determination. He was adventurous, fearless and enjoyed taking risks." Spc. Kearney will always be remembered for the good work that he did for his community and for his country. As a soldier and patriot, Spc.

James C. Kearney, III has given us a model of true dedication and virtue.

SPECIALIST RAYMOND L. WHITE

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Elwood, IN. Specialist Raymond L. White, 22 years old, died on November 12 during an ambush in Baghdad, Iraq. Choosing not to hide within the safety of the armored Humvee in which he was riding, Raymond returned fire. During this selfless attempt to protect other members of his company, Raymond was shot. With his entire life before him, Raymond risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A 2001 graduate of Frankton Junior-Senior High School, Raymond went on to attend the New Mexico Military Institute for 2 years before following a long-standing family tradition of joining the military. According to friends and loved ones, Raymond was pleased to follow in the footsteps of his father, uncle and great-uncle. His mother Sharon recalled to the Indianapolis Star a time when she asked Raymond why he wanted to go to Iraq. He responded simply, "Well, Mom, it's my patriotic duty."

Raymond was the thirty-sixth Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to the 1st Battalion, 8th Cavalry Division, Fort Hood, Texas. This brave young soldier leaves behind his parents, Sharon and Henry White and his brothers, Henry, Daniel and Jessie.

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

Raymond was known for his dedication to family and his love of country. When looking back on Raymond's life, family friend Don Cox told the Indianapolis Star that "He grew up to be a very fine young man." His father, Henry, recounted to the Indianapolis Star the description of Raymond's heroic efforts that he received from his commander, highlighting the fact that his son had died in the same fashion in which he had lived. "He always put others first," Henry said. Today and always, Raymond will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Raymond's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we

cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Raymond's actions will live on far longer than any record of these words.

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

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

FIRST LIEUTENANT EDWARD IWAN

Mr. HAGEL. I rise to express my sympathy over the loss of Edward Iwan of Albion, NE, a 1LT in the United States Army. First Lieutenant Iwan was killed on November 12, 2004 in Fallujah, Iraq when a rocket-propelled grenade hit his Army vehicle. He was 28 years old.

First Lieutenant Iwan grew up on his family's farm in Albion and enlisted in the U.S. Army upon graduation from Albion High School in 1994. After serving 3 years, he joined the Army Reserve Officers' Training Corps at the University of Nebraska—Lincoln where he earned a degree in criminal justice and received a commission in the U.S. Army. At Lincoln, he was a leader in the ROTC program. First Lieutenant Iwan was a platoon leader in the Army's 2nd Infantry Division who will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans like 1LT Iwan are currently serving in Iraq.

Lieutenant Iwan is survived by his parents, Donna and Kenneth Iwan of Albion and two sisters, Ginger and Kate. Our thoughts and prayers are with them at this difficult time. The United States of America is proud of Edward Iwan's service and mourns his loss.

For his service, bravery and sacrifice, I ask my colleagues to join me and all Americans in honoring 1LT Edward Iwan.

RETIREMENT OF SENATORS

SENATOR JOHN EDWARDS

Mr. CONRAD. Mr. President, today I want to pay tribute to Senator JOHN

EDWARDS and acknowledge his dedication to fighting for the middle class.

Senator EDWARDS, the son of a mill worker, was the first in his family to go to college. He then went on to law school where he met his wife, Elizabeth. Following his graduation from law school, he earned a reputation as one of the best trial attorneys in the country, taking on the causes of those who had suffered serious tragedies as a result of the negligence or malfeasance of others.

Elected in 1998, Senator EDWARDS has served just one term in the Senate, but he made a mark in a number of areas. First and foremost, he was a lead advocate for a Patients' Bill of Rights. From his background helping families that had suffered injuries at the hands of our health care system, Senator EDWARDS brought a passionate understanding of the need to hold health insurance companies accountable when their decisions led to serious injuries or death. More importantly, he championed changes in rules that would prevent these adverse outcomes in the first place. His dedication to this cause paid off in 2001, when the Senate finally passed the Patients' Bill of Rights.

Senator EDWARDS also made a big contribution on education policy. He was an early voice in favor of education reform, and worked to provide additional resources to help local schools achieve higher standards. As a co-chair of the Senate Rural Education Caucus, I saw first hand his work to support funding to meet rural school needs like the Rural Education Achievement Program and to make certain that the unique challenges for rural schools in complying with the No Child Left Behind Act are recognized.

Senator EDWARDS also, of course, distinguished himself in running for President and serving as the Democratic nominee to be Vice President. His concern about our country fracturing into "Two Americas"—one wealthy and privileged, the other increasingly left behind—resonated with millions of Americans.

Senator EDWARDS is leaving this body. But I am confident he will not turn his back on public service and look forward to his continued contribution to our Nation's political debate. Working with the Senator from North Carolina has been a joy, and we wish him and his wife a happy and health future.

SENATOR DON NICKLES

Mr. CONRAD. Mr. President, I want to take this opportunity to pay tribute to and acknowledge how much I will miss Senator DON NICKLES in the United States Senate.

Since joining the Senate in 1980, Senator NICKLES has been a forceful advocate for smaller and smarter government, while at the same time tenaciously fighting for the interests of the people of Oklahoma. In a body filled largely with lawyers and career politicians, Senator NICKLES brought a small businessman's perspective to the legislative table. Throughout his career he

spoke from personal experience about the need to relieve unnecessary burdens on our Nation's small businesses.

Personally, I have come to know Senator NICKLES well from our joint service on the Budget and Finance Committees. Although we were often on the opposite side of policy debates, he was always a straight-shooter, a gentleman, and a pleasure to work with. In areas where we disagreed, he was a formidable and articulate advocate for his position. In areas where we agreed, he was a powerful and determined ally. I am proud to say that, despite this era of too much partisan division, I consider Senator NICKLES a good friend. His ability to maintain a civil and respectful tone and demeanor in even the toughest policy disputes has exemplified the finest traditions of the Senate.

In his role as Budget Chairman, I am particularly grateful for the graciousness and respect with which he treated me and my staff. His efforts to strengthen the Budget Committee and the budget process will be an important part of his legacy in this body.

I have been honored to serve with Senator DON NICKLES. I join my colleagues in wishing the Senator and his family all the best in the future and in paying tribute to his tremendous contributions to the Senate and our Nation. We will miss him.

SENATOR PETER FITZGERALD

Mr. CONRAD. Mr. President, today I want to pay tribute to Senator PETER FITZGERALD as he prepares to leave the United States Senate.

For the past 6 years, Senator FITZGERALD has done important work as a member of the Agriculture Committee, on which we had the pleasure of serving together. Senator FITZGERALD supported the creation of a commission to investigate changes to the Federal

farm payment system. We share the belief that small, family-owned farms should receive adequate assistance from the Federal Government, and the creation of this commission has helped to ensure this goal.

I am also grateful for the support that Senator FITZGERALD has shown for legislation I have introduced related to the tax treatment of leasehold improvements. He and I understand the need to modernize business infrastructure by shortening the cost recovery period for changes that commercial landlords make in space rented to tenants. By reducing the cost recovery period, the expense of making these improvements would fall more into line with the economics of commercial lease transactions, and more building owners would be able to adapt their buildings to fit the needs of today's business tenants. I thank Senator FITZGERALD for his strong support of this important initiative.

Senator FITZGERALD also recognizes the importance of improving the overall health of Americans, and has shown this through the introduction of his Healthy Lifestyles Act. Encouraging physical activity is an essential component in the fight against obesity, and is an important tool in preventative health care. I commend Senator FITZGERALD for his work in this area.

More generally, Senator FITZGERALD has proven himself to be a dedicated public servant who has served the State of Illinois and the country with honor. Today, I join my colleagues in paying tribute to Senator FITZGERALD and wish him well in all of his future endeavors.

TRIBUTE TO OHIO VETERANS

Mr. DEWINE. Mr. President, on May 29, 2004—coinciding with the dedication

of the National World War II Memorial in Washington, DC—World War II veterans, their families, and their friends gathered at the Don Gentile American Legion Post 532 in Columbus, OH to honor their comrades who fought bravely in World War II.

Fifty veterans attended the service where they were honored by a crowd of more than 500. Guest speakers included Columbus Dispatch columnist Mike Hardin, Post 532 commander Ray Papp, and Isabella Gentile Beitman, the Post namesake's widow. Memorabilia was displayed throughout Post 532, area ROTC units paraded, and the Columbus Symphony Orchestra provided the music. Following the memorial garden dedication, military planes conducted a fly-by. Additionally, each veteran received a framed certificate with the Memorial picture and an angel pin, signifying how our veterans are truly guardian angels.

The Post 532 members' hard work made this service possible, and I would like to personally thank auxiliary secretary, Gladys Caudill, who registered more than 300 World War II veterans for their inclusion in the National Registry. These efforts and the dedication ceremony are fitting reminders of the sacrifices these brave men and women made for our freedom—sacrifices that have shaped all of our lives, our children's lives, and the lives of our grandchildren. I thank them for all they have done for us so that we may continue to enjoy Life, Liberty, and the Pursuit of Happiness—all because of their efforts some 60 years ago.

I would like to honor the members of Post 532 by printing their names in the RECORD. They selflessly fought for our Nation in World War II, I remember them and honor them at this time.

Members of Post 532	Branch	Hometown
Accocella, Guydon	Navy	Columbus, OH
Albrecht, Richard	Navy	Columbus, OH
Arrasmith, James	Navy	Columbus, OH
Bailey, Carl	Air Force	Columbus, OH
Barker, Robert	Army	Fairmont, WV
Bartoe, Orval Jr.	Air Force	Logan, WV
Bauer, Chester	Air Force	Albert, TX
Bauman, Ray	Army	Lancaster, OH
Beitman, Jesse	Air Force	Baltimore, MD
Berg, Omer	Navy	Columbus, OH
Boggs, John	Navy	Hilliard, OH
Bricker, Paul	Navy	Uhrichsville, OH
Brown, Harry	Army	Barnesville, OH
Bryant, Jack	Army	Columbus, OH
Buhacevich, Milton	Navy	Columbus, OH
Burchfield, Leo	Air Force	Columbus, OH
Callarik, George	Army	Bridgeport, OH
Callif, George	Marines	Columbus, OH
Carpenter, Elmer Ellworth	Army	Hopewell, KY
Carter, Clyde	Navy	Columbus, OH
Cavanaugh, Thomas	Navy	Columbus, OH
Chase, Thomas	Army	Columbus, OH
Compton, Edward	Navy	Columbus, OH
Connor, Phillip	Navy	Logan, OH
Cox, Raymond	Army	Wash. Ct. House, OH
Cramer, Charles	Air Force	Columbus, OH
Crites, Robert	Coast Guard	Columbus, OH
Curtiss, Richard (deceased)	Navy	Columbus, OH
Davis, Delbert (Nick)	Navy	Thurman, OH
DelCeiilo, Vito	Army	Columbus, OH
Delia, Joseph	Marines	New York, NY
Diebold, Robert	Marines	Newark, OH
Dillon, Howard	Navy	Columbus, OH
Donnelly, William Jr.	Army	Junction City, OH
Douglas, Russell	Army	New Lexington, OH
Driscoll, Ray	Navy	Columbus, OH
Dymek, Joseph	Army	Columbus, OH
Edwards, Harold	Navy	Columbus, OH
Eilerman, Cletus	Navy	Sidney, OH
Eiselstein, Jack	Army	Columbus, OH

Members of Post 532	Branch	Hometown
Emrick, Frank	Army	New Straitsville, OH
Estep, James	Army	Huntington, WV
Evans, Robert	Navy	Columbus, OH
Fickle, Glenn (deceased)	Army	Columbus, OH
Fisher, William	Army	Columbus, OH
Fitzpatrick, T. J.	Army	W. Prestonburg, KY
Flichia, Gus	Navy	Columbus, OH
Foresman, Earl	Army	Columbus, OH
Francis, Joseph	Army	Logan, OH
Frazee, Jack	Army	Dayton, OH
Fultz, Russell	Army	Columbus, OH
Gallagher, Paul	Air Force	Columbus, OH
Ganczak, Richard	Air Force	Buffalo, NY
Geiszler, George	Navy	Columbus, OH
Gibson, Robert	Army	Columbus, OH
Gill, Merrill	Army	Columbus, OH
Goldhardt, William	Navy	Grove City, OH
Graves, Victor	Army	Columbus, OH
Gray, Richard	Air Force	Columbus, OH
Green, Clyde	Navy	Madison, OH
Greer, James	Army	Columbus, OH
Griffiths, Robert	Army	Columbus, OH
Griggs, Benjamin Sr.	U.S. Coast Guard	Columbus, OH
Grinstead, Roy	Army	Columbus, OH
Hankison, Franklin (Hank)	Navy	Columbus, OH
Hatzer, Sheldon	Army	Columbus, OH
Haycock, Joseph	Marines	Columbus, OH
Heise, Robert	Army	Columbus, OH
Hemmer, Paul	Air Force	Indianapolis, IN
Herderick, George	Army	Columbus, OH
Hinzey, Charles	Navy	Detroit, MI
Hirn, Joseph	Navy	Columbus, OH
Hoemie, Arthur (deceased)	Army	Columbus, OH
Hopwood, Harry	Navy	Columbus, OH
Immel, Phillip Jr.	Navy	Columbus, OH
Johnson, Richard	Army	Columbus, OH
Johnson, William	Navy	Columbus, OH
Johnston, Raymond	Navy	Columbus, OH
Jones, Charles (Chuck)	Navy	Columbus, OH
Justice, Oscar	Army	Pikeville, KY
Kazee, Henry	Army	Ashland, KY
Keckley, Harry	Army	Utica, OH
Keller, Kenneth	Marines	Jackson, OH
Kelley, Edward	Air Force	Columbus, OH
Kelly, Kenel	Army	Columbus, OH
Kent, Willard	Army	Ethel, WV
Kerber, John	Navy	Columbus, OH
Kerchmar, Carl	Navy	Elyria, OH
Kincade, Howard	Army	Columbus, OH
Kinney, Otis Jr.	Army	Columbus, OH
Kirby, James	Navy	Columbus, OH
Kline, Francis	Air Force	Columbus, OH
Knapp, Donald	Army	Obetz, OH
Knight, Lake (Shorty)	Army	Columbus, OH
Krebs, Henry	Navy	Columbus, OH
Krizinski, Roman	Air Force	Dowagiac, MI
Kueterman, Harold	Air Force	Versailles, OH
Landes, Leo Jr.	Air Force	Columbus, OH
Large, Thomas Sr.	Coast Guard	Columbus, OH
Larue, Leah Fox	WAC	Boise, Idaho
Lash, Homer	Navy	NW Canton, OH
Lavinger, Joe	Navy	Bethlehem, PA
Lawler, Joseph	Coast Guard	Columbus, OH
Lease, Harry Jr.	Army	Belfontaine, OH
Lehman, Robert	Army	Mansfield, OH
Lewis, James	Navy	Columbus, OH
Lowther, Robert Jr.	Navy	Columbus, OH
Luke, Arthur	Navy	Pittsburgh, PA
Lusk, Mike	Air Force	Cambridge, OH
Lyons, Joseph	Army	Columbus, OH
Madden, Robert	Navy	Chillicothe, OH
Markham, Howard	Army	Columbus, OH
Marmon, Boyd	Army	Columbus, OH
Martin, Ralph	Marines	Columbus, OH
Maue, Joseph	Army	Dayton, OH
McGrail, John Jr.	Air Force	Columbus, OH
Mertens, John	Navy	Columbus, OH
Michalczuk, Daniel	Navy	Columbus, OH
Milburn, Keith	Navy	Anderson, IN
Miller, Carl	Navy	Columbus, OH
Miller, Eugene	Army	Bee, VA
Miller, George	Air Force	Martins Ferry, OH
Miller, Robert Lee	Navy	Canal Winchester, OH
Minnix, Robert	Navy	Columbus, OH
Montoney, Jack Sr.	Navy	Columbus, OH
Moore, Charles	Air Force	Delaware, OH
Morse, Harold (Hal)	Army	Columbus, OH
Murphy, Donald	Navy	Columbus, OH
Murphy, John	Navy	Clifton, NJ
Murphy, Lon	Army	Glen Alum, WV
Nelson, Thearl	Air Force	Omar, WV
Nolan, Westland	Navy	Columbus, OH
Notturiano, Darwin	Navy	Columbus, OH
Notturiano, Rudy	Army	Columbus, OH
OBryan, John	Navy	Louisville, KY
Ocker, Reed	Navy	Scranton, Iowa
Parr, Robert	Army	Mansfield, OH
Parsley, Wilson	Army	Crum, WV
Penwell, Harvey Jr.	Navy	Springfield, OH
Perry, Chester	Merchant Marines	Columbus, OH
Phillips, Robert (Bob)	Air Force	Ironton, OH
Powers, William Jr.	Air Force	London, OH
Quivey, Charles	Merchant Marines	Middleport, OH
Rains, Charles Sr.	Army	Columbus, OH
Randolph, John	Navy	Crooksville, OH
Rice, Lou	Navy	Columbus, OH
Roberts, Bernard	Air Force	Jeanette, PA
Roberts, Raymond Lee Sr.	Navy	Columbus, OH
Sanfilippo, Joseph Jr.	Navy	Columbus, OH
Sarto, William	Army	Lore City, OH
Schellhaas, Edwin	Army	Grove City, OH
Schnitzer, Frederick	Navy	Mount Vernon, OH

Members of Post 532	Branch	Hometown
Schreck, Margaret	Army	Hilliard, OH
Schreck, Victor	Army	Marienthal, KS
Scott, Ivan	Navy	Columbus, OH
Shank, Stephen	Navy	Glendale, PA
Sharpe, Gerald	Army	Columbus, OH
Shea, John	Navy	Columbus, OH
Shirley, Frank	Army	Jeager, WV
Siniff, R. Edward	Army	Columbus, OH
Sipe, William Jr. (Bill)	Army	Columbus, OH
Smith, Clyde	Navy	Columbus, OH
Smith, Harold	Army	Columbus, OH
Smith, Lawrence	Army	Columbus, OH
Snedegar, Garland	Army	Dayton, OH
Sottovia, Virginia	WAC, Army	Manchester, OH
Souders, Albert	Army	Columbus, OH
Stafford, Victor	Army	Columbus, OH
Stange, Robert	Army	Grove City, OH
Stauch, Donald	Army	Columbus, OH
Steiner, John	Army	Bellaire, OH
Stephenson, Charles	Navy	Ironton, OH
Stewart, Richard	Air Force	Wellston, OH
Susi, Arthur Sr.	Marines	Columbus, OH
Swain, Lindsay	Navy	Columbus, OH
Taylor, Archie	Navy	Loudenville, OH
Taylor, Robert	Air Force	Columbus, OH
Terman, Robert	Navy	Columbus, OH
Thomas, Donald	Army	Cheshire, OH
Thomas, Earnest	Army	Columbus, OH
Thompson, John (Wiltshire)	Navy	Columbus, OH
Tonti, Edward	Army	Columbus, OH
Townsend, Delbert	Army	Columbus, OH
Tracy, Martin	Navy & Marines	Columbus, OH
Triffon, Manuel	Army	Columbus, OH
Tuttle, Harold	Army	Columbus, OH
Underdown, Guy	Army	St. Clairsville, OH
Vagner, John	Air Force	Lancaster, OH
Verne, Stephen	Coast Guard	Columbus, OH
Vawters, Howard	Navy	Columbus, OH
Wade, Kenneth	Army	Galloway, OH
Walker, John	Air Force	Gallia, OH
Walls, Howard	Army	Pittsburgh, PA
Walters, Howell	Army	Columbus, OH
Warren, Charles	Army	Athens, OH
Weaver, Fred	Army	Columbus, OH
Wells, Robert	Army	Columbus, OH
Wihl, Lewis	Navy	Columbus, OH
Wiley, Paul	Army	Columbus, OH
Williams, Charles	Army	Columbus, OH
Willis, Richard Sr.	Coast Guard	Columbus, OH
Woehrl, John	Navy	Columbus, OH
Wolfe, John	Navy	New Lexington, OH
Yates, Tony	Air Force	Pittsburgh, PA
Yoder, Leroy	Coast Guard	Marion, OH
Non-members or Deceased:		
Accocella, Pat	Army	Columbus, OH
Amspoker, Richard Leo	Army	Columbus, OH
Anderson, Howard	Army	Waverly, OH
Ballengee, Sherman Sr.	Marines	Reed, WV
Bartoe, Robert	Army	Logan, WV
Bennett, Paul	Army	West Jefferson, OH
Beougher, Howard	Air Force	Columbus, OH
Bonham, Gerald	Marines	Galloway, OH
Bowling, Richard	Army	Memphis, TN
Bowling, Walter Carl	Navy	Columbus, OH KIA
Brogan, Bernie	Army	Rainelle, WV
Brooks, Walter	Navy	Columbus, OH MIA
Brown, Paul	Army	Huntington, WV
Carter, Dave	Army	London, OH
Clark, Duane	Marines	Columbus, OH
Clifford, Charlie	Army	Columbus, OH
Clifford, Jack	Air Force	Columbus, OH
Cole, Howard Alton	Navy	Preston, MD KIA
Cole, Kenneth Hynson	Army	Preston, MD
Cole, Leonard Francis	Army	Preston, MD
Corbett, Joseph	Army	Crooksville, OH
Cosgrove, James	Navy	Columbus, OH
Cosgrove, John	Army	Columbus, OH
Cosgrove, Robert	Army	Columbus, OH
Crown, Sam	Navy	Columbus, OH MIA
Capuano, Patsy	Army	Columbus, OH
Daum, Ray	Army	Columbus, OH
DeWeese, Albert	Army	Ripley, WV
Divney, Don	Air Force	Columbus, OH
Divney, James	Army	Marion, OH
Divney, Raymond	Army	Columbus, OH
Domrose, Richard Wm	Air Force	Oak Harbor, OH
Domrose, Ramone George	Army	Oak Harbor, OH
Edwards, Harold	Coast Guard	Oak Hill, OH
Estep, Walter	Army	Delaware, OH
Farrand, Larry	Navy	Columbus, OH
Flick, Stanley	Navy	Wooster, OH
Follmer, Edward	Army	Columbus, OH
Gentile, Dominic (Don)	Air Force	Piqua, OH
Get z, George Jr.	Army	Columbus, OH
Goldhardt, Richard	Army	Georgesville, OH
Griggs, Mary (Buckler)	Auxiliary	Columbus, OH
Griggs, Dorel Dobbins	Navy	Columbus, OH
Griggs, John Robert	Marines	Columbus, OH
Griggs, Stanley Evans	Mer Mar/Army	Columbus, OH
Griggs, Jack	Army	Columbus, OH
Griggs, Charles Ernest	Navy	Columbus, OH
Hammock, Wilbur	Air Force	Columbus, OH
Hammond, Clarence	Navy	Ironton, OH
Hammond, Lawrence	Army	Ironton, OH
Hartley, Paul	Army	Stoutsville, OH
Haverfield, Frank	Army	Evanston, IL
Horton, Richard	Navy	Columbus, OH
Ingles, Goble	Army	McDermott, OH
Jamison, Robert	Air Force	Columbus, OH
Jubeck, Jack	Air Force	Pittsburgh, PA
Knisley, Earl	Army	Columbus, OH
Knisley, Hal Richard	Army	Columbus, OH

Members of Post 532	Branch	Hometown
Knisley, Jesse	Army	Columbus, OH
Lester, Quinten	Army	Kentucky
Mace, Jacob Andrew	Navy	West Virginia
McCleese, Daniel Scott	Air Force	Columbus, OH
McLane, Paul	Navy	Elmira, NY
Monroe, George	Army	Columbus, OH
Morse, Fred	Army	Columbus, OH
Moore, Keith	Navy	Columbus, OH
Norton, Naldo	Navy	Columbus, OH
Oestreich, Frank	Air Force	Columbus, OH
Overturf, James	Army	Columbus, OH
Papp, Frank Jr.	Army	Columbus, OH
Papp, John	Army	Columbus, OH
Papp, Joseph	Air Force	Columbus, OH
Pearce, Charles	Army	Radcliff, OH
Perry, John Wm.	Marines	Fredricktown, MO
Ponthier, Ory	Air Force	Bossier City, LA
Pritchard, Joe	Army	Westerville, OH
Rankin, William	Navy	Columbus, OH
Rinehart, Robert	Army	Columbus, OH
Roush, George	Army	Mason City, WV
Russo, Lawrence	Navy	Columbus, OH
Salmons, Anderson	Army	Hamden, OH
Sanders, Ralph	Army	Plain City, OH
Shea, James	Army	Columbus, OH
Sisson, Kenneth	Navy	Columbus, OH
Smith, Sherwood	Army	Rome, NY
Snider, Fred	Army	Columbus, OH
Sottovia, William	Air Force	Brockport, PA
Stein (Gregory)	Army Nurse	West Pittston, PA
Stratton, Jack Harry, Jr.	Navy	Raymond, OH
Sullivan, John	Navy	Elmira, NY
Tarquino, Anthony	Air Force	Columbus, OH
Taylor, Virgil	Army	Columbus, OH
Walls, Henry	Navy	Columbus, OH
Wharton, Paul	Navy	Columbus, OH
Wheritty, Eugene	USN/MC	Mauch Chunk, PA
Williams, Paul	Navy	Columbus, OH
Zervis, Roy	Navy	Hamden, OH

Those in attendance at the WWII celebration day not listed above: Bennett, Paul; Dawson, Donald; Griggs, Carl; Landman, William; Pennell, George (Duke); Puchovich, Jordan; Stevens, Harold; Watson, Leland.

VETERANS' DAY

Mr. LAUTENBERG. Mr. President, I rise today to pay tribute and recognize our Nation's veterans. Too often, the sacrifices of our Nation's brave men and women of the Armed Forces go unnoticed and underappreciated. I wish to take a moment now to share a recent experience I had with some of New Jersey's Vietnam Veterans.

On November 11, 2004, I was honored to participate in a Veterans' Day Ceremony hosted by the New Jersey Vietnam Veterans' Memorial in Holmdel, New Jersey. At this ceremony, I was touched by the words of Major Frank M. McDonough, Esq., a retired member of the United States Marine Corps. Major McDonough has written a moving piece about what it means to be a veteran.

Mr. President, in honor of the sacrifice of our Nation's veterans, I ask unanimous consent that Major McDonough's written statement be printed in the CONGRESSIONAL RECORD.

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

NOVEMBER 11, 2004

(By Frank M. McDonough, Esq. Major, United States Marine Corps, Ret.)

The Marine CH-46 helicopter swept high and wide over the clouds of smoke, shrapnel, and exploding shells.

Mayhem spewed from the burning ammunition dump. It had been struck the night before by a rocket launched by some of the 40,000 enemy troops surrounding the miserably exposed plateau encampment.

As the Crew Chief shouted debarkation instructions over the din of the rotors, the Marines craned around in their canvas benches to see the mile-long, half-mile wide combat base below, through the glassless chopper windows. For most it would be their first combat experience. For the 26-year-old Lieutenant this was neither his first nor his last trip "in-country," but it would be the longest 77 days of his life.

Suddenly the helicopter dropped like a stone toward the airstrip and the Crew Chief was screaming, "Get out! Get out!" as the Marines grabbed packs and seabags and rushed to the lowered ramp in the rear of the rapidly descending bird.

They tumbled out, ass over teakeatle, several feet in the air, as the aircraft started to roll and rise, never actually having touched the ground.

As instructed, the passengers rushed to the waiting drainage ditch at the edge of the metallic runway. Mortars and rockets struck all around; and the din was so great that they never heard the safe departure of the big dirty green bird that had just deposited them in the middle of no man's land.

Nor did they care; for this was run for life.

The Lieutenant streaked across the landing strip as fast as his legs would move, carrying the 80 pound seabag behind him a protection against the flying shards of aluminum runway matting mixed with shrapnel, dirt and other debris . . . but ready to abandon if necessary.

The dense clouds of smoke and loud clanging sounds which deadened his ears and shrouded his movement could not protect him from the flying death around him.

But in seconds he was in the trench, on his face, in the dusty red clay that he would live in, bathe in, eat in, sleep in, and wear for many weeks to come.

The crump, crump, crump of the deadly explosives slowly subsided with the disappearance of the chopper behind the hills.

Soon, there was absolute silence.

Navy Medical Corpsmen from Charlie Med, the makeshift hospital across the road . . . conveniently located next to the equally makeshift mortuary . . . started working their way along the trench . . . backs and shoulders bent . . . bodies crouched to avoid

enemy snipers . . . making sure that everyone was okay.

The Lieutenant checked his moving parts. They seemed to be all there. Even his seabag made it unscathed. Then he looked up for the first time since hitting the ground at Khe Sahn.

Directly in front of him was a large sign. In scarlet and gold . . . the Marine Corps' colors . . . a sign which pointed him to his destination.

"1st Battalion, 13th Marines, Turn Right and Run like Hell."

It was combat humor at its best.

According to military records, since 1775, 2 million men and women have given their lives for our country; men and women of all colors, religions, and beliefs. They wore many uniforms over the decades: some blue, some red, some gray . . . some green, white, khaki; and some of the various colors of camouflage.

Some had no uniforms but fought anyway; and some performed their service behind the enemy's lines in the clothing of the day, hopeful that they would be protected by their anonymity.

Some were farmers; some city kids. Some had never seen a pair of boots before they joined; others like me signed up with long hair, motorcycle boots and way too much attitude.

They were young, old, married and single. They were poor; and they were rich. Most were free; some were freed slaves. Some were paid to serve in the place of others. Some volunteered and some were conscripts.

Shanghaied, they would tell you.

There were summer soldiers who left in fall to harvest their crops. Others served for a fixed number of years; and there were many who served their entire lives. There were too many whose entire lives were not very entire.

When they were in, they spent much of their time complaining; but when they got out they spend much of their time bragging . . . about where they went and who they went with . . . although not very often about what they did.

In fact, in the Marine Corps we used to say that a Marine wasn't happy unless he was bitching; and most couldn't wait until they

got out. Yet check out all the proud United States Marine Corps decals on the cars traveling along the Garden State Parkway.

One thing they shared. No matter what their origins or their social status, there was no telling them apart in the trenches of France, the frozen fields of Pennsylvania, the steamy islands of the Pacific, the bloody battlefields of Spotsylvania, the deadly skies over Korea, the tropical scrub of San Juan hill, or the boiling waters of the South China Sea.

They were one.

Some were recognized for their heroism.

In the beginning by receiving an award called the Badge of Military Merit, created by our first Commander-in-Chief.

In 1932, that badge became known as the Purple Heart. It eventually was emblazoned with George's image and restricted to those who shed their blood in the service of their country.

Tens of thousands of Purple Hearts have been awarded for wounds received in battle. Too many thousands never lived to see theirs; and would happily have done without.

And there is another award that goes back to the early years. Presented since the Civil war, it is called the Medal of Honor. There have been 3,459 of those medals presented for 3,454 separate heroic actions.

The earliest Medal of Honor was presented for an action against Native-Americans in 1861. Ironically, since 1861, 22 Native-Americans have received the Medal for their own valorous actions in defense of a country that once seemingly sought to exterminate them.

I have known many who were awarded the first medal, and four who were awarded the second.

Despite their heroism and suffering . . . or perhaps because of it . . . I really don't know . . . they seemed no different than the thousand others I served with, and the many thousands more that we have all heard or read about.

They all served their country . . . in good times and bad . . . in peacetime and in war . . . with valor and distinction.

At Valley Forge, they wrapped rags around their frozen feet then marched to take Trenton; 175 years later they wrapped rags around their frozen feet then fought their way out of the Chosin Reservoir.

In 1805 they marched across 600 miles of burning desert to destroy the Barbary Pirates at Tripoli; 178 years later, not that far from Tripoli, they died in a barracks in Beirut.

Still they would not be deterred. And only a few years later, they freed one European people from a tyrannical butcher; and a Middle Eastern country from a demented invader.

But in Yemen they simply made a goodwill port call and 17 paid the ultimate price.

And in Somalia they tried to help a starving people they didn't even know . . . and had probably never heard of; and they paid yet again.

They jumped out of airplanes into the dead of night at Ste. Mere-Eglise; and a few miles away they scaled the deadly cliffs of Normandy with the bodies of their buddies drifting in the surf below.

At Midway, they brought a thousand year old Empire to the beginning of its end.

In 1865, a woman cut off her hair, donned a soldier's uniform, and fought alongside her compatriots as a man. She was simply following the example of an earlier heroine who joined the battlefield right here in Monmouth County. More than 1.7 million women have served in the military since.

Some nursed our fighters in the jungles, in the freezing cold, and aboard ships under kamikaze attack. And not only do they still serve in tents, bomb craters, and blown out

buildings around the world; but they now command units in Iraq and fly choppers in Afghanistan.

Some military personnel carry no weapons and wear no scrubs, but use a bible, the Torah or the Quran, to minister to their fellow soldiers. One from Staten Island earned the Medal of Honor of his heroic Chaplain's service.

And let's not forget the 6,000 Merchant Marines and their 700 ships lost during World War II.

In five years, my immigrant family from Scotland and Ireland sent seven men and women off to fight for their adopted country. It is something we as a people do. We rarely question why. We just do.

Now, one of my sons is in a place called Fallujah, while his brother launches fighter jets from the Abraham Lincoln somewhere in the Pacific.

I would never ask them to do this. I certainly didn't even encourage them. It is the only thing in my entire life that has ever brought me fear! But is their chosen destiny; and like all others before them, they just do.

In just my lifetime, I can think of a number of heroes who could have avoided serving, or flown a desk in the rear, but chose not to. One was the son of a legendary Marine General who had earned five Navy Crosses in combat. The younger Marine came home a double amputee, his life so shattered that he ultimately died by his own hand.

One was a famous baseball player who left his team not once, but twice, to fight for his country in not one, but two wars. And he came back to his beloved Red Sox to finish his career.

One was the son of the future Chief of Naval Operations, the highest rank in the Navy. He probably could have gotten any job he wanted, but he went into combat anyway; and came back to die of Agent Orange.

Another was the son and grandson of two Naval Heroes, but he spent 8 years in the Hanoi Hilton.

And then, of course, there was the son of the former Ambassador to Great Britain. He didn't have to go either, but he chose to be a PT boat skipper; and spent the rest of his too-short life in excruciating pain.

They all could have found a way out, but didn't. Not even the young Marine Lance Corporal I met in I Corps who had a Columbia medical degree in his resume, but he chose to fight his war, at the front, on the ground, as a grunt.

Like that young Lance Corporal, they had a belief in themselves, in their creed, in their country, and many times . . . more often than not . . . in their cause.

If nothing else, they learned to believe in their fellow soldiers and to serve them . . . to the death if necessary.

Today, we celebrate all veterans, those alive and among us, those who have gone on to their reward, and those still serving.

It matters not whether in peace or in war. If in war, it matters not what the outcome. It is the man and the woman that we honor.

We can do no less than one man . . . not of this country . . . did in honoring that legacy.

He was a 30 year old Vietnamese Squad Leader. A member of the 320th Division of the People's Army of Vietnam during one of the most trying periods in a ten-year war, the hallowed memory of which surrounds us here today in this poignant Vietnam Veteran's Memorial.

He was the enemy!

After the war he went back to farming. But then, in 1996, at the age of 58, he walked into the US Army POW/MIA office in Hanoi to tell his story.

While serving North Vietnam in uniform in 1968, he found the body of a dead American Marine. He buried it in a bomb crater. But he never forgot.

So he lead the MIA team to the remains, which were then recovered and returned to the Marine's home community just two months ago, some 30 years after the fall of Saigon.

Now I can tell you from personal experience that the spring of 1968 was one of worst periods in the war.

Yet this soldier took the time to bury his enemy. And then, almost thirty years later, report the location to his former enemies.

That kind of respect is the kind of respect we see all too little of in this fast-paced, too distracted, self-absorbed, politically-riven society of ours.

But it is the kind of respect we are here today to show our men and women, in or out of uniform, living and dead, still serving or not.

They need no medals. They need no special proclamations. They need no special treatment. For they stand out in their own merit, on their own sacrifices, on their own heroism, and on their own unequalled accomplishments.

But we stand here today anyway. For they are the reason we can do so; the reason that we enjoy the right to do so. The reason we can be proud of our nation; and the reason that, like the Vietnamese soldier-farmer, we can respect who they are.

To paraphrase a well known writer and broadcaster, we are here today because they are the greatest of all our generations!

BUDGET SCOREKEEPING REPORT

Mr. NICKLES. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2004 budget through September 30, 2004. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2004 Concurrent Resolution on the Budget, H. Con. Res. 95, as adjusted.

The estimates show that current level spending is above the budget resolution by \$10.126 billion in budget authority and by \$31 million in outlays in 2004. Current level for revenues is \$3.115 billion above the budget resolution in 2004.

Since my last report dated September 13, 2004, the Congress has cleared and the President has signed the Surface Transportation Extension Act of 2004, Part V (P.L. 108-310), which changed budget authority for 2004.

This is my final report for fiscal 2004. I ask unanimous consent the report be printed in the RECORD.

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

CONGRESSIONAL BUDGET OFFICE,

Washington, DC, October 7, 2004.

Hon. DON NICKLES,
Chairman Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on

the 2004 budget and are current through September 30, 2004. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, as adjusted.

Since my last letter, dated September 9, 2004, the Congress has cleared and the President has signed the Surface Transportation Extension Act of 2004, Part V (Public Law 108-310), which changed budget authority for 2004.

The effects of this action are detailed on Table 2.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF SEPTEMBER 30, 2004

[In billions of dollars]			
	Budget resolution	Current level ¹	Current level over/under(-) resolution
ON BUDGET			
Budget Authority	1,873.5	1,883.6	10.1
Outlays	1,897.0	1,897.0	*
Revenues	1,331.0	1,334.1	3.1

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF SEPTEMBER 30, 2004—Continued

[In billions of dollars]			
	Budget resolution	Current level ¹	Current level over/under(-) resolution
OFF-BUDGET			
Social Security Outlays	380.4	380.4	0
Social Security Revenues	557.8	557.8	*

¹ Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

NOTE: * = Less than \$50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2004, AS OF SEPTEMBER 30, 2004

[In millions of dollars]			
	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,330,756
Permanents and other spending legislation ¹	1,117,131	1,077,938	n.a.
Appropriation legislation	1,148,942	1,179,843	n.a.
Offsetting receipts	-365,798	-365,798	n.a.
Total, enacted in previous sessions:	1,900,275	1,891,983	1,330,756
Enacted this session:			
Surface Transportation Extension Act of 2004 (P.L. 108-202)	1,328	0	0
Social Security Protection Act of 2004 (P.L. 108-203)	685	685	0
Welfare Reform Extension Act of 2004 (P.L. 108-210)	107	58	0
An act to reauthorize certain school lunch and child nutrition programs through June 30, 2004 (P.L. 108-211)	6	6	0
Pension Funding Equity Act of 2004 (P.L. 108-218)	0	0	3,363
An act to require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses (P.L. 108-220)	13	7	0
Surface Transportation Extension Act of 2004, Part II (P.L. 108-224)	482	0	0
TANF and Related Programs Continuation Act of 2004 (P.L. 108-262)	80	35	0
Surface Transportation Extension Act of 2004, Part III (P.L. 108-263)	422	0	0
Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265)	7	6	0
An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (P.L. 108-272)	0	0	-2
AGOA Acceleration Act of 2004 (P.L. 108-274)	0	0	-2
Surface Transportation Extension Act of 2004, Part IV (P.L. 108-280)	-646	-7	0
Department of Defense Appropriations Act, 2005 (P.L. 108-287)	0	10	0
Surface Transportation Extension Act of 2004, Part V (P.L. 108-310)	2,160	0	0
Total, enacted this session	4,644	800	3,359
Entitlements and mandates:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	-21,334	4,221	n.a.
Total Current Level^{1,2}	1,883,585	1,897,004	1,334,115
Total Budget Resolution	1,873,459	1,896,973	1,331,000
Current Level Over Budget Resolution	10,126	31	3,115
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

¹ Pursuant to section 502 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2004, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes \$82,460 million in budget authority and \$36,644 million in outlays from previously enacted bills. From the current session, the current level excludes \$27,656 million in budget authority and \$154 million in outlays from the Department of Defense Appropriations Act, 2005 (P.L. 108-287) and \$2,000 million in budget authority from the Emergency Supplemental Appropriations for Disaster Relief Act, 2004 (P.L. 108-303). In addition, pursuant to section 312(c)(3)(A) of S. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2005, up to \$500 million in budget authority and \$330 million in outlays for wildland fire suppression accounts are exempt from the enforcement of the budget resolution for the current fiscal year. In this current level report, these amounts are excluded from the total for the Department of Defense Appropriations Act, 2005 (P.L. 108-287).

² Excludes administrative expenses of the Social Security Administration, which are off-budget.

NOTES: n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

MENTALLY ILL OFFENDERS

Mr. DEWINE. Mr. President, I come to the floor in support of the Mentally Ill Offender Treatment and Crime Reduction Act. On October 11, 2004, the Senate passed this bill and on October 30, 2004, President Bush signed it into law. I am very pleased that this law is now on the books because it will help address a serious problem that I have talked about before on several occasions.

Each year, more than 700,000 individuals with serious mental illness are booked into our Nation's jails. A recent Justice Department study revealed that 16 percent of all inmates in America's state prisons and local jails today are mentally ill. This has created one of the biggest challenges facing our front-line police officers, judges, prosecutors, and corrections officers and has left mentally ill inmates caught in a destructive cycle.

As a former prosecuting attorney, I know about the helplessness that law enforcement officers feel when they

have no other option than to arrest and incarcerate a person with mental illness who has committed a non-violent crime. I have seen the cycle of a non-violent, mentally ill offender who is arrested repeatedly and put into the system repeatedly—never being treated for his illness and, as a result, becoming more and more ill. I also have shared the frustration of judges who repeatedly sentence these low-level offenders, knowing that, without connection to needed services, they will just end up right back in the courtroom.

Despite the complexity of these issues, recent initiatives demonstrate that we can increase public safety and reduce the numbers of mentally ill people trapped in the criminal justice system. We know that if given appropriate care early, the special needs of the mentally ill can be addressed to avoid a growing problem that increases the likelihood of repeat offenses. Four years ago, Senator PETE DOMENICI, Representative TED STRICKLAND, and I authored America's Law Enforcement

and Mental Health Act. As a consequence of this law, the U.S. Department of Justice made available to 37 jurisdictions \$7 million in funding and technical assistance for mental health courts. These courts are staffed by a core group of specialized professionals, including a dedicated judge, prosecutor, and public defender, who deal with mental illness cases and a court liaison to the mental health services community. While still early in their implementation, mental health courts have shown promising results. Mentally ill persons who choose to have their cases heard in a mental health court often do so because that is the first real opportunity that many have had to seek treatment.

Last year, Senator LEAHY, Senator DOMENICI, Representative STRICKLAND and I introduced the Mentally Ill Offender Treatment and Crime Reduction Act. Our bill authorizes a grant program to help states and counties design

and implement collaborative efforts between their criminal justice and mental health systems. This would allow, for example, a State corrections department to partner with the mental health system to ensure that people with mental illness released from prison are provided medications and connected to community-based service providers. It also could provide for programs to train local law enforcement on responding to individuals with mental illness. These programs would be proposed and controlled by the local and State officials most knowledgeable about the needs of their communities.

Since its inception, our Nation has stood on the foundations of compassion and justice. These programs envisioned by this bill are a wonderful embodiment of both ideals and have earned a broad coalition of support from law enforcement, mental health advocates, state officials and private groups, including the Council of State Governments, the National Sheriffs' Association, the Police Executive Research Forum, and the American Correctional Association. With this bill, we move closer to both addressing the needs of the mentally ill and easing the burden upon our police and correctional workers. It will make a real difference, and I thank my colleagues—especially Ranking Member LEAHY, Senator GRASSLEY, Senator DURBIN, Senator DOMENICI, Senator CANTWELL, Chairman HATCH, and Senator MURRAY for their support. I would also like to thank Congressman STRICKLAND and Chairman SENSENBRENNER for championing this issue on the House side.

RETIREMENT OF VEE BURKE

Mr. GRASSLEY. Mr. President, I rise today to pay a tribute to Vee Burke, specialist in income maintenance, Domestic Social Policy Division, a dedicated and gifted employee at the Congressional Research Service, who will be retiring from CRS at the end of this month.

Mrs. Burke is a graduate of the University of Chicago. She has four grown children and is the widow of Vincent Burke with whom she wrote Nixon's Good Deed, a book about Nixon's welfare reform proposals.

When Mrs. Burke joined CRS more than 30 years ago, she was already a recognized expert in the field of public welfare. During her tenure at CRS, she became a leading expert on the history, evolution and interaction of welfare and public assistance programs for low-income individuals and families.

Because of her stature as one of the leading authorities in the country in this policy area, Mrs. Burke's advice and assistance has often been required by the Congress. Over three decades, Mrs. Burke has contributed to major congressional deliberations affecting AFDC and related public assistance programs, including the sweeping welfare reforms enacted in 1996 that replaced AFDC with TANF.

During the consideration of the reauthorization of the 1996 welfare reform legislation in both the 107th and the 108th Congress, Mrs. Burke provided invaluable assistance to the Senate Finance Committee. In the 108th Congress, Mrs. Burke was especially helpful to myself, as Chairman of the Senate Finance Committee and to my staff. She assisted in the drafting of the committee mark and legislation, providing technical assistance as well as continuously analyzing state data. Because of her vast knowledge, Mrs. Burke also functioned as an impromptu tutor to Senate Finance Committee staff on this history of welfare.

The work of the Congress is detailed and complex—in order to do our work members and our staffs need to be well versed in policy in order for us to make the best decisions. For this expertise, we often rely on the analysis of the Congressional Research Service. CRS provides a unique service to the Congress in that they are truly non-partisan. The specialists from CRS provide non-biased, research based analysis that helps guide us, as policymakers, to make the best decisions.

Mrs. Burke, throughout her long and admirable career, has embodied the very best of what CRS provides for the Congress. Those of us who care deeply about programs affecting the poor thank her for her efforts, will miss her and wish her well.

RETIREMENT OF SHARON HICKEY

Mr. LIEBERMAN. Mr. President, I rise to express my deep gratitude and best wishes to a dedicated and long-serving member of my Washington staff, Sharon "Sherry" Hickey, who has worked on Capitol Hill for nearly 31 years and who is retiring from the U.S. Senate on December 3, 2004.

Sherry has been a member of my Senate family since I was first elected to this office in January 1989. She has many talents, "wears many hats," is always willing to lend a hand or offer guidance, and her contributions to the work of this office, particularly in the area of constituent outreach, have been invaluable. She began in my office as assistant to the chief of staff and military caseworker. As caseworker, she most clearly demonstrated her compassion and empathy for others. Sherry assisted many grateful soldiers and their families in my home State of Connecticut, including during the first Gulf War, by intently listening to their concerns and successfully resolving the variety of problems they faced to the fullest extent possible.

Sherry is also a gifted and eloquent writer. As my personal/legislative correspondent, she has researched and drafted responses for literally thousands of constituent communications on important issues before Congress, as well as requests for tribute, congratulatory, and recommendation letters that I have received over the years. With her expressive, articulate, and in-

tuitive communication skills, Sherry has a knack for preparing responses to each of them in the informative, yet personalized, style that I prefer.

Prior to the good fortune that brought her to my office, Sherry first began her Hill career when she was hired by Representative John Melcher (D-MT) in December 1973. Following his election to the Senate in 1976, Sherry remained on his staff as a personal assistant and consumer affairs caseworker until he left office in 1988. Previously, she served as secretary to the Assistant Director of the U.S. Department of the Treasury's Bureau of the Mint from 1967-1971.

Some may find it surprising to learn that, among her many hidden abilities, Sherry is a talented artist. Perhaps her retirement will afford her more time to pursue this interest. Still, what has always been most important to Sherry is her family. She met her husband Peter while she was a member of Senator Melcher's staff; and their son, Brian, of whom they are both enormously proud, spent 2 years as a toddler at the Senate Employees Child Care Center. Sherry often brought Brian to the office for a visit, so it is hard for me to believe that he has since achieved the Boy Scout rank of Eagle Scout and is now a second-year student at the University of Virginia! For her own part, after spending precious time devoted to raising her son and guiding him along the path toward adulthood, Sherry applied her energies after work, and, with her usual determination, completed her Associate in Science degree from Northern Virginia Community College earlier this year.

Sherry has had an exemplary career and fully understands the value of a public service commitment to help others. She has always had a special caring touch in reaching out to the constituents we serve and getting them the help they need and deserve. She has provided a guiding hand and has been a resource and support to so many members of my staff. Sherry has what some may call an "old-fashioned" work ethic, but it is one based on immense pride and satisfaction in a job well done. I can certainly attest to that.

Sherry is proud to be a native Washingtonian, and she can now be proud of the years she has dedicated to my State of Connecticut and to the State of Montana. I know her well-deserved retirement will afford her many new opportunities. Sherry has made many friends on the Hill, and we will miss her ready smile and kindness. It is with great fondness and my personal thanks that I wish her only the best in whatever direction she chooses to go from here. Congratulations on a job well done!

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the

Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On August 25, 1998 in Tremont, ME, Robert Powers was arrested for allegedly taunting a man with anti-gay slurs and throwing rocks at him.

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.

ADDITIONAL STATEMENTS

AUDRAIN MEDICAL CENTER AUXILIARY OF MEXICO, MISSOURI

• Mr. BOND. Mr. President, today I join with my constituents in recognizing the Audrain Medical Center Auxiliary 50th Golden Jubilee.

For the last 50 years, the Audrain Medical Center Auxiliary has voluntarily helped raise money for the Audrain Medical Center. Fifty years ago the group was created with 65 charter members and in 2 years grew to 165. Today, the membership is a unique group of 224 Missourians who are dedicated to bettering their local community through their service work. As of 2004 the group has raised \$839,700 for the Audrain Medical Center. This year donations will go toward the telemetry unit for cardiac rehabilitation and a portable x-ray machine. I stand here today rest assured that through their continued hard work and dedication the group will soon reach their goal of \$1 million.

It is my great honor to recognize the community participants that comprise the Audrain Medical Center Auxiliary on this, the 50th Golden Jubilee of the organization. On behalf of the people of the State of Missouri, I look forward to 50 more years of leadership and outstanding civic participation from the Audrain Medical Center Auxiliary.●

CALVERT ALLIANCE AGAINST SUBSTANCE ABUSE, INC.

• Ms. MIKULSKI. Mr. President, I wish to pay tribute to the Calvert Alliance Against Substance Abuse, Inc., CAASA, a grassroots organization that has been dedicated to fighting alcohol and drug abuse in Calvert County since 1989.

Since its inception fifteen years ago, CAASA has been working hard to establish a healthy, drug-free environment for the entire community. This grassroots organization meets the people where they are. CAASA encourages citizens to take an active role in preventing substance abuse through public awareness, education, treatment and law enforcement. Its programs benefit

students in the classroom, families at home and individuals in the workplace.

CAASA has consistently supported the expansion of school-based substance abuse prevention activities and programs to help abusers and their families achieve a drug-free lifestyle. It has also assisted businesses in promoting an alcohol and drug-free workplace. I believe that the best ideas come from the people. CAASA does just that—it awards grants to members of the community who approach them with new ideas. By working together with the people, CAASA is helping to strengthen our communities and fight the drug war right here in Maryland.

Many of the programs that CAASA has sponsored have benefitted the youth of Calvert County, such as Project Graduation. Project Graduation is a drug-free and alcohol-free all night celebration for the graduating seniors from Calvert County's public high schools. Since the inception of this program, there have not been any drug or alcohol related motor vehicle incidents involving members of Calvert County's graduating classes on graduation night.

This group has proven to be a critical part of our Nation's war on drugs by working locally in communities in Maryland. For this we owe them our gratitude. I ask my Senate colleagues to join me today in recognizing the Calvert Alliance Against Substance Abuse, Inc. for showing the community how to "choose life . . . not drugs."●

TRIBUTE TO JOHN "RODDY" SUNCHILD

• Mr. BURNS. Mr. President, today I want to recognize a truly great citizen, a great tribal leader and a military hero, John "Roddy" Sunchild. The Rocky Boy Tribe of North Central Montana, the State of Montana and the United States of America have lost an outstanding leader, citizen and soldier. And for those of us who had the privilege of knowing him, his family and colleagues, we have lost a great father, grandfather, husband and friend.

John "Roddy" Eagle Sunchild, Sr. an enrolled member of the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation was born June 30th, 1930, the grandson of Sunchild, an early leader of the Cree people. He attended schools on the Rocky Boy's Indian Reservation in Montana in his youth.

Roddy was a quiet, unassuming man. At the same time, he was a fierce advocate for his community and his people and a courageous warrior/soldier for his country. He possessed a gentle, understated sense of humor that put people at ease and, at the same time, made points more eloquently than long-winded speeches.

At age 17, Roddy enlisted in the U.S. Airborne Paratroopers and was immediately assigned to a tour in Korea. It was during his time with the 4th Airborne Ranger Company that he distinguished himself as one of the most hon-

ored members of the 187th Regimental Combat Team. Roddy received citations which included the Master Parachutist Badge, Airborne Glider Badge, the Silver Star, the Bronze Star with Double Valor, the Purple Heart, the U.S. Good Conduct Medal, Korean Campaign Medal, the U.S. Presidential Unit Citation, the French Fourragere, and Master Sergeant. The highest level he attained in the military was an E7.

Roddy and his wife Florence, a retired teacher for the Rocky Boy Elementary School system, have four children, nine grandchildren, and one great grandchild.

In 1984, he was elected to the Tribal Business Committee, where he advocated for tribal education opportunities for his people, along with better health services. His leadership, while serving as Chairman for the Stone Child College Board of Directors, was the primary catalyst for the college in achieving full accreditation. He initiated various wellness programs for the Chippewa Cree Tribe and sought opportunities for individual improvement though health, education, and a stronger tribal government.

In 1992, Roddy was elected Tribal Chairman and during his tenure the Chippewa Cree Tribe sought, and was awarded, a Self-governance Compact from the U.S. Department of Interior Bureau of Indian Affairs, BIA. Roddy was a staunch proponent for Tribal Higher Education and for improved Health Care for his people. Roddy was very well known throughout the United States and Canada for his active involvement in the well being and improvement of Indian Country.

Over the past several years, Roddy founded and served as the Chief Executive Officer for the National Tribal Development Association, NTDA, which administers federal grants and cooperative agreements to enhance the governance and economies of Indian Reservations. The NTDA also works to promote inter-tribal trade and commerce and create programs that serve as a hand up, rather than a hand-out.

Roddy exemplified what could be construed as a true modern warrior. He was able to advocate and promote modern ways in order to ensure that Natives could compete in today's world. While doing this he still held on to and practiced his true traditional and cultural ways. He was one of our Sundance leaders, and had earned the right to practice various other cultural ceremonies. His presence played an integral part in most cultural ceremonies held on the Rocky Boy's Reservation.

Family was of particular importance to Roddy. What Roddy enjoyed most was being at home with his family. He especially enjoyed his many grandchildren. Roddy was an active member of numerous Native American organizations and associations and was a great advocate for Native American Veterans, especially on the Rocky Boy.

Roddy not only set an example for others to follow, he set about his life's

work with the sole purpose of helping others to reach their full potential. At the core of his being was his deep commitment and love for his people, the Chippewa Cree. Through them, his legacy continues.

As a great leader, Roddy personified the meaning of commitment, vision and honor. His people, Indian Country, the United States of America and the world are better for having been witness to his life on earth.●

BENJAMIN CARSON

● Mr. SMITH. Mr. President, today it is my privilege to honor an Oregon Veteran Hero. On December 12, 1941, 18-year-old Benjamin Carson left his family dairy farm in rural Minnesota to join the United States Marine Corps. He would join a long family legacy of military service. Carson's grandfather's grandfather was in the Revolutionary War, his great grandfather served in the Civil War, his dad fought in World War I, and he would soon fight in World War II. Though all were wounded in battle, none of them died as a result of their service.

After arriving in San Diego at the U.S. Marine recruit depot, Carson began a strict training regimen. A month later, he graduated from recruit school and volunteered to go to war immediately. Carson was interviewed by James Roosevelt's son who asked him four questions—what he did for a living, whether he could swim, whether he could march 30 miles a day on a cup of rice, and how often did he go to Sunday School. Carson must have given the correct answers because 4 days later he was selected for duty.

Carson left that day with members of the 2nd Marine Raider Battalion commanded by Colonel Carlson, known today as "Carlson's Raiders." Carson was selected for a special unit because of his strong swimming skills. On August 8, 1942, Carson joined more than 200 men on submarines headed for the Makin Islands. Their objective was to destroy enemy installations, gather information, and divert Japanese attention from the Solomons.

Fighting broke out nearly immediately as Carlson's men landed ashore on August 17, 1942. About 30 men were lost and another 16 wounded. Under fierce opposition, Colonel Carlson made a decision to withdraw back to the original landing site and launched his boats for a return to sea. However, since morning the surf had kicked up considerably, and with their outboard motors repeatedly swamped, relatively few of the boats could make it out through the breakers. Many capsized, and most of the marines were cast back onto the beach. Carson was one of the few that survived.

In November of 1942, Carson was sent to Guadalcanal. He was overseas fighting in various battles until January of 1944, when he was sent home for a 30-day furlough at which time he met his future wife. He married Helen on May

5, 1944, and two days later shipped out to battle again.

On February 19, 1945, Carson was a squad leader in the 5th wave to hit Red Beach in Guadalcanal. The fighting was intense and men were dropping quickly. With only nine of his men left, Carson was shot in the arm. He spent 5 weeks in a hospital base on Pearl Harbor and received the Purple Heart for his injuries. He was discharged on January 6, 1946 after the war had ended.

Carson went to college on the GI Bill and received a degree in Forestry from Iowa State College. He went on to work for the Forest Service and maintained an active lifestyle with his wife and two sons. Eventually the couple moved to Oregon, where they have lived since 1978.

Carson says his military experience has very much shaped his life. His sense of duty to his country and the people who have died in the name of freedom has never left him. Nearly 60 years after the famous battle on Makin Island, Carson participated in a campaign to recover the dead. In 2001, authorities located 19 bodies on Makin Island, all American servicemen. Carson says it was extremely gratifying to be able to offer some closure for the families of the deceased.

Though he has an artificial shoulder from the injuries he suffered while shot in battle, Carson still travels and works on his farm. He and his wife volunteer with the Mercy Corps and recently traveled to Uzbekistan, where they helped teach Uzbeks about agriculture.

For his selfless service to others, and to the United States in times of war, I salute Benjamin Carson as an Oregon Veteran Hero.●

NEW JERSEY COMMUNITY DEVELOPMENT CORPORATION

● Mr. CORZINE. Mr. President, I rise today to recognize the decade of economic development and social service leadership provided to my State by the New Jersey Community Development Corporation. NJCDC's success has been widely and deservedly acknowledged. And the foundation for that success is the complete commitment to its mission of revitalizing urban areas through job creation, affordable housing, educational initiatives and effective and pragmatic social support services.

Established in Paterson, NJ, the city planned by Alexander Hamilton as this country's premier urban industrial center, NJCDC has built a corporate model for grassroots advocacy and activism based on Paterson's tradition of cultural diversity and industrial vitality.

The agency is the linchpin of a collaborative network of community, educational and government organizations and agencies. The results of this partnership are notable: an AmeriCorps project enlisting volunteers as mentors to at-risk youth and support companions for the frail elderly; community

economic development and restoration efforts including the refurbishing of Paterson's historic raceway system and its Great Falls Historic District; the establishment of a transportation opportunities center to provide job training and jobs for a disadvantaged population; building and operating housing for homeless youth and the homeless mentally ill population; community residences and day programs to help developmentally disabled adults lead independent lives; educational initiatives including an alternative academy high school for inner-city students and a YouthBuild program; and one of my own priorities, financial literacy programs leading to economic security for inner-city and senior populations.

All of this in the relatively short span of 10 years.

I am pleased to enter this tribute into the CONGRESSIONAL RECORD, with every expectation for NJCDC's continued achievements.●

MEL SHELTON, EDUCATOR AND INSPIRATION TO MANY

● Mr. CRAPO. Mr. President, today I wish to recognize an Idahoan of exceptional talent. Many possess remarkable talents, but this individual stands out because he has used his gifts to enrich the lives of others, educate young people, inspire creativity and provide beauty and drama that resides in the music of the heart. Mel Shelton, former Boise High School Band Director, Boise State University, BSU, Director of Bands and Professor of Music Education, member of the Boise Philharmonic, conductor and soloist with the Boise Municipal Band, founder and conductor of the Treasure Valley Concert Band, retired Professor Emeritus, Director of Bands from BSU, and internationally recognized composer has proven to be an exemplary artist, passionate and driven educator and dedicated citizen.

Mel has pushed countless students to reach out to the furthest boundaries of their talent and energy. He has exposed young musicians to new places and foreign countries, providing them with experiences that they will be able to draw artistic inspiration from for the rest of their lives. His incredible orchestral and band compositions are interpretations of profound life experiences. His exposure to and friendship with students from the Basque community in Boise, incidentally the largest such community in the nation, inspired him to compose the first Basque music specifically published for concert band media. Some of the most rugged peaks of Idaho, the Grand Tetons, were the inspiration for a piece by the same name. Mel also composed a work in honor of fallen wildland firefighters recently entitled "Requiem for Wildfire Heroes." These and many other of Mel's works have been on "Required Lists" for contests and festivals throughout the country, and he has been the well-deserved recipient of

many distinguished local, State, and international awards.

Mel says, "Music is a picture painted on a background of silence. It is unique in that it allows our brain to see with our ears and hear with our hearts." Mel Shelton transforms the mystery and passion of Idaho and its citizens from the transcendent to the realm of the discernable, unlocking our ability to appreciate Idaho's heritage and beauty. I commend him on his lifelong dedication to music, to Idaho's children, and remarkable accomplishments as a master in his field.●

INDIANA SERVICE LEADERS SUMMIT

● Mr. BAYH. Mr. President, I wish to tell you about the extraordinary young Hoosiers I recently had the privilege to meet. Last month, I hosted my second annual Service Leaders Summit to honor high school students from across Indiana for their service and dedication to their communities and hopefully to inspire them to continue serving throughout their lives.

The young men and women I met last month have answered the call to service. Some of them have helped build homes, some tutored and mentored younger students, and others have raised money to support cancer research and to feed the hungry. Several of the young men and women started service clubs on their own to address the problems in their schools and communities. Each one of the students I met spent hours making a difference in their hometowns and together they have impacted the lives of thousands of Hoosiers.

The student leaders heard from Hoosiers of all backgrounds who have chosen to dedicate their lives to serving others. The speakers focused on the different aspects that make up a successful service project: inspiration, organization, dedication, evaluation and reflection. Following the speeches, the students and I prepared care packages to send to Hoosier troops serving in Iraq. Later, the students planted nearly 170 trees at a local park. Through their work together, these student leaders were able to experience the dramatic results from the power of service.

Robert F. Kennedy once said that "Some men see things as they are and say 'Why?' I dream of things that never were and say, 'Why not?'" Each one of these young men and women have already asked themselves "why not?" and have worked to make positive changes in their communities. They represent a new generation of promise with the potential to make a real difference across Indiana and the Nation.

I would like to thank each one of the following individuals for participating in the summit and for their service to their communities: Jennifer Ahoni, Kayla Ambers, Ashley Amerman, Carrie Anderson, Emily Backer, Kristy Backfish, Robin Baker, Shayla

Bearman, Jennifer Behzadi, William Bennett, Hannah Bessinger, Natalie Binkholder, Joseph Bizjak, Allison Blumenthal, Jessica Boughs, Theodore Bourke, Josh Bowman, Eric Brichto, Bethany Brisco, Benjamin Brock, Sabrina Bruce, Stefan Burk, Mitch Burk, Jennifer Burks, Tyler Camp, Stacey Carroll, David Chan, Abby Charlesworth, Maria Clark, Chelsie Clausar, Michael Coffee, Nick Creager, Kelley Day, Jill Devine, Sydney DeVries, Caitlin DeWater, Lauren Dinsmore, Shane Dixon, Danielle Dresner, Stefanie Dyar, Chloe Eavinger, Kahler Elliott, Alyssa Flannery, Jeniece Fleming, Michelle Foisy, John Ford, Matthew Frye, Marcus Gadison, Christina Gephart, Julie Gidley, Emily Giles, Matt Green, Nicole Hakes, Deiter Hammerstein, Katelyn Hausman, Jennifer Hayden, Cory Heimann, Kristy Hentchel, Eric Hilton, Lorin Hinsberger, Daniel Hodgkiss, Julia Horn, Yin Huang, Maurice Jackson, Jonathan Jackson, Ryan Johnson, Jonathan Jones, Amanda Jursic, Caitlin Kelley, Krystle King, Kyle Kinnett, Becky Klimaszewski, Lana Knox, Jeremy Kunzman, Andrew Landis, Michelle Lavengood, Alyssa Lee, Kara Levell, Cassandra Lewis, Kristen Liming, Cara Lonis, Lauren Looney, Shandra Lynch, Kevina Lyons, Connie Mach, Meredith Marschand, Krystle Martin, Emelie Martlage, Sarah Matney, Mallory McClain, Bernie McGee, Brittney McPheeters, Lauren Mesinger, Bryan Meyer, Andrea Miller, Mark Modesitt, Jessica Moore, Alex Munder, Cassie Myers, Jessica Nicksich, Collin Northcutt, Tyler Orem, Nick Oschman, Elizabeth Otte, Joyce Partyka, Heather Peebles, Steven Pelych, Monica Poplawski, Kolin Pound, Sheena Reed, Sieyda Requeno, Meredith Ress, Elizabeth Rice, Rachel Robbins, Brooke Robertson, Ashley Rodarmel, Zach Rodgers, Chantal Roullins, Kimberly Roush, Ben Schrodt, Allison Shafer, Megan Sikes, Jessica Singleton, Anthony Smith, Larissa Smith, Kristen Stout, Hannah Streeval, James Strycker, Randall Suggs, Kate Summers, Megan Sutherland, Katie Terrell, Lindsay Terry, Tracey Todd, David Toupin, Nicole Tow, Lyndsay Trauner, Brandon Tucker, Melissa Van Westrum, James Victory, Ryan Waggoner, Ben Walker, Shaun Wendel, Lauren Wendling, Sarah Wermuth, Alexander Whiteman, J.D. Willett, Chase Winkle, Olivia Worland, Taryn Zubele.●

TRIBUTE TO WILLIAM AND CONNIE HUDGENS

● Mr. PRYOR. Mr. President, today I wish to recognize a couple of my constituents who are celebrating their 70th wedding anniversary. William Randle and Connie Marie Hudgens celebrated their anniversary on November 10th.

Mr. Hudgens was born in Cornersville, AR, January 16, 1915. He moved to England, AR, in 1922 where he

met and married his bride, Connie Marie Saulter, born in England January 4, 1917.

They were married in the bride's home in England November 10, 1934.

Mr. Hudgens is a retired farmer and heavy equipment operator. He helped with the construction of Interstates 30 and 40. Mrs. Hudgens retired from Wal-Mart and worked many other jobs before. But her most important and rewarding job was as a wife and mother.

They have two daughters, Joyce Cates of North Little Rock and Sandra Evans of Lonoke.

They are also blessed with 6 grandchildren and 6 great-grandchildren.

Mr. and Mrs. Hudgens now reside in Lonoke where they attend, and Mr. Hudgens is a deacon emeritus of Lonoke Baptist Church.●

TRIBUTE TO NORM NIELSEN

● Mr. HARKIN. Mr. President, I want to salute Norm Nielsen, president of Kirkwood Community College in Cedar Rapids, IO, on his upcoming retirement. Dr. Nielsen has served the college and the greater community with dedication through both good and difficult times. During his tenure, and because of his commitment, talent and hard work, Kirkwood Community College has become a major contributor to economic development in Eastern Iowa.

During Dr. Nielsen's illustrious 18-year tenure at Kirkwood, the college has become the third largest institution of higher education in Iowa. Its excellence has been recognized with numerous honors and awards. For example, Kirkwood was named by the National Alliance of Business as its 2000-01 Community College of the Year.

I have known Norm for many years. I respect him as a true visionary who has helped to shape and transform the mission of our Nation's community college system. I respect him as a builder of programs and partnerships focused to enhance the quality of life in Eastern Iowa. Most of all, I respect Norm as a builder of people, a dedicated educator who believes in the transforming power of higher education and advanced training.

I salute Norm for his extraordinary work over the years in improving Iowa's community college system. I know that we can count on him to continue to play a contributing role even in retirement.

Norm Nielsen's leadership will be missed. But he will leave Kirkwood Community College in good hands, as Mick Starcevich takes over as president. Dr. Starcevich was previously superintendent of Prairie Community School District. Norm Nielsen is a tough act to follow, but I know that Mick is superbly qualified to take on the challenge of leading Kirkwood Community College into the future.●

TRIBUTE TO WENDELL L.
JOHNSON

• Mr. WARNER. Mr. President, today I commend an outstanding Virginian, Mr. Wendell L. Johnson, whose work has adorned the walls of many members of the House of Representatives. The “Member of Congress” seal designed by Mr. Johnson has been used numerous times by our federal legislators over the years, and he deserves the acknowledgment of this chamber for his service to the United States.

As a young man of 18 years, Mr. Johnson enlisted in the Army to help his country during World War II. Rising to the rank of Sergeant, he earned a Good Conduct Medal before being honorably discharged in December 1945. Continuing a career of public service, Mr. Johnson joined the staff of United States Representative Alvin E. O’Konski of Wisconsin. While assisting the congressman in preparation for a televised speech in 1958, Mr. Johnson astutely realized that the viewing audience, who soon would be tuning in with this new medium, might not be able to identify Representative O’Konski at first sight. Understanding correctly the value of the congressman’s image on television, Mr. Johnson hurried to the hardware store for the tools and supplies necessary to create a logo dignified enough to appear with a member of the United States Congress. By the time that the good people of Wisconsin had turned on their RCAs and Zeniths, Representative O’Konski spoke proudly from behind a podium bearing Johnson’s exceptional “Member of Congress” seal.

While not the official seal of either the House of Representatives or the Senate, Mr. Johnson’s noble design represented the first insignia and plaque used for an individual member of the United States Congress. In the decade following its first use, his handiwork became very popular among Representative O’Konski’s colleagues in the House. Mr. Johnson was thrilled to see orders for his product from the House Stationery Clerk, and he made a hobby of providing plaques to a host of members, including Harold Ostertag, Louis Wyman, Bill Brock, Dan Rostenkowski, and Donald Rumsfeld.

Mr. Johnson’s artistry expertly reflects the dignity and honor of the legislative branch. Featuring a proud eagle under a field of fourteen stars, the circular plaque bears the words “Member of Congress” above the name of our nation. A banner of “E Pluribus Unum” is clutched in the beak of the eagle, which holds in its talons a branch of olives and three arrows. Mr. Johnson’s design has earned the esteem of many, as it has appeared on Congressional stationery, the official oil portrait of two committee chairmen, and even a number of gravestones.

I thank you for the opportunity today to give Mr. Wendell L. Johnson the recognition that he so rightly deserves for his service to Congress.●

PREMATURITY AWARENESS DAY

• Mr. LUGAR. Mr. President, I rise today to draw attention to a growing number of premature births in the United States. The March of Dimes has declared November 16th Prematurity Awareness Day. This event is part of a five-year plan, launched in 2003, to use the combined power of awareness, education, and research to significantly decrease the number of premature births in the United States.

The rise in premature births throughout the country and in my own State—despite all of our achievements in medicine—is astounding. Nationally, more than 480,000 babies were born preterm in 2002. Nearly 13 percent of Indiana’s infants are born preterm and in half of the cases, doctors cannot identify the cause. Prematurity is the leading cause of infant death in the first month of life. Many of these infants will suffer lifelong health problems—such as cerebral palsy, mental retardation, chronic lung disease, and vision and hearing loss—and some will die. Reducing the number of premature births will improve the health of hundreds of thousands of infants born each year.

Aside from these human costs, the financial cost of caring for preterm infants is enormous. The March of Dimes estimates that the national hospital bill for infants with a diagnosis of prematurity/low birthweight was \$13.6 billion in 2001.

I am pleased to be a cosponsor of S. 1726, the PREEMIE Act, legislation that seeks to expand and coordinate research on the prevention of preterm birth and the most effective care for babies when they are born preterm.

Senator LINCOLN and I have also introduced S. 1734, the Prevent Prematurity and Improve Child Health Act, which seeks to improve Medicaid and the State Children’s Health Insurance Program to better reflect our current state of knowledge on preterm birth. For example, medical research tells us that smoking is a considerable risk factor for preterm and low birthweight infants. Our bill takes this knowledge and translates it into practice by ensuring that smoking cessation services and pharmaceuticals are available for pregnant women enrolled in Medicaid.

My wife Char and I have been longtime volunteers for the March of Dimes and I am pleased that they are committing such an enormous amount of time, energy and resources into conquering the stubborn problem of preterm birth with their five-year Prematurity Campaign. Both of these bills have the potential to make a real difference in many lives and I hope that our colleagues will consider joining us in this effort.

I am proud to tell you that the Indiana March of Dimes Chapter has many events planned for Prematurity Awareness Day. I commend the March of Dimes for its dedication in working toward a day when babies and their fami-

lies no longer have to face the devastating consequences of premature birth. I call on my colleagues to join the fight against premature birth.●

• Mr. CRAIG. Mr. President, I rise today to draw attention to a serious issue—the growing number of premature births in the United States. According to the National Center for Health Statistics, 480,000 babies were born prematurely—that is, born at less than 37 completed weeks of gestation—in 2002. The number of premature births in the United States increased 27 percent between 1982 and 2002.

In my own State of Idaho ten percent of babies born in 2002 were preterm, and the rate of preterm births in Idaho has risen 21 percent since 1992. The preterm rate for our Native American population was 12.8 percent and 11 percent in our Hispanic community. In addition, 6.1 percent of all babies born in Idaho had a low birth weight. It is even higher for Hispanic babies—6.9 percent of them are born with low birth weight, higher than the national average.

The March of Dimes has begun to address the issue of prematurity and health disparities by funding prenatal education and outreach projects in different parts of Idaho. Two projects are in our largest cities, Boise and Nampa, and target low-income and low-income Hispanic women and one outreach project is on a rural reservation. Finally, the March of Dimes is funding a smoking cessation project for pregnant women in one of our northern cities, Lewiston.

The March of Dimes has declared November 16th Prematurity Awareness Day. This event is part of a 5-year plan, launched in 2003, to use the combined power of awareness, education, and research to significantly decrease the number of premature births in the United States. In Idaho this week there will be media coverage spotlighting prematurity awareness, and pink and blue street lights in downtown Boise for 2 weeks drawing public attention to the issue. In addition, many retailers will be providing free information to shoppers about the early warning signs of prematurity.

Let me share the story of this year’s Idaho ambassador family. During a routine medical exam, the mother of twins Morgan and Max was placed on immediate bed rest due to signs of preterm labor. Fortunately, when Morgan and Max were born 10 weeks early, they received specialized medical care at the neonatal intensive care unit and were able to come home after just five weeks. Today they are healthy, vibrant toddlers.

Thanks to research being supported by the March of Dimes, doctors are better able to identify signs of preterm labor—a life-saving factor in the case of Morgan and Max. Advances made by the March of Dimes in the treatment of premature babies—like surfactant therapy—gave these twins a good start toward a healthy life.

The March of Dimes has long been a national leader in the fight for infant

and child health. I commend the March of Dimes for its dedication in working toward a day when babies and their families no longer have to face the devastating consequences of premature birth.●

JOHN SPINA'S NAVY SERVICE

● Mr. CRAIG. Mr. President, today I say thank you to a patriot and a technical expert, Mr. John Spina, who is retiring from civilian service to the Navy in December 2004.

John was born and was raised in the Philadelphia, PA area. He began his government career in 1954 at the Navy's David Taylor Model Basin in West Bethesda, Maryland, as a cooperative student while attending Drexel University. He received a Bachelor of Science in Mechanical Engineering from Drexel in 1958. John continued his Federal career at the Model Basin—now NAVSEA, Naval Surface Warfare Center, Carderock Division—culminating in 50 years of diligent service to the Navy. John and his wife Rosemary live in Virginia and have been married 46 years.

John's early assignments included travel to the David Taylor Model Basin's Field Station at Lake Pend Oreille in Bayview, ID where he led the initial testing at the large capacity haul down site, Wigwam, using 10-foot long rising bodies.

As part of the Acoustics and Vibration Laboratory, he conducted tests on body shapes for signal devices followed by tests with a special buoyantly-propelled device. He performed extensive torpedo tests with Pennsylvania State University, using buoyant, powered rise and "gravity drop" methods. He also participated in towed array tests with Bell Labs and was instrumental in testing the initial core samples of the bottom of the lake in the late 1960's in preparation for the first big haul down system to be used for large model, Kamloops.

John completed his master's degree at Catholic University in 1971. His work with large models and testing at the Bayview facility continued and led to the design, development, construction, and deployment of several large-scale submarine models: Steelhead, Mackinaw, S6W, Kamloops, and Dolly Varden, named after fish in Lake Pend Oreille. Unparalleled in the history of quieting, these models and the associated test programs were an immense success, contributing to the understanding and reduction of all aspects of submarine noise.

The introduction of Dolly Varden provided a valuable capability for investigating noise sources and mechanisms with the economy of cost and time not possible in full scale. As test requirements and submarine quieting demands changed, these models were modified and adapted to hundreds of unique configurations, demonstrating the performance of materials and shapes for submarine applications.

In the late 1980s, the Navy required powered model testing to further the science of quieting. A cooperative effort by the David Taylor Research Center and the Naval Sea Systems Command culminated in the design, construction, delivery, and successful operation and employment of the large-scale vehicle, Kokanee, in 1988. Again, John was actively involved, forming the crew, directing the logistics, and developing the operating plans and procedures. The results of the Kokanee testing offset over \$1 billion in comparable full scale test and demonstrated superb prediction of full scale performance.

The success and accomplishments of the Kokanee program showed that large models provide a valuable contribution to submarine development and John again led the specification, design, and development process for a second powered vehicle, the 200-ton Cutthroat model of the Virginia Class.

In a parallel effort, static submarine tests also required additional test facilities and capabilities. Shortly after the deployment of Kokanee, plans were implemented for the construction of the Intermediate Scale Measurement System, ISMS. This multi-million dollar program provided a dramatic improvement in the ability to understand structural acoustics and to demonstrate advanced silencing theories and methods.

While others pioneered new designs, data acquisition, and processing methods, John supported testing through the development of model handling and alteration capabilities, and an infrastructure of dedicated, trained personnel, unique equipment, and documentation of test methods that has continually improved performance and reduced costs. It is, therefore, fitting that we recognize and honor him for his years of service, months of travel, and unwavering support for the facility at Lake Pend Oreille and the Navy.

John Spina has been a significant contributor to our nation's research and development in the area of quieting vessels and submarines, present and future capabilities, as well as numerous performance improvements for quieting operational and future vessels and submarines. I extend to John and Rosemary best wishes, fair winds, and following seas in their future endeavors.●

CONGRATULATIONS TO MRS. BILLIE TRAVIS

● Mr. BUNNING. Mr. President, I would like to honor Mrs. Billie Travis, a mathematics teacher at Scott County's Georgetown Middle School, who has been named the 2005 Kentucky Teacher of the Year.

For the past 19 years, Mrs. Travis has been teaching mathematics at the Georgetown Middle School. As a career educator she earned a bachelor's degree in education from Morehead State University and a Master's degree in edu-

cation from Georgetown College. Mrs. Travis has taken her own Kentucky education and reinvested in the community. Whether it is serving on the regional board of the Kentucky Middle School Association or the Kentucky Council of Teachers of Mathematics, Mrs. Travis is a leader both inside and out of the classroom.

This is the fourth year that Ashland Inc. and the Kentucky Department of Education have sponsored the Kentucky Teacher Awards. I would like to congratulate Mrs. Travis again on her achievement and thank her for this significant contribution to middle school education in Kentucky.●

TRIBUTE TO ROBERT SNYDER

● Mr. ALLARD. Mr. President, today I pay tribute to a singularly worthy public servant, Mr. Robert Snyder, Senior Executive Service, who has served our country and the American people with great distinction for over 35 years. I make this statement to recognize his retirement from his current position as Executive Director and senior civilian of the Missile Defense Agency.

Rob Snyder has been uniquely qualified to discharge his responsibilities at MDA. A graduate of Temple University in business administration, he went on to earn two masters degrees, one in business and another in public administration. He is a graduate of executive programs at American University, the Federal Executive Institute, and Harvard. And he served with honor in Vietnam with the U.S. Army.

After working for almost two decades elsewhere in the Defense Department—most of that time involved in trench warfare over budgets—in 1988, he came to the missile defense business. That year, he was promoted to the Senior Executive Service as the Deputy Comptroller of SDIO, the Strategic Defense Initiative Organization. His maturity of judgment, breadth of experience, and absolute integrity quickly made him a driving force for getting things done, and done the right way. Five years ago, after earning several promotions, he was made the first Executive Director of what was then BMDO, the Ballistic Missile Defense Organization, and is now MDA.

His responsibilities increased, but he never lost his focus on programmatic issues. When we, here on the Hill, needed accurate and timely responses to our detailed questions on what has always been a politically contentious program, more often than not, it was Rob Snyder who came over to brief us. We always came away from those meetings better informed of the specifics and purposes behind the issues at hand, and with a clearer understanding of the rationale for Agency decisions and recommendations.

We came to rely on him the same way that multiple Directors have, first, of SDIO, then, of BMDO, and now, of MDA. He has been, almost single-handedly, the missile defense program's institutional memory.

His work on various Agency efforts has been largely out of public view. But that's not to say he didn't have an impact. Program audits, financial controls, budgetary accuracy, facility relocation, personnel management—all must be managed efficiently, effectively, and with absolute integrity. Any shortcomings here can lead to chaos in an organization. Yet as the Agency's first Executive Director, Rob Snyder maintained the highest standards, held himself accountable, and kept this infrastructure in solid shape so that senior program managers could focus on making the missile defense program a successful one.

He has been a hero behind the scenes, and because of his enduring contributions to the missile defense program, we stand on the threshold of eliminating long-standing vulnerabilities to the very real threat of ballistic missile attack to our homeland, our deployed troops, and our allies and friends.

Among other recognitions, he has received the Department of Defense's highest award for civilians. With over 16 years in the SES—almost half of his Federal service—he has had an extraordinarily productive career and one we in this Chamber are right to honor.

We will miss his wise counsel as he moves on to a well-earned retirement. We owe him a profound debt of gratitude for the contributions he has made to our Nation and our security over a lifetime of service. I am sure I speak for all of us in this body in saying that we wish him and his family many years of health and happiness.●

NATIONAL BIBLE WEEK

● Mr. BROWNBACK. Mr. President, I rise today in honor of National Bible Week 2004. During the week of November 21–28, communities and churches across the United States will participate in this annual celebration by reading and reflecting on the teachings of the Bible. In doing so, they recognize the Bible's importance in our daily lives. I am thankful for the opportunity to serve as Senate Co-Chairman of National Bible Week this year, and I commend the National Bible Association for its sponsorship of this yearly tradition.

The first National Bible Week, organized in 1941, was created as a way to extend comfort and hope to our nation during the tumultuous days of World War II. Today, our country is again in a time of difficulty. As our brave men and women of the Armed Forces continue to fight the War on Terror, I call on my fellow Americans to look to God's Word for its great inspiration, spiritual guidance, and strength. I pray that all Americans, particularly our soldiers and their loved ones, would receive "the peace of God, which transcends all understanding" (Philippians 4:7).

I believe Americans of all religions and faith backgrounds can find wisdom and understanding in the Holy Scrip-

tures. Indeed, the Bible and its teachings have greatly influenced my own life. I encourage all Americans to read the Bible and consider the wisdom, lessons, and traditions that have come to us from it. I congratulate the National Bible Association for its dedication to the celebration of the Holy Bible.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on October 13, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 524. An act to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes.

S. 1368. An act to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 2195. An act to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

S. 2864. An act to extend for eighteen months the period for which chapter 12 of title 11, United States Code, is reenacted.

S. 2883. An act to amend the International Child Abduction Remedies Act to limit the tort liability of private entities or organizations that carry out responsibilities of the United States Central Authority under that Act.

S. 2895. An act to authorize the Gateway Arch in St. Louis, Missouri, to be illuminated by pink lights in honor of breast cancer awareness month.

S. 2896. An act to modify and extend certain privatization requirements of the Communications Satellite Act of 1962.

H.R. 1533. An act to amend the securities laws to permit church pension plans to be invested in collective trusts.

H.R. 2608. An act to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes.

H.R. 2714. An act to reauthorize the State Justice Institute.

H.R. 3858. An act to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

H.R. 4175. An act to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

H.R. 4278. An act to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

H.R. 4555. An act to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards.

H.R. 4567. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

H.R. 4837. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

H.R. 5185. An act to temporarily extend the programs under the Higher Education Act of 1965.

H.R. 5186. An act to reduce certain special allowance payments and provide additional teacher loan forgiveness on Federal student loans.

Under the authority of the order of January 7, 2003, the enrolled bills were signed by the Acting President pro tempore (Mr. SESSIONS) during the adjournment of the Senate, on October 13, 2004.

Under authority of the order of the Senate on January 7, 2003, the Secretary of the Senate, on October 13, 2004 during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 1134. An act to reauthorize and improve the program authorized by the Public Works and Economic Development Act of 1965.

S. 1721. An act to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes.

H.R. 712. An act for the relief of Richi James Lesley.

H.R. 867. An act for the relief of Durrehahwar Durrehahwar, Nida Hasan, Asna Hasan, Anum Hasan, and Iqra Hasan.

H.R. 2023. An act to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes.

H.R. 2984. An act to amend the Agricultural Adjustment Act to remove the requirement that processors be members of an agency administering a marketing order applicable to pears.

H.R. 3056. An act to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P.

H.R. 3217. An act to provide for the conveyance of several small parcels of National Forest System land in the Apalachicola National Forest, Florida, to resolve boundary

discrepancies involving the Mt. Trial Primitive Baptist Church of Wakulla County, Florida, and for other purposes.

H.R. 3478. An act to amend title 44, United States Code, to improve the efficiency of operations by the National Archives and Records Administration and to reauthorize the National Historical Publications and Records Commission.

H.R. 3706. An act to adjust the boundary of the John Muir National Historic Site, and for other purposes.

H.R. 3797. An act to authorize improvements in the operations of the government of the District of Columbia, and for other purposes.

H.R. 4306. An act to amend section 274A of the Immigration and Nationality Act to improve the process for verifying an individual's eligibility for employment.

H.R. 4471. An act to clarify the loan guarantee authority under title VI of the Native American Housing Assistance and Self-Determination Act of 1996.

H.R. 4556. An act to designate the facility of the United States Postal Service located at 1115 South Clinton Avenue in Dunn, North Carolina, as the "General William Carey Lee Post Office Building."

H.R. 4618. An act to designate the facility of the United States Postal Service located at 10 West Prospect Street in Nanuet, New York, as the "Anthony I. Lombardi Memorial Post Office Building."

H.R. 5107. An act to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

Under the authority of the order of January 7, 2003, the enrolled bills were signed by the Acting President pro tempore (Mr. SESSIONS) during the adjournment of the Senate, on October 13, 2004.

Under authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on October 15, 2004 during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 2292. An act to require a report on acts of anti-Semitism around the world.

H.R. 2010. An act to protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes.

H.R. 2400. An act to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

H.R. 3391. An act to authorize the Secretary of the Interior to convey certain lands and facilities of the Provo River Project.

H.R. 3479. An act to provide for the control and eradication of the brown tree snake on the island of Guam and the prevention of the introduction of the brown tree snake to other areas of the United States, and for other purposes.

H.R. 4046. An act to designate the facility of the United States Postal Service located at 555 West 180th Street in New York, New

York, as the "Sergeant Riayan A. Tejada Post Office."

H.R. 4066. An act to provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes.

H.R. 4381. An act to designate the facility of the United States Postal Service located at 2811 Springdale Avenue in Springdale, Arkansas, as the "Harvey and Bernice Jones Post Office Building."

H.R. 4481. An act to amend Public Law 86-434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes.

H.R. 4579. An act to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes.

H.R. 4632. An act to designate the facility of the United States Postal Service located at 19504 Linden Boulevard in St. Albans, New York, as the "Archie Spigner Post Office Building."

H.R. 4731. An act to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program.

H.R. 4827. An act to amend the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 to rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area.

H.R. 4917. An act to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States for fiscal years 2005, 2006, and 2007, and for other purposes.

H.R. 5027. An act to designate the facility of the United States Postal Service located at 411 Midway Avenue in Mascotte, Florida, as the "Specialist Eric Ramirez Post Office."

H.R. 5039. An act to designate the facility of the United States Postal Service located at United States Route 1 in Ridgeway, North Carolina, as the "Eva Holtzman Post Office."

H.R. 5051. An act to designate the facility of the United States Postal Service located at 1001 Williams Street in Ignacio, Colorado, as the "Leonard C. Burch Post Office Building."

H.R. 5131. An act to provide assistance to Special Olympics to support expansion of Special Olympics and development of education programs and a Healthy Athletes Program, and for other purposes.

H.R. 5133. An act to designate the facility of the United States Postal Service located at 11110 Sunset Hills Road in Reston, Virginia, as the "Martha Pennino Post Office Building."

H.R. 5147. An act to designate the facility of the United States Postal Service located at 23055 Sherman Way in West Hills, California, as the "Evan Asa Ashcraft Post Office Building."

H.R. 5294. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

H.J. Res. 57. Joint resolution expressing the sense of the Congress in recognition of the contributions of the seven Columbia astronauts by supporting establishment of a Columbia Memorial Space Science Learning Center.

Under the authority of the order of January 7, 2003, the enrolled bills and joint resolution were signed by the Acting President pro tempore (Mr. SESSIONS) during the adjournment of the Senate, on October 15, 2004.

Under authority of the order of the Senate of January 7, 2003, the Sec-

retary of the Senate, on October 21, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 129. An act to provide for reform relating to Federal employment, and for other purposes.

S. 144. An act to require the Secretary of Agriculture to establish a program to provide assistance to eligible weed management entities to control or eradicate noxious weeds on public and private land.

S. 643. An act to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes.

S. 1194. An act to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

H.R. 3819. An act to redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes.

H.R. 4200. An act to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 4520. An act to amend the International Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad.

Under the authority of the order of January 7, 2003, the enrolled bills and joint resolution were signed by the Acting President pro tempore (Mr. WARNER) during the adjournment of the Senate, on October 21, 2004.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 2986. A bill to amend title 31 of the United States Code to increase the public debt limit.

ENROLLED BILLS PRESENTED DURING THE ADJOURNMENT OF THE SENATE

The Secretary of the Senate reported that on October 12, 2004, she had presented to the President of the United States, the following enrolled bills:

S. 33. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites.

S. 1791. An act to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, and for other purposes.

S. 2178. An act to make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

S. 2415. An act to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the 'Robert J. Opinsky Post Office Building'.

S. 2511. An act to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico, and for other purposes.

S. 2742. An act to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court.

The Secretary of the Senate reported that on October 13, 2004, she had presented to the President of the United States, the following enrolled bills:

S. 524. An act to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes.

S. 1368. An act to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 2195. An act to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors.

S. 2634. An act to amend the Public Health Service Act to support the planning, implementation and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental and behavioral health problems, and for other purposes.

S. 2864. An act to extend for eighteen months the period for which chapter 12 of title 11, United States Code, is reenacted.

S. 2883. An act to amend the International Child Abduction Remedies Act to limit the tort liability of private entities or organizations that carry out responsibilities of United States Central Authority under that Act.

S. 2895. An act to authorize the Gateway Arch in St. Louis, Missouri, to be illuminated by pink lights in honor of breast cancer awareness month.

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S. 1194. An act to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

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-9672. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from April 1, 2004 through September 30, 2004; ordered to lie on the table.

EC-9673. A message from the President of the United States, transmitting, pursuant to law, the report of the continuation of the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-9674. A message from the President of the United States, transmitting, pursuant to law, the report of the continuation of the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-9675. A communication from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reporting of Information and Documents About Potential Defects" (RIN2127-AJ41) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9676. A communication from the Legal Adviser to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Jamestown, ND" (MM Doc. No. 00-127) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9677. A communication from the Legal Adviser to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Gunnison, Crawford, Olathe, Breckenridge, Eagle, Fort Morgan, Greenwood Village, Loveland, and Strasburg, CO and Laramie WY" (MB Doc. No. 03-144) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9678. A communication from the Legal Adviser to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television" (FCC04-192) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9679. A communication from the Legal Adviser to the Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law,

the report of a rule entitled "In the Matter of Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico; Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico" (FCC03-130) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9680. A communication from the Legal Adviser to the Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Extending Wireless Telecommunications Services to Tribal Lands, WT Doc. No. 99-266" (FCC04-202) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9681. A communication from the Legal Adviser to the Chief, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 101 of the Commission's Rules to Streamline Processing of Microwave Applications in the Wireline Telecommunications Services" (FCC02-218) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9682. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of 2000 Biennial Review—Review of Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers; Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers" (FCC04-153) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9683. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Part 1, Subpart N of the Commission's Rules Concerning Non-Discrimination on the Basis of Disability in the Commission's Programs and Activities" (FCC03-48) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9684. A communication from the Senior Legal Adviser, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of the Establishment of Policies and Service Rules for the Non-Geostationary Satellite Orbit Fixed Satellite Service in the Ka-Band" (FCC03-137) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9685. A communication from the Senior Legal Adviser, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Policy for Licensing Domestic Satellite Earth Stations in the Bush Communities of Alaska" (FCC03-197) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9686. A communication from the Senior Legal Adviser, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Redesignation of the 17.7-19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7-20.2 GHz and 27.5-30.0 GHz Frequency Bands and the Allocation of Additional Spectrum in the

17.3-17.8 GHz and 24.75-25.25 GHz Frequency Bands for Broadcast Satellite-Service Use" (FCC02-317) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9687. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 1.17 of the Commission's Rules Concerning Truthful Statements to the Commission" (FCC03-45) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9688. A communication from the Attorney, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Section 64.2341 Nondiscriminatory Rates, Terms, and Conditions Under Section 222(e) of the Act" (FCC04-206) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9689. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Promoting Efficient Use of Spectrum Through the Elimination of Barriers to the Development of Secondary Markets" (FCC04-167) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9690. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of the Commission's rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (FCC02-120) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9691. A communication from the Attorney Advisor, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "The 4.9 GHz Band Transferred from Federal Government Use" (FCC03-99) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9692. A communication from the Attorney Advisor, Wireline Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Improving Public Safety Communications in the 800 MHz band" (FCC04-168) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9693. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations" (FCC04-220) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9694. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Athens and Doraville, GA)" (MB Doc. No. 03-190) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9695. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Glendive,

MT" (MB Doc. No. 04-188) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9696. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Caliente, Bunkerville, Laughlin, Logandale, NV; Mohave Valley, AZ; and St. George, UT)" (MM Doc. No. 01-135) received on October 12, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9697. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9698. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Groundfish by Vessels Using Trawl Gear in the GOA, Except for Directed Fishing Pollock by Vessels Using Pelagic Trawl Gear in those Portions of the GOA Open to Directed Fishing for Pollock" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9699. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Bluefin Tuna Fisheries; Atlantic Bluefin Tuna Retention Limit Adjustment" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9700. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Pollock Fishery in Statistical Area 610 in the Gulf of Alaska" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9701. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "NMFS Is Opening Directed Fishing for Pollock in Statistical Area 630 of the GOA for 48 Hours" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9702. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "NMFS is Opening Directed Fishing for Pollock in Statistical Area 610 of the Gulf of Alaska (GOA) for 24 Hours" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9703. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Closure of the Eastern U.S./Canada Area and Prohibition of Harvesting, Possessing, or Landing of Yellowtail Flounder from the U.S./Canada Management Area" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9704. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule en-

titled "Closure of Pollock Fishery in Statistical Area 630 in the Gulf of Alaska" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9705. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closing Atka Mackerel in the Western Aleutian District of the Bering Sea and Aleutian Islands" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9706. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closing Directed Fishing for Groundfish by Vessels Using Hook-and-Line Gear in the Gulf of Alaska, Except for Demersal Shelf Rockfish in the Southeast Outside District or Sablefish" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9707. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Reopening Inshore Pacific Cod in the Central GOA" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9708. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 16-3" (RIN0648-AS26) received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9709. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closing Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9710. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Rougheye Rockfish in the Bering Sea and Aleutian Islands Management Area (BSAI)" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9711. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9712. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Inseason Adjustment of the Quarter III Fishery for Loligo Squid" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9713. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Tilefish Fishery; Quota Harvested for Part-time Category; Closure" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9714. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Surfclam and Ocean Quahog Fishery; Suspension of Minimum Surfclam Size Limit" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9715. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Halibut Fisheries; Oregon Sport Fisheries; Inseason Action" received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9716. A communication from the Deputy Chief for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Re-Issuance of NASA FAR Supplement Subchapters H and I" (RIN2700-AC88) received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9717. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to foreign policy-based export controls on exports of certain items destined for rocket or unmanned air vehicle systems (UAVs) end-uses; to the Committee on Commerce, Science, and Transportation.

EC-9718. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Nomenclature Change: References to Another Agency" (RIN0694-AD31) received on October 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9719. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Annual Report of the Maritime Administration (MARAD) for Fiscal Year 2003; to the Committee on Commerce, Science, and Transportation.

EC-9720. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, transmitting, pursuant to law, the report of a rule entitled "FMVSS Nos. 403 and 404 Response to Petitions" (RIN2127-AJ18) received on October 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9721. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 8 102, 103, 106, 201, 202, 301, 311, and 315 Airplanes; Doc. No. 2002-NM-338" (RIN2120-AA64) received on October 25, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9722. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation: Tensas River, Clayton, LA" (RIN1625-AA09) received on November 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9723. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Mandatory Ballast Water Management Program for U.S. Waters; Corrections" (RIN1625-AA52) received on November 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9724. A communication from the Chief, Regulations and Administrative Law, Coast

Guard, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (Including 2 Regulations) CGD07-04-120, CGD05-04-138" (RIN1625-AA08) received on November 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9725. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Alternate Hull Examinations Program for Certain Passenger Vessels, and Underwater Surveys for Nautical School, Offshore Supply, Passenger and Sailing School Vessels" (RIN1625-AA57) received on November 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9726. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Mandatory Ballast Water Management Program for U.S. Waters" (RIN1625-AA52) received on November 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9727. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, a report relative to a housing demonstration project on or near the Coast Guard installation at Kodiak, Alaska; to the Committee on Commerce, Science, and Transportation.

EC-9728. A communication from the Legal Advisor and Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Facilitating the Provision of Spectrum-Based Services to Rural Areas and Promoting Opportunities for Rural Telephone Companies to Provide Spectrum-Based Services; WT Doc. Nos. 02-381, 01-14, 03-202; Report and Order Portion of Report and Order and Further Notice of Proposed Rulemaking" (FCC04-166) received on November 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9729. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC doc. No. 96-128, FCC 04-251" (FCC04-251) received on November 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9730. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Sections 73.606(b) and 73.622(b), Table of Allotments, TV and DTV Broadcast Stations; Mobile, AL" (MB Doc. No. 04-281) received on November 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9731. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b) Table of Allotments, DTV Broadcast Stations; Fresno, CA" (MB Doc. No. 04-236) received on November 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9732. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622 Table of Allotments, DTV Broadcast Stations; Billings, MT" (MB Doc. No. 04-183) received on November 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9733. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commis-

sion, transmitting, pursuant to law, the report of a rule entitled "Related Identity Theft Definitions, Duration of Active Duty Alerts, and Appropriate Proof of Identity Under the Fair Credit Reporting Act, 16 CFR Parts 603, 613, and 614" (RIN3084-AA94) received on November 4, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9734. A communication from the Assistant Secretary for Policy, Management, and Budget, Department of the Interior, transmitting, pursuant to law, a report relative to marine mammal resources under the Department's jurisdiction; to the Committee on Commerce, Science, and Transportation.

EC-9735. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "NMFS is Opening Directed Fishing for Pollock in Statistical Area 620 of the Gulf of Alaska" received on October 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9736. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Directed Fishing for Shallow Water Complex in the GOA" received on October 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9737. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "NMFS is Opening Directed Fishing for Pollock in Statistical Area 630 of the Gulf of Alaska" received on October 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9738. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Modification of a Closure; Opening the Chiniak Gully Research Area to Directed Fishing for Groundfish Using Trawl Gear" (RIN0648-AS60) received on October 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9739. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the International Dolphin Conservation Program Act" (RIN0648-AS45) received on October 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9740. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reallocation of Pacific Sardine" received on October 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9741. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure; Prohibiting Fishing with Non-Community Development Quota (CDQ) Trawl Gear in the Chum Salmon Savings of the Bering Sea and Aleutian Islands Management Area (BSAI)" received on October 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9742. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the 2004

Harvest Specifications for the Skate Fisheries in the Gulf of Alaska" received on October 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9743. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Directed Fishery for *Illex Squid*" received on October 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9744. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: [Including 237 Regulations]" (RIN1625-AA00 & AA87) received on November 9, 2004; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of October 11, 2004, the following reports of committees were submitted on November 10, 2004:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 297. A bill to provide reforms and resources to the Bureau of Indian Affairs to improve the Federal acknowledgement process, and for other purposes (Rept. No. 108-403).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 519. A bill to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans, and for other purposes (Rept. No. 108-404).

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

S. 702. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act (Rept. No. 108-405).

By Mr. CAMPBELL, from the Committee on Indian Affairs:

Report to accompany S. 2843, A bill to make technical corrections to laws relating to Native Americans, and for other purposes (Rept. No. 108-406).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2647. A bill to establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, and for other purposes (Rept. No. 108-407).

By Ms. COLLINS, from the Committee on Governmental Affairs, with amendments:

S. 2275. A bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to provide for homeland security assistance for high-risk nonprofit organizations, and for other purposes (Rept. No. 108-408).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1798. A bill to provide for comprehensive fire safety standards for upholstered furniture, mattresses, bedclothing, and candles.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 593. A bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred (Rept. No. 108-409).

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment:

S. 2409. A bill to provide for continued health benefits coverage for certain Federal employees, and for other purposes (Rept. No. 108-410).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 556. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act (Rept. No. 108-411).

S. 1696. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes (Rept. No. 108-412).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with amendments:

S. 1715. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes (Rept. No. 108-413).

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. LUGAR:

S. 2980. A bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations; to the Committee on Foreign Relations.

By Mr. LUGAR:

S. 2981. A bill to provide for the elimination and safeguarding of conventional arms; to the Committee on Foreign Relations.

By Mr. SANTORUM:

S. 2982. A bill to amend title 38, United States Code, to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program; to the Committee on Veterans' Affairs.

By Mr. WYDEN:

S. 2983. A bill to establish hospice demonstration projects and a hospice grant program for beneficiaries under the Medicare program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

By Mr. WYDEN:

S. 2984. A bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care medicine at accredited allopathic and osteopathic medical schools and to promote the development of faculty careers as academic palliative specialists who emphasize teaching; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 2985. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the gain from the sale of a principal residence by certain employees of the intelligence community; to the Committee on Finance.

By Mr. FRIST:

S. 2986. A bill to amend title 31 of the United States Code to increase the public debt limit; placed on the calendar.

By Mr. BURNS (for himself, Mr. JOHNSON, Mr. THOMAS, Mr. ENZI, and Mr. DORGAN):

S. 2987. A bill to amend the Agricultural Marketing Act of 1946 to expand the country of origin labeling for certain covered commodities, and for other purposes; 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 Ms. LANDRIEU (for herself, Mr. DURBIN, and Mr. SANTORUM):

S. Res. 469. 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; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself and Mr. LEAHY):

S. Con. Res. 145. A concurrent resolution to correct the enrollment of H.R. 1417; considered and agreed to.

ADDITIONAL COSPONSORS

S. 171

At the request of Mr. DAYTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 171, a bill to amend the title XVIII of the Social Security Act to provide payment to Medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 198

At the request of Mr. SMITH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 198, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 514

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 514, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 556

At the request of Mr. CAMPBELL, the name of the Senator from Washington

(Ms. CANTWELL) was added as a cosponsor of S. 556, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 884

At the request of Ms. LANDRIEU, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 983

At the request of Mr. CHAFEE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 983, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1408

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1408, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel.

S. 1557

At the request of Mr. MCCONNELL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1557, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

S. 1840

At the request of Mr. CONRAD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1840, a bill to amend the Food Security Act of 1985 to encourage owners and operations of privately-held farm and ranch land to voluntarily make their land available for access by the public under programs administered by States.

S. 1925

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1925, a bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes.

S. 2038

At the request of Mr. BAYH, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from West Virginia (Mr. BYRD) and the Senator from Delaware (Mr. CARPER) were

added as cosponsors of S. 2038, a bill to amend the Public Health Service Act to provide for influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes.

S. 2298

At the request of Mr. BREAUX, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2298, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 2352

At the request of Mr. ENSIGN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2352, a bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes.

S. 2395

At the request of Mr. CONRAD, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BAUCUS), the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. BENNETT), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Louisiana (Mr. BREAUX), the Senator from Montana (Mr. BURNS), the Senator from Delaware (Mr. CARPER), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Jersey (Mr. CORZINE), the Senator from Ohio (Mr. DEWINE), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NELSON), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2395, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 2468

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2468, a bill to reform the postal laws of the United States.

S. 2542

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2542, a bill to provide for review of determinations on whether schools and local educational agencies made adequate yearly progress for the 2002-2003 school year taking into consideration subsequent regulations and guidance applicable to those determinations, and for other purposes.

S. 2553

At the request of Mr. DODD, the names of the Senator from Ohio (Mr.

DEWINE) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2553, a bill to amend title XVIII of the Social Security Act to provide for coverage of screening ultrasound for abdominal aortic aneurysms under part B of the medicare program.

S. 2568

At the request of Mr. BIDEN, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. BENNETT), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from Georgia (Mr. CHAMBLISS), the Senator from New York (Mrs. CLINTON), the Senator from Maine (Ms. COLLINS), the Senator from Idaho (Mr. CRAIG), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN), the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. HARKIN), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Georgia (Mr. MILLER), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. REID), the Senator from Maine (Ms. SNOWE) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2602

At the request of Mr. DODD, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from North Dakota (Mr. DORGAN), the Senator from North Dakota (Mr. CONRAD), the Senator from Nevada (Mr. REID), the Senator from Delaware (Mr. BIDEN) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2602, a bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

S. 2614

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2614, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 2635

At the request of Ms. COLLINS, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2635, a bill to establish an intergovernmental grant program to identify and develop homeland security information, equipment, capabilities, technologies, and services to further the homeland security needs of the United States and to address the

homeland security needs of Federal, State, and local governments.

S. 2647

At the request of Mr. HOLLINGS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2647, a bill to establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, and for other purposes.

S. 2648

At the request of Mr. HOLLINGS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2648, a bill to strengthen programs relating to ocean science and training by providing improved advice and coordination of efforts, greater interagency cooperation, and the strengthening and expansion of related programs administered by the National Oceanic and Atmospheric Administration.

S. 2722

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 2722, a bill to maintain and expand the steel import licensing and monitoring program.

At the request of Mr. SPECTER, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2722, *supra*.

At the request of Mr. DURBIN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2722, *supra*.

S. 2731

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2731, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 2744

At the request of Mr. SUNUNU, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Montana (Mr. BURNS), the Senator from Washington (Ms. CANTWELL), the Senator from Idaho (Mr. CRAIG), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. LOTT), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from New York (Mr. SCHUMER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2744, a bill to authorize the minting and issuance of a Presidential \$1 coin series.

S. 2759

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2759, a bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes.

S. 2789

At the request of Mr. BROWNBACK, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2789, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2794

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2794, a bill to improve elementary and secondary education.

S. 2817

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2817, a bill to provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln.

S. 2828

At the request of Mr. MCCAIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2828, a bill to amend the Federal Election Campaign Act of 1971 to define political committee and clarify when organizations described in section 527 of the Internal Revenue Code of 1968 must register as political committees, and for other purposes.

S. 2849

At the request of Mr. HAGEL, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 2849, a bill to provide certain enhancements to the Montgomery GI Bill Program for certain individuals who serve as members of the Armed Forces after the September 11, 2001, terrorist attacks, and for other purposes.

S. 2869

At the request of Mr. TALENT, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2869, a bill to respond to the illegal production, distribution, and use of methamphetamines in the United States, and for other purposes.

S. 2886

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2886, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain hazard mitigation assistance.

At the request of Mr. BOND, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2886, *supra*.

S. 2889

At the request of Mr. ALEXANDER, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Wisconsin (Mr. KOHL), the Senator from

Alabama (Mr. SESSIONS), the Senator from Hawaii (Mr. INOUE), the Senator from Virginia (Mr. ALLEN), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Arkansas (Mr. PRYOR) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 2889, a bill to require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an endangered species under the Endangered Species Act of 1973, and for other purposes.

S. 2902

At the request of Ms. STABENOW, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2902, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

S. 2908

At the request of Mr. SPECTER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2908, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. CON. RES. 136

At the request of Mr. CONRAD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Con. Res. 136, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. CON. RES. 143

At the request of Mr. DEWINE, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. Con. Res. 143, a concurrent resolution recognizing community organization of public access defibrillation programs.

S. RES. 164

At the request of Mr. ENSIGN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. Res. 164, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 365

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.

Res. 365, a resolution expressing the sense of the Senate regarding the detention of Tibetan political prisoners by the Government of the People's Republic of China.

S. RES. 392

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 392, a resolution conveying the sympathy of the Senate to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

S. RES. 456

At the request of Ms. STABENOW, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Connecticut (Mr. DODD) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 456, a resolution designating October 14, 2004, as "Lights On Afterschool! Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 2980. A bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations; to the Committee on Foreign Relations.

By Mr. LUGAR:

S. 2981. A bill to provide for the elimination and safeguarding of conventional arms; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce two new bills to strengthen U.S. nonproliferation efforts. One of these is a new Conventional Arms Threat Reduction Act. The other is the fourth installment of the Nunn-Lugar legislation, the nonproliferation program that Sam Nunn and I sponsored in 1991.

In that year, Sam Nunn and I authored the Soviet Nuclear Threat Reduction or Nunn-Lugar Act, which established the Cooperative Threat Reduction Program. That program has provided U.S. funding and expertise to help the former Soviet Union safeguard and dismantle their enormous stockpiles of nuclear, chemical, and biological weapons, means of delivery and related materials. In 1997, Senator Nunn and I were joined by Senator DOMENICI in introducing the Defense Against Weapons of Mass Destruction Act, which expanded Nunn-Lugar authorities in the former Soviet Union and provided WMD expertise to first responders in American cities. In 2003, Congress adopted the Nunn-Lugar Expansion Act, which authorized the Nunn-Lugar program to operate outside the former Soviet Union to address proliferation threats. The bill that I am introducing today would strengthen the Nunn-Lugar program and other nonproliferation efforts and provide them with greater flexibility to address emerging threats.

To date, the Nunn-Lugar program has deactivated or destroyed: 6,462 nuclear warheads; 550 ICBMs; 469 ICBM silos; 13 ICBM mobile missile launchers; 135 bombers; 733 nuclear air-to-surface missiles; 408 submarine missile launchers; 530 submarine launched missiles; 27 nuclear submarines; and 194 nuclear test tunnels.

The Nunn-Lugar program also facilitated the removal of all nuclear weapons from Ukraine, Belarus, and Kazakhstan. After the fall of the Soviet Union, these three nations emerged as the third, fourth, and eighth largest nuclear powers in the world. Today, all three are nuclear-weapons-free as a result of cooperative efforts under the Nunn-Lugar program. In addition, Nunn-Lugar is the primary tool through which the United States is working with Russian authorities to identify, safeguard, and destroy Russia's massive chemical and biological warfare capacity.

These successes were never a foregone conclusion. Today, even after more than 12 years, creativity and constant vigilance are required to ensure that the Nunn-Lugar program is not encumbered by bureaucratic obstacles or undercut by political disagreements.

I have devoted much time and effort to overseeing and accelerating the Nunn-Lugar program. Uncounted individuals of great dedication serving on the ground in the former Soviet Union and in our Government have made this program work. Nevertheless, from the beginning, we have encountered resistance to the Nunn-Lugar concept in both the United States and Russia. In our own country, opposition often has been motivated by false perceptions that Nunn-Lugar money is foreign assistance or by beliefs that Defense Department funds should only be spent on troops, weapons, or other war-fighting capabilities. Until recently, we also faced a general disinterest in nonproliferation that made gaining support for Nunn-Lugar funding and activities an annual struggle.

The attacks of September 11 changed the political discourse on this subject. We have turned a corner—the public, the media, and political candidates are paying more attention now. In a remarkable moment in the first Presidential debate, both President Bush and Senator KERRY agree that the number one national security threat facing the United States was the prospect that weapons of mass destruction could fall into the hands of terrorists.

The 9/11 Commission weighed in with another important endorsement of the Nunn-Lugar program, saying that "Preventing the proliferation of [weapons of mass destruction] warrants a maximum effort—by strengthening counterproliferation efforts, expanding the Proliferation Security Initiative, and supporting the Cooperative Threat Reduction Program." the report went on to say that "Nunn-Lugar . . . is now in need of expansion, improvement, and resources."

The first bill that I am introducing today is "The Nunn-Lugar Cooperative Threat Reduction Act of 2004." It would underscore the bipartisan consensus on Nunn-Lugar by streamlining and accelerating Nunn-Lugar implementation. It would grant more flexibility to the President and the Secretary of Defense to undertake non-proliferation projects outside the former Soviet Union. It also would eliminate Congressionally imposed conditions on Nunn-Lugar assistance that in the past have forced the suspension of time-sensitive nonproliferation projects. The purpose of the bill is to reduce bureaucratic red tape and friction within our Government that hinder effective responses to nonproliferation opportunities and emergencies.

For example, recently Albania appealed for help in destroying 16 tons of chemical agent left over from the cold war. In August, I visited this remote storage facility, the location of which still remains classified. Nunn-Lugar officials are working closely with Albanian leaders to destroy this dangerous stockpile. But the experience also is illustrative of the need to reduce bureaucratic delays. The package of documents to be reviewed by the President took some 11 weeks to be finalized and readied for President Bush. From beginning to end, the bureaucratic process to authorize dismantlement of chemical weapons in Albania took more than 3 months. Fortunately, the situation in Albania was not a crisis, but we may not be able to afford these timelines in future nonproliferation emergencies.

The second piece of legislation that I am introducing is the "Conventional Arms Threat Reduction Act of 2004" or "CATRA." This legislation is modeled on the original Nunn-Lugar Act. Its purpose is to provide the Department of State with a focused response to the threat posed by vulnerable stockpiles of conventional weapons around the world, including tactical missiles and man portable air defense systems, or MANPADS. Such missiles and other weapons systems could be used by terrorists to attack commercial and military targets, and U.S. facilities here at home and abroad. Reports suggest that Al Qaeda has attempted to acquire these kinds of weapons. In addition, unsecured conventional weapons stockpiles are a major obstacle to peace, reconstruction, and economic development in regions suffering from instability.

My bill declares it to be the policy of the United States to seek out surplus and unguarded stocks of conventional armaments, including small arms, light weapons, MANPADS, and tactical missile systems for elimination. It authorizes the Department of State to carry out an accelerated global effort to destroy such weapons and to cooperate with allies and international organizations when possible. The Secretary of State is charged with devising a strategy for prioritizing, on a country-

by-country basis, the obligation of funds in a global program of conventional arms elimination. Lastly, the Secretary is required to unify program planning, coordination, and implementation of the strategy into one office at the State Department. The bill also authorizes a budget increase commensurate with the risk posed by these weapons.

The Department of State has been working to address the threats posed by conventional weapons. But in my judgment, the current funding allocation and organizational structure are not up to the task. Only about \$6 million was devoted to destroying small arms and light weapons during fiscal years 2003 and 2004. We need more focus on this problem and additional funding to take advantage of opportunities to secure vulnerable stockpiles from proliferation, theft, or diversion.

In August, I visited Albania, Ukraine, and Georgia. Each of these countries has large stockpiles of MANPADS and tactical missile systems and each has requested U.S. assistance to destroy them. On August 27, I stood in a remote Albanian military storage facility as the base commander unloaded a fully functioning MANPAD from its crate and readied it for use. This storage site contained 70 MANPADS that could have been used to attack an American commercial aircraft. Fortunately, the MANPADS that I saw that day were destroyed on September 2, but there are many more like them throughout the world. Too often, conventional weapons are inadequately stored and protected. This present grave risk to American military bases, embassy compounds, and even targets within the United States. We must develop a response that is commensurate with the threat.

I am offering these two bills now, during the November session, so that the administration, Congress, and the public can begin an examination of their merits. I will reintroduce these bills when Congress reconvenes in January. I am hopeful for strong support that reflects the priority status of U.S. nonproliferation efforts.

By Mr. SANTORUM:

S. 2982. A bill to amend title 38, United States Code, to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program; to the Committee on Veterans' Affairs.

Mr. SANTORUM. Mr. President, I rise today to offer remarks on a bill that I am introducing that would make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance (SGLI) program.

Experiencing the death of a child results in both emotional trauma and financial hardship for parents and families. However, further stress is added when the family involved is in the military. I was recently contacted by a constituent family that experienced a

stillbirth and subsequently learned that they were not eligible for the military's dependent death benefit because the child was stillborn.

The Servicemembers' Group Life Insurance (SGLI) program is currently available to all members of the uniformed services, their spouses, and dependents. Specifically, when a servicemember's family experiences the death of a child, the family is entitled to a \$10,000 child death benefit under the SGLI program. However, if a servicemember's family experiences a stillbirth, the family is not eligible for a death benefit under the SGLI program because current insurance standards require that a death certificate be issued for a child to be covered. However, neither a birth certificate nor a death certificate is issued for a stillborn infant.

In a recent Federal court case, *Warnock v. Office of Servicemembers' Group Life Insurance*, the issue of whether a stillborn infant is an "insurable dependent" under SGLI was litigated. The court held as a matter of law that both statute and SGLI policy do not provide coverage for a stillborn infant. To further substantiate the necessity of modifying this insurance coverage, the Army Family Action Plan supported providing a death benefit for stillborn infants at their annual conference in 2003, thus demonstrating this is an important issue for all military families.

This legislation is imperative because it will alleviate some of the financial hardship that a servicemember's family must endure as a result of a stillbirth. My bill would amend Title 38 of the United States Code to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program.

By including stillborn infants within the scope of the SGLI program, we will be helping to ease the financial burden of military servicemember families at a time of great loss and emotional stress.

I hope that many of my colleagues will join me in supporting this essential legislation.

By Mr. WYDEN:

S. 2983. A bill to establish hospice demonstration projects and a hospice grant program for beneficiaries under the medicare program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

By Mr. WYDEN:

S. 2984. A bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care medicine at accredited allopathic and osteopathic medical schools and to promote the development of faculty careers as academic palliative specialists who emphasize teaching; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, our health care system is structured to cure but often neglects how we die and how to make dying patients and their families more comfortable. Today, I am introducing two bills which I believe will provide better care options for dying patients in our country. The Medicare Hospice Demonstration Act seeks to test ways in which to improve the Medicare hospice benefit, and the Palliative Care Training Act recognizes that we need a larger cadre of health care professionals who know how to help those with terminal illnesses have a better quality of life.

Although this Congress made improvements in the Medicare Hospice benefit last year, I believe we need to continue to test new modes of providing hospice care so that more seniors are not only aware of the benefit, but access it when needed. Medicare introduced the hospice program in 1983 as an optional benefit for achieving a "good death". This benefit is widely recognized as effective in improving quality of life for terminally ill patients. Hospice programs provide a range of services to control pain and provide comfort care, primarily to individuals in their own homes. In the past decade, the number of Medicare patients receiving hospice care has more than doubled. Today, about 20 percent of patients who die in the United States receive hospice care. However, average lengths of stay in hospice have been dropping. According to the GAO, twenty-eight percent of Medicare patients in the hospice program receive hospice care for one week or less. One reason for this shift in hospice use is patient unwillingness to forego curative care—or to abandon hope despite a terminal diagnosis. The Medicare hospice program pays for medical procedures necessary for pain control and other symptom management, but not those aimed at curing the patient. As a result, many seriously ill patients resist the program because it forces them to make a choice between the hope that there might be a cure and the acceptance that one's life is coming to an end.

The Medicare Hospice Demonstration Act would remove this obstacle by permitting patients to seek hospice care as they continue curative treatment. I believe more people would use the hospice benefit and use it in a timely manner so they could get the full benefit of the range of services hospice offers if they did not have to give up hope. I also believe that this concept along with counseling assistance provided by this demonstration project would help the medical community be better able to help patients accept hospice care.

The second bill I am introducing, "The Palliative Care Training Act", uses the model already in law for other specialties to create a Hospice and Palliative Care Academic Career Award. This award would foster the creation of faculty at our Nation's medical schools to teach palliative

care, once the specialty is recognized as a board certified specialty.

For some the term "palliative care" may be new. Palliative care improves the quality of life of patients and their families facing the problem associated with life-threatening illness, through the prevention and relief of suffering by means of early identification, assessment, and treatment of pain and other problems, physical, psychosocial and spiritual. It neither hastens nor postpones death. This type of care offers a support system to help patients live as actively as possible until death and to help the family cope during their loved one's illness and in their own bereavement. In addition, palliative care is applicable early in the course of illness, in conjunction with other therapies that are intended to prolong life, such as chemotherapy or radiation therapy.

No one likes to think about what it will be like at the end of our lives. We rarely have the discussions we need to have with our medical providers about how to help us have a "good" death. Much of the fault lies in the way we have structured our health care system. With all that the American health system has to offer, we need to make sure resources are put in place to assure patients and their families better care in their last days. I believe these two bills provide important components to do that.

By Mr. FRIST:

S. 2986. A bill to amend title 31 of the United States Code to increase the public debt limit; placed on the calendar.

Mr. FRIST. 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. 2986

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

SECTION 1. INCREASE IN PUBLIC DEBT LIMIT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking "\$7,384,000,000,000" and inserting "\$8,184,000,000,000".

By Mr. BURNS (for himself, Mr. JOHNSON, Mr. THOMAS, Mr. ENZI, and Mr. DORGAN):

S. 2987. A bill to amend the Agricultural Marketing Act of 1946 to expand the country of origin labeling for certain covered commodities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BURNS. Mr. President, as you know, we are trying to finalize the appropriations bills this week so that we can get that done and go home. But in these appropriations bills, there are a lot of surprises. One of them is a movement to water down the country-of-origin labeling, a law that was passed in the 2002 farm bill.

I will tell you that over the past weeks—in fact, before the election—I was in 45 communities and traveled

2,500 miles and found out that my State supports country-of-origin labeling and does not want to see it watered down. I heard from my folks. They strongly support it.

In Montana, we want "U.S.A." on it. They are proud of what they produce. They are proud of the finished product. Of course, I have supported country-of-origin labeling for many years, and I was glad to see it finally pass in 2002 when we passed the 2002 farm bill.

Now we are at the task of trying to write the administrative rules on a law that is already in place. We are having problems with that.

But as Congress completed the bill and the President signed it into law, we had some folks already trying to dismantle it. That is wrong. Some folks wanted to muddle it up. That was wrong for the simple reason that you can't implement a law unless you know what the rules are. We don't know what those rules are right now. In fact, I think it is kind of like if the Washington Redskins go over to play Baltimore in football and they don't make the rules until after the opening kickoff. I don't think that works very well.

But right now we have some folks who want to take another run at it. They are getting very aggressive and working overtime to get it done. Granted, the law has a couple of flaws in it. It is nothing that we can't fix. But keeping it muddled up all the time while we are trying to write the administrative rules becomes very difficult.

There is a move to defund the entire writing process at one time. That was defeated.

Now, instead of having a mandatory COOL law in effect today, which was the original intent to have a good program, of course, the rules continue because the implementation wasn't supposed to be until 2006. That was a compromise to continue the rulemaking process. Now I am told that there is another move again to soften the law and make it a voluntary law instead of a mandatory law. I don't support that. My producers don't support that. They are tired of waiting around.

We need to get the country-of-origin labeling done. It needs to be done right, and it needs to be mandatory.

I have a concern with the COOL law currently on the books. But today I am introducing legislation that begins to fix one part of that law.

Right now, very little beef will actually be labeled in the grocery stores. The law excludes over half of the beef sold in this country. But let me be clear. Under no set of circumstances do I support rolling back the country-of-origin labeling. If Congress votes to make COOL voluntary, it may as well repeal the law because voluntary COOL does not work.

On October 2002, the Secretary published guidelines for a voluntary labeling program so any retailer who chose to label could do it. But none did.

Some of my friends say if we mandate a program, then let us try vol-

untary again. It is now time to shift the balance of power in the world of agricultural marketing and mandate country-of-origin labeling.

You see, overwhelmingly, the folks who support COOL are small cow/calf producers—my ranchers back home in Miles City, Judith Gap, Rudyard, Dillon, and across the State of Montana.

These are guys who have worked hard on their ranches each and every day. They raise and produce healthy cattle and they want "U.S.A." on their products. I don't blame them. But they do not have a lot of say in this decision. Once the calves leave the ranch, producers lose control to other parts of the industry.

While what I am doing is offering a bill to fix it, let us expand the bill to processed meats. We have to do that. The bill I am introducing will remove the exemption in the law for processed foods. In practice, this means beef jerky, sausages, and marinated pork tenderloins which are all excluded from the labeling requirements as it stands. These are common consumer products and none of them would be just the same as they are for fish and shellfish which is already in effect. Looking at those rules, we are not asking for any more.

With that, let us understand that attempts to weaken the law cannot happen in this body nor should it happen on these appropriations bills.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 469—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

Ms. LANDRIEU (for herself, Mr. DURBIN, and Mr. SANTORUM) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 469

Whereas according to an Institute of Medicine report entitled "To Err is Human: Building a Safer Health System", published in 2000, between 44,000 and 98,000 hospitalized people in the United States die each year due to medical errors, and untold thousands more suffer injury or illness as a result of preventable errors;

Whereas there are more than 40,000,000 inpatient surgery procedures and 31,000,000 outpatient surgery procedures performed annually in the United States;

Whereas for the first time, nurses, surgeons, and hospitals throughout the country are being required by the Joint Commission on Accreditation of Healthcare Organizations to adopt a common set of operating room procedures in order to help curb the alarming number of deaths and injuries due to medical errors;

Whereas the Joint Commission on Accreditation of Healthcare Organizations has developed a universal protocol, endorsed by

more than 50 national healthcare organizations, which calls for surgical teams to call a "time out" before surgeries begin in order to verify the patient's identity, the procedure to be performed, and the site of the procedure;

Whereas 4,579 accredited hospitals, 1,261 ambulatory care facilities, and 131 accredited office-based surgery centers will be required by the Joint Commission on Accreditation of Healthcare Organizations to adopt the universal protocol beginning July 1, 2004;

Whereas the Association of periOperative Registered Nurses has created an Internet website and distributed 55,000 tool kits to healthcare professionals throughout the country to assist them in implementing the universal protocol; and

Whereas the Association of periOperative Registered Nurses, the Joint Commission on Accreditation of Healthcare Organizations, the American College of Surgeons, the American Society of Anesthesiologists, the American Hospital Association, and the American Society for Healthcare Risk Management are celebrating National Time Out Day on June 23, 2004, to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideas of National Time Out Day, as designated by the Association of periOperative Registered Nurses and endorsed by the American College of Surgeons, the American Society of Anesthesiologists, the American Hospital Association, and the American Society for Healthcare Risk Management, to promote the adoption of the Joint Commission on Accreditation of Healthcare Organizations' universal protocol for preventing errors in the operating room; and

(2) congratulates perioperative nurses and representatives of surgical teams for working together to reduce medical errors to ensure the improved health and safety of surgical patients.

Ms. LANDRIEU. Mr. President, we have all heard the expression, "To err is human." We teach our children that mistakes are okay because we learn from them. However, there are some mistakes that are more costly to make than others. In 2000, the Institute of Medicine released a report entitled, "To Err is Human: Building a Safer Health System." The report revealed the following devastating statistic: every year, between 44,000 and 98,000 hospitalized people in the United States die due to medical errors.

Science has not yet found a cure for cancer or even the common cold, but it has discovered a way to prevent the thousands of fatalities that occur every year due to medical errors. The Joint Commission on Accreditation of Healthcare Organizations developed a universal protocol that calls for surgical teams to literally call a "time out" before surgeries begin. This "time out" serves a brief period for surgeons and nurses to verify the patient's identity, the procedure to be performed, and the site of the procedure. Endorsed by the American College of Surgeons, the American Society of Anesthesiologists, the American Hospital Association, the Association of Perioperative Registered Nurses, and the American Society for Healthcare Risk Manage-

ment, this idea of a "time out" may seem almost simplistic, but the fact of the matter is even the best surgeon in the world can make a very costly mistake if he or she does not stop for a moment for surgery and take a "time out."

Therefore, it is my pleasure to rise today to submit this resolution, which promotes a National Time Out Day and promotes the adoption of the Joint Commission on Accreditation of Healthcare Organization's universal protocol for preventing errors in the operating room.

To err may be human, but for the thousands of relatives that are currently sitting in a hospital waiting room, waiting for a loved one to come out of surgery, human error is not an acceptable answer.

SENATE CONCURRENT RESOLUTION 145—TO CORRECT THE ENROLLMENT OF H.R. 1417

Mr. HATCH (for himself and Mr. LEAHY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 145

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 1417, an Act to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges, and for other purposes (the Copyright Royalty and Distribution Reform Act of 2004), the Clerk of the House of Representatives shall make the following corrections:

(1) In section 801 of title 17, United States Code, as amended by section 3(a) of H.R. 1417—

(A) in subsection (b)(7)(A)—

(i) in clause (i), strike "the other participants" and insert "participants"; and

(ii) in clause (ii), strike "any other participant described in subparagraph (A)" and insert "any participant described in clause (i)";

(B) in subsection (b)(7)(B), strike "118(b) (2) or (3)" and insert "118(b)(2)";

(C) in subsection (b)(8), insert a comma after "802(g)"; and

(D) in subsection (c), strike "As provided in section 801(f)(1), the" and insert "The".

(2) In section 802 of title 17, United States Code, as amended by section 3(a) of H.R. 1417—

(A) in subsection (a)(1), in the second sentence—

(i) strike "two Copyright" and insert "2 Copyright"; and

(ii) strike "one shall" and insert "1 shall";

(B) in subsection (c)—

(i) strike "appointed the Chief Copyright" and insert "appointed as the Chief Copyright"; and

(ii) strike "appointed Copyright" and insert "appointed as Copyright"; and

(C) in subsection (f)—

(i) in paragraph (1)(A)(ii), strike "14 days of receipt by the Register of Copyrights of all" and insert "14 days after the Register of Copyrights receives all";

(ii) in paragraph (1)(B)(i)—

(I) strike "The Register shall" and insert "The Register of Copyrights shall";

(II) strike "30 days of receipt by the Register of Copyrights of all" and insert "30 days after the Register of Copyrights receives all"; and

(III) in the last sentence, insert "to the Copyright Royalty Judges" after "is timely delivered";

(iii) in paragraph (1)(D)—

(I) insert after the second sentence the following: "The Register of Copyrights shall issue such written decision not later than 60 days after the date on which the final determination by the Copyright Royalty Judges is issued.";

(II) in the following sentence, insert a comma after "such written decision";

(III) strike "section 802(f)(1)(D)" and insert "this subparagraph";

(IV) strike "notification and undertakes to consult with" and insert "notification to, and undertakes to consult with."; and

(V) strike "fails within reasonable period after receipt of such notification" and insert "fails, within a reasonable period after receiving such notification.";

(3) In section 803 of title 17, United States Code, as amended by section 3(a) of H.R. 1417—

(A) in subsection (a)(1), strike "Librarian of Congress, copyright arbitration royalty panels," and insert "the Librarian of Congress,";

(B) in subsection (b)—

(i) in paragraph (1), amend subparagraph (A)(i) to read as follows:

"(A) CALL FOR PETITIONS TO PARTICIPATE.—

(i) The Copyright Royalty Judges shall cause to be published in the Federal Register notice of commencement of proceedings under this chapter, calling for the filing of petitions to participate in a proceeding under this chapter for the purpose of making the relevant determination under section 111, 112, 114, 115, 116, 118, 119, 1004, or 1007, as the case may be—

"(I) promptly upon a determination made under section 804(a);

"(II) by no later than January 5 of a year specified in paragraph (2) of section 804(b) for the commencement of proceedings;

"(III) by no later than January 5 of a year specified in subparagraph (A) or (B) of paragraph (3) of section 804(b) for the commencement of proceedings, or as otherwise provided in subparagraph (A) or (C) of such paragraph for the commencement of proceedings;

"(IV) as provided under section 804(b)(8); or

"(V) by no later than January 5 of a year specified in any other provision of section 804(b) for the filing of petitions for the commencement of proceedings, if a petition has not been filed by that date.";

(ii) in clause (ii) of paragraph (1)(A)—

(I) strike "proceeding, under clause (i)" and insert "proceeding under clause (i)"; and

(II) strike "section 803(b)(3)" and insert "paragraph (3)";

(iii) in paragraph (4)(A), strike "a participant in the proceeding asserts a claim in the amount of" and insert "the contested amount of a claim is";

(iv) in paragraph (6)(C)—

(I) in clause (iv), insert a comma after "orders";

(II) in clause (v), strike "according to" and insert "in accordance with"; and

(III) in clause (vi)(I), strike "absent the discovery sought" and insert ", absent the discovery sought,";

(v) in clause (vii), strike "interrogatories and" and insert "interrogatories, and"; and

(vi) in clause (ix)—

(I) in the first sentence, insert a comma after "give testimony" and insert a comma after "inspection of documents or tangible things"; and

(II) in the last sentence, strike "subparagraph" and insert "clause";

(C) in subsection (c)—

(i) in paragraph (1), strike "(b)(3)(C)(x)" and insert "(b)(6)(C)(x)";

(ii) in paragraph (2)—
 (I) in subparagraph (A)—
 (aa) insert “in a proceeding” after “a participant”; and
 (bb) strike “a proceeding is issued” and insert “the proceeding is issued”;
 (II) in subparagraph (B), strike “their initial determination concerning rates and terms to the participants in the proceeding” and insert “to the participants in the proceeding their initial determination concerning rates and terms”; and
 (III) in subparagraph (C), strike “except as provided under subsection (d)(1)” and insert “except that nonparticipation may give rise to the limitations with respect to judicial review provided for in subsection (d)(1)”; and
 (iii) in paragraph (6), strike “Following review of the determination by the Register of Copyrights under section 802(f)(1)(D)” and insert “By no later than the end of the 60-day period provided in section 802(f)(1)(D)”; and
 (D) in the second sentence of subsection (d)(2)(A), strike “transmission service” and insert “licensee”.
 (4) In section 5(b)(1)—
 (A) in subparagraph (A), strike “and” at the end;
 (B) strike subparagraph (B); and
 (C) redesignate subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.
 (5) In the amendment made by section 5(b)(1)(A)—
 (A) strike “5-year periods” and insert “5-year period”; and
 (B) strike “such other periods” and insert “such other period”.
 (6) Strike paragraph (3) of section 5(b) and insert the following:
 “(3) in paragraph (5), by striking ‘determination by a copyright arbitration royalty panel or decision by the Librarian of Congress’ and inserting ‘decision by the Librarian of Congress or determination by the Copyright Royalty Judges’”;
 (7) In the amendment made by section 5(c)(1)(A)(i)—
 (A) strike “5-year periods” and insert “the 5-year period”; and
 (B) strike “different transitional periods are provided in section 804(b), or such periods” and insert “a different transitional period is provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period”.
 (8) In the amendment made by section 5(c)(1)(B)(i), strike “in section 804(b)” and insert “under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004”.
 (9) In the amendment made by section 5(c)(2)(A)—
 (A) strike “5-year periods” and insert “the 5-year period”; and
 (B) strike “different transitional periods are provided in section 804(b), or such periods” and insert “a different transitional period is provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period”.
 (10) In the amendment made by section 5(c)(2)(B)(i), strike “in section 804(b)” and insert “under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004”.
 (11) Strike paragraph (3) of section 5(c) and insert the following:
 “(3) in paragraph (3), by striking ‘determination by a copyright arbitration royalty panel or decision by the Librarian of Congress’ and inserting ‘decision by the Librarian of Congress or determination by the Copyright Royalty Judges’”; and
 (12) In section 5(c)(4)(B), insert “of subparagraph (A) the following:” after “by adding after the first sentence”.

(13) In the amendment made by section 5(d)(3)(A), strike “during periods” and insert “during the period”.
 (14) In section 5(d)(4)—
 (A) strike “and” at the end of subparagraph (B);
 (B) add “and” after the semicolon at the end of subparagraph (C); and
 (C) add after subparagraph (C) the following:
 “(D) in the last sentence, by striking ‘Librarian of Congress’ and inserting ‘Copyright Royalty Judges’”.
 (15) In the amendment made by section 5(d)(5)(A)(i), strike “, Copyright Royalty Judges, or a copyright arbitration royalty panel to the extent those determinations were accepted by the Librarian of Congress” and insert “or Copyright Royalty Judges”.
 (16) In the amendment made by section 5(f)(1)(B)—
 (A) strike “, a copyright arbitration royalty panel,”; and
 (B) strike “to the extent that they were accepted by the Librarian of Congress.”.
 (17) In section 5, insert the following after subsection (g) and redesignate succeeding subsections accordingly:
 “(h) RATEMAKING FOR SATELLITE CARRIERS.—Section 119(c) of title 17, United States Code, is amended—
 “(1) in paragraph (2)—
 “(A) in subparagraph (B), by striking ‘Librarian of Congress’ and inserting ‘Copyright Royalty Judges’; and
 “(B) in subparagraph (C), by striking ‘Register of Copyrights shall prescribe’ and inserting ‘Copyright Royalty Judges shall prescribe as provided in section 803(b)(6)’; and
 “(2) in paragraph (3)—
 “(A) in subparagraph (A)—
 “(i) by striking ‘arbitration proceedings’ and inserting ‘proceedings’; and
 “(ii) by striking ‘arbitration proceeding’ and inserting ‘proceedings’;
 “(B) in subparagraph (B)—
 “(i) by striking ‘copyright arbitration royalty panel appointed under chapter 8’ and inserting ‘Copyright Royalty Judges’; and
 “(ii) by striking ‘panel shall base its decision’ and inserting ‘Copyright Royalty Judges shall base their determination’; and
 “(C) in subparagraph (C)—
 “(i) in the heading, by striking ‘DECISION OF ARBITRATION PANEL OR ORDER OF LIBRARIAN’ and inserting ‘DETERMINATION UNDER CHAPTER 8’; and
 “(ii) by striking clauses (i) and (ii) and inserting the following:
 “(i) is made by the Copyright Royalty Judges pursuant to this paragraph and becomes final, or
 “(ii) is made by the court on appeal under section 803(d)(3).”
 (18) In the first sentence of section 6(b)(1)—
 (A) strike “date of enactment of this Act” and insert “effective date provided in subsection (a)”; and
 (B) strike “such date of enactment” and insert “such effective date”.
 (19) Strike paragraph (2) of section 6(b) and insert the following:
 “(2) CERTAIN ROYALTY RATE PROCEEDINGS.—Notwithstanding paragraph (1), the amendments made by this Act shall not affect proceedings to determine royalty rates pursuant to section 119(c) of title 17, United States Code, that are commenced before January 31, 2006.”

Wednesday, November 17, 2004, at 3 p.m., in room 216 of the Hart Senate Office Building to conduct a business meeting on pending committee matters, to be followed immediately by an oversight hearing on the In Re Tribal Lobbying Matters, et al.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, November 18, 2004, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting on pending committee matters, to be followed immediately by an oversight hearing on the water problems on the Standing Rock Sioux Reservation.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Tuesday, November 16, 2004, at 9:30 a.m., on Global Climate Change: Arctic Climate Global Assessment.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, November 16, 2004, at 9 a.m., on “Judicial Nominations” in the Dirksen Senate Office Building Room 226.

Witness list

Panel I: Senators.

Panel II: Thomas B. Griffith, to be U.S. Circuit Judge for the District of Columbia.

Panel III: Paul A. Crotty, to be a U.S. District Judge for the Southern District of New York; and J. Michael Seabright, to be a U.S. District Judge for the District of Hawaii.

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

SPECIAL COMMITTEE ON AGING

Mr. WARNER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, Tuesday, November 16, 2004, from 2:30 p.m.-4:30 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON FINANCIAL MANAGEMENT, THE BUDGET, AND INTERNATIONAL SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs’ Subcommittee on Financial Management,

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on

the Budget, and International Security be authorized to meet on Tuesday, November 16, 2004, at 10:30 a.m., for a hearing entitled, "Oversight Hearing on Insurance Brokerage Practices, Including Potential Conflicts of Interest and the Adequacy of the Current Regulatory Framework."

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

PRIVILEGE OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent a fellow in my office, Seth Gerson, be granted the privilege of the floor for the remainder of today's session.

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

CHILDREN'S HOSPITALS EDUCATIONAL EQUITY AND RESEARCH ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 774, S. 2526.

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

The legislative clerk read as follows:

A bill (S. 2526) to reauthorize the Children's Hospitals Graduate Medical Education Program.

There being no objection, the Senate proceeded to consider the bill which was reported from the Committee on Health, Education, Labor, and Pensions, with an amendment.

(Strike the part printed in black brackets and insert the part printed in italic.)

S. 2526

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 "Children's Hospitals Educational Equity and Research Act" or the "CHEER Act".]

SEC. 2. REAUTHORIZATION OF CHILDREN'S HOSPITALS GRADUATE MEDICAL EDUCATION PROGRAM.

[(a) EXTENSION OF PROGRAM.—Section 340E(a) of the Public Health Service Act (42 U.S.C. 256e(a)) is amended by striking "2005" and inserting "2010".]

[(b) DESCRIPTION OF AMOUNT OF PAYMENTS.—Section 340E(b) of the Public Health Service Act (42 U.S.C. 256e(b)) is amended—

[(1) in paragraph (1)(B), by striking "relating to teaching residents in such" and inserting "associated with graduate medical residency training"; and

[(2) in paragraph (2)(A), by inserting before the period at the end " , except as provided under paragraphs (1)(A) and (2)(B) of subsection (f)".]

[(c) DIRECT GRADUATE MEDICAL EDUCATION.—Section 340E(c) of the Public Health Service Act (42 U.S.C. 245e(c)) is amended—

[(1) in paragraph (1)—

[(A) in the matter preceding subparagraph (A), by striking "product" and inserting "sum";

[(B) in subparagraph (A), by striking "(A) the updated per resident" and inserting the following:

["(A) the product of—

["(i) the updated per resident".]

[(C) by redesignating subparagraph (B) as clause (ii) and indenting appropriately;

[(D) in subparagraph (A)(ii) (as so redesignated)—

[(i) by inserting "but without giving effect to section 1886(h)(7) of such Act" after "section 1886(h)(4) of the Social Security Act"; and

[(ii) by striking the period and inserting " ; and"; and

[(E) by inserting after subparagraph (A) the following:

["(B) amounts for other approved education programs that are provider-operated, as defined for purposes of Medicare payment, limited to not more than 30 percent of costs that would be allowed for such programs under Medicare rules for hospitals reimbursed under section 1886(d) of the Social Security Act."; and

[(2) in paragraph (2)(B), by inserting before the period at the end " , without giving effect to section 1886(d)(3)(E)(ii) of the Social Security Act".]

[(d) INDIRECT GRADUATE MEDICAL EDUCATION.—Section 340E(d) of the Public Health Service Act (42 U.S.C. 256e(d)) is amended—

[(1) in paragraph (1), by striking "related to" and inserting "associated with"; and

[(2) in paragraph (2)(A)—

[(A) by inserting "ratio of the" after "hospitals and the"; and

[(B) by inserting at the end before the semicolon "to beds (but excluding beds or bassinets assigned to healthy newborn infants)".]

[(e) NATURE OF PAYMENTS.—Section 340E(e) of the Public Health Service Act (42 U.S.C. 256e(e)) is amended—

[(1) in paragraph (2), by striking the first sentence;

[(2) in paragraph (3)—

[(A) by striking "made to pay" and inserting "made and pay"; and

[(B) by striking "to the extent possible" and all that follows through the end of the paragraph and inserting the following: ". To the greatest extent possible, amounts recouped from a hospital are to be distributed to other hospitals in the same fiscal year. Amounts recouped from a hospital and not disbursed to other hospitals in the same fiscal year shall remain available for distribution during the subsequent fiscal year. Unless there is fraud, amounts paid to a hospital without a demand for recoupment by the end of the fiscal year shall be final and not subject to recoupment."; and

[(3) by adding at the end the following:

["(4) APPEALS.—

["(A) IN GENERAL.—A decision affecting the amount payable to a hospital pursuant to this section shall—

["(i) be subject to review under section 1878 of the Social Security Act in the same manner as a final determination of a fiscal intermediary of the amount of payment under 1886(d) of such Act is subject to review; and

["(ii) be handled expeditiously so that the review decision is reflected in the final reconciliation for the year in which the appeal is made.

["(B) LIMITATION.—A review decision pursuant to this section shall not affect payments for a fiscal year prior to the fiscal year in which the review decision is rendered.

["(C) APPLICATION TO SUBSEQUENT FISCAL YEARS.—The Secretary shall apply a review decision in determining the amount of payment for the appealing hospital in the fiscal year in which the decision is rendered and in subsequent years, unless the law at issue in the review decision is amended or there are material differences between the facts for the fiscal year for which the review decision is rendered and the year for which payment

is made. Nothing in this section shall be construed to prohibit a hospital from appealing similar determinations in subsequent periods.".]

[(f) AUTHORIZATION OF APPROPRIATIONS.—Section 340E(f) of the Public Health Service Act (42 U.S.C. 256e(f)) is amended—

[(1) in paragraph (1)—

[(A) in subparagraph (A)—

[(i) in clause (ii), by striking "and";

[(ii) in clause (iii), by striking the period at the end and inserting a semicolon; and

[(iii) by adding at the end the following:

["(iv) for fiscal year 2006, \$110,000,000; and

["(v) for each of fiscal years 2007 through 2010, such sums as may be necessary, including an annual adjustment to reflect increases in the Consumer Price Index."; and

[(B) in subparagraph (B), by striking "for fiscal year 2000" and all that follows and inserting "for fiscal year 2006 and each subsequent fiscal year shall remain available for obligation for the year appropriated and the subsequent fiscal year."; and

[(2) in paragraph (2)—

[(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

[(B) by striking "There are hereby authorized" and inserting the following:

["(A) IN GENERAL.—There are authorized";

[(C) in clause (ii) (as redesignated by this paragraph), by striking "and";

[(D) in clause (iii) (as redesignated by this paragraph), by striking the period at the end and inserting a semicolon;

[(E) by adding at the end of subparagraph (A) (as designated by this paragraph), the following:

["(iv) for fiscal year 2006, \$220,000,000; and

["(v) for each of fiscal years 2007 through 2010, such sums as may be necessary, including an annual adjustment to reflect increases in the Consumer Price Index."; and

[(F) at the end of paragraph (2), by adding the following:

["(B) CARRYOVER OF EXCESS.—To the extent that amounts are not expended in the year for which they are appropriated, the amounts appropriated under subparagraph (A) for fiscal year 2006 and each subsequent fiscal year shall remain available for obligation through the end of the following fiscal year.".]

[(g) DEFINITIONS.—Section 340E(g)(3) of the Public Health Service Act (42 U.S.C. 256e(g)(3)) is amended by striking "has" and all that follows through the end of the sentence and inserting the following: "includes—

["(A) the meaning given such term in section 1886(h)(5)(C) of the Social Security Act; and

["(B) costs of approved educational activities, as such term is used in section 1886(a)(4) of the Social Security Act.".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Hospitals Educational Equity and Research Act" or the "CHEER Act".

SEC. 2. REAUTHORIZATION OF CHILDREN'S HOSPITALS GRADUATE MEDICAL EDUCATION PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 340E(a) of the Public Health Service Act (42 U.S.C. 256e(a)) is amended by striking "2005" and inserting "2010".

(b) DIRECT GRADUATE MEDICAL EDUCATION.—Section 340E(c) of the Public Health Service Act (42 U.S.C. 256e(c)) is amended—

(1) in paragraph (1)(B), by inserting "but without giving effect to section 1886(h)(7) of such Act" after "section 1886(h)(4) of the Social Security Act"; and

(2) in paragraph (2)(E)(ii), by striking "described in subparagraph (C)(ii)" and inserting

"applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during the preceding fiscal year".

(c) **INDIRECT GRADUATE MEDICAL EDUCATION.**—Section 340E(d)(2)(A) of the Public Health Service Act (42 U.S.C. 256e(d)(2)(A)) is amended—

(1) by inserting "ratio of the" after "hospitals and the"; and

(2) by inserting before the semicolon the following: "to beds (excluding beds or bassinets assigned to healthy newborn infants)".

(d) **NATURE OF PAYMENTS.**—Section 340E(e)(3) of the Public Health Service Act (42 U.S.C. 256e(e)(3)) is amended by striking "made to pay" and inserting "made and pay".

(e) **AUTHORIZATION OF APPROPRIATIONS.**—Section 340E(f) of the Public Health Service Act (42 U.S.C. 256e(f)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (ii), by striking "and";

(B) in clause (iii), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(iv) for fiscal year 2006, \$110,000,000; and

"(v) for each of fiscal years 2007 through 2010, such sums as may be necessary."; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "There are hereby authorized" and inserting "There are authorized"; and

(ii) by striking "(b)(1)(A)" and inserting "(b)(1)(B)";

(B) in subparagraph (B), by striking "and";

(C) in subparagraph (C), by striking the period and inserting a semicolon; and

(D) by adding at the end the following:

"(D) for fiscal year 2006, \$220,000,000; and

"(E) for each of fiscal years 2007 through 2010, such sums as may be necessary.".

(f) **TECHNICAL AMENDMENT.**—Section 340E(e)(2) of the Public Health Service Act (42 U.S.C. 256e(e)(2)) is amended by striking the first sentence.

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate that perinatal hospitals play an important role in providing quality care and ensuring the best possible outcomes for thousands of seriously ill newborns each year, and that medical training programs at perinatal hospitals give providers essential training in treating healthy mothers and babies as well as patients in neonatal intensive care units.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD without intervening action or debate.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2526), as amended, was passed.

STATE HIGH RISK POOL FUNDING EXTENSION ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 2283 and that the Senate then proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2283) to extend Federal funding for operations of State high risk health insurance pools.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD without intervening action or debate.

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

The bill (S. 2283) was read the third time and passed as follows:

S. 2283

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 "State High Risk Pool Funding Extension Act of 2004".

SEC. 2. EXTENSION OF FUNDING FOR OPERATION OF STATE HIGH RISK HEALTH INSURANCE POOLS.

(a) **EXTENSION OF SEED GRANTS.**—Section 2745 of the Public Health Service Act (42 U.S.C. 300gg-45) is amended—

(1) in subsection (a), in the subsection heading by inserting "EXTENSION OF" before "SEED"; and

(2) in subsection (c)(1), by striking "\$20,000,000" and all that follows through "2003" and inserting "\$15,000,000 for the period of fiscal years 2004 and 2005".

(b) **FUNDS FOR OPERATIONS.**—Section 2745 of the Public Health Service Act (42 U.S.C. 300gg-45) is amended—

(1) in subsection (b)—

(A) in the subsection heading by striking "MATCHING"; and

(B) by striking paragraph (2) and inserting the following:

"(2) **ALLOTMENT.**—The amounts appropriated under subsection (c)(2) for a fiscal year shall be made available to the States (or the entities that operate the high risk pool under applicable State law) as follows:

"(A) An amount equal to 50 percent of the appropriated amount for the fiscal year shall be allocated in equal amounts among each eligible State that applies for assistance under this subsection.

"(B) An amount equal to 25 percent of the appropriated amount for the fiscal year shall be allocated among the States so that the amount provided to a State bears the same ratio to such available amount as the number of uninsured individuals in the State bears to the total number of uninsured individuals in all States (as determined by the Secretary).

"(C) An amount equal to 25 percent of the appropriated amount for the fiscal year shall be allocated among the States so that the amount provided to a State bears the same ratio to such available amount as the number of individuals enrolled in health care coverage through the qualified high risk pool of the State bears to the total number of individuals so enrolled through qualified high risk pools in all States (as determined by the Secretary)."; and

(2) in subsection (c)(2), by striking "\$40,000,000" and all that follows through the period and inserting "\$75,000,000 for each of fiscal years 2005 through 2009 to make allotments under subsection (b)(2)."

(c) **DEFINITIONS.**—Section 2745 of the Public Health Service Act (42 U.S.C. 300gg-45) is amended—

(1) in subsection (d), by inserting after "2744(c)(2)" the following: " , except that

with respect to subparagraph (A) of such section a State may elect to provide for the enrollment of eligible individuals through an acceptable alternative mechanism,"; and

(2) by adding at the end the following:

"(e) **STANDARD RISK RATE.**—In subsection (b)(1)(A), the term 'standard risk rate' means a rate—

"(1) determined under the State high risk pool by considering the premium rates charged by other health insurers offering health insurance coverage to individuals in the insurance market served;

"(2) that is established using reasonable actuarial techniques; and

"(3) that reflects anticipated claims experience and expenses for the coverage involved.".

COASTAL AND OCEAN MAPPING INTEGRATION ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 793, S. 2489.

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

The legislative clerk read as follows:

A bill (S. 2489) to establish a program within the National Oceanic and Atmospheric Administration to integrate Federal coastal and ocean mapping activities.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation with an amendment in the nature of a substitute.

[Strike the part printed in black brackets and insert the part printed in italic.]

S. 2489

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 "Coastal and Ocean Mapping Integration Act".

SEC. 2. INTEGRATED COASTAL AND OCEAN MAPPING PROGRAM.

[(a) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration shall establish a program to develop, in coordination with the Interagency Committee on Coastal and Ocean Mapping, a coordinated and comprehensive Federal ocean and coastal mapping program for the Great Lakes and Coastal State waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances conservation and management of marine resources, improves decision-making regarding research priorities and the siting of research and other platforms, and advances coastal and ocean science.

[(b) **PROGRAM PARAMETERS.**—In developing such a program, the Administrator shall work with the Committee to—

[(1) identify all Federal programs conducting shoreline delineation and coastal or ocean mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

[(2) promote cost-effective, cooperative mapping efforts among all Federal coastal and ocean mapping agencies by increasing data sharing, developing data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

【(3) facilitate the adaptation of existing technologies as well as foster expertise in new coastal and ocean mapping technologies by engaging in cooperative training programs and leveraging agency expertise, non-governmental organizations, and private sector resources to efficiently meet Federal mapping mandates;

【(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies to the private sector;

【(5) centrally archive, manage, and distribute data sets as well as provide mapping products and services to the general public in service of statutory requirements; and

【(6) develop specific data presentation methods for use by Federal, State, and other entities that document locations of federally permitted activities, submerged cultural resources, undersea cables, offshore aquaculture projects, and any areas designated for the purposes of environmental protection or conservation and management of living marine resources.

【SEC. 3. INTERAGENCY COMMITTEE ON COASTAL AND OCEAN MAPPING.

【(a) ESTABLISHMENT.—There is hereby established an Interagency Committee on Coastal and Ocean Mapping.

【(b) MEMBERSHIP.—The Committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this Act. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, Minerals Management Service, National Science Foundation, National Geospatial-Intelligence Agency, United States Army Corps of Engineers, United States Coast Guard, Environmental Protection Agency, Federal Emergency Management Agency and National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

【(c) CHAIRMAN.—The Committee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairman may create subcommittees chaired by any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration.

【(d) MEETINGS.—The Committee shall meet on a quarterly basis, but subcommittee or working group meetings shall meet on an as-needed basis.

【(e) COORDINATION.—The committee should coordinate activities, when appropriate, with other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee.

【SEC. 4. NOAA INTEGRATED MAPPING INITIATIVE.

【(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated coastal and ocean mapping initiative within the National Oceanic and Atmospheric Administration.

【(b) PLAN REQUIREMENTS.—The plan shall—

【(1) identify and describe all coastal and ocean mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource

conservation and management programs, coastal zone management projects, and coastal and ocean science projects;

【(2) establish geographic priorities and minimum data acquisition and metadata standards for those programs;

【(3) encourage the development of innovative coastal and ocean mapping technologies and applications through research and development cooperative agreements at joint institutes;

【(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, non-governmental organizations, and the private sector;

【(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, ships, and aircraft to support a coordinated coastal and ocean mapping program;

【(6) identify a centralized mechanism for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration, including—

【(A) designating primary data processing centers to maximize efficiency in information technology investment, develop consistency in data processing, and meet Federal mandates for data accessibility; and

【(B) designating a repository that is responsible for archiving and managing the distribution of all coastal and ocean mapping data to simplify the provision of services to benefit Federal and State programs; and

【(7) set forth a timetable for implementation and completion of the plan, including a schedule for periodic Congressional progress reports, and recommendations for integrating approaches developed under the initiative into the interagency program.

【(c) NOAA JOINT HYDROGRAPHIC CENTERS.—The Secretary is authorized to maintain and operate up to 3 joint hydrographic centers, which shall be co-located with an institution of higher education. The centers shall serve as hydrographic centers of excellence and are authorized to conduct activities necessary to carry out the purposes of this Act, including—

【(1) research and development of innovative coastal and ocean mapping technologies, equipment, and data products;

【(2) mapping of the United States outer continental shelf;

【(3) data processing for non-traditional data and uses;

【(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations and ocean exploration; and

【(5) providing graduate education in hydrographic sciences for National Oceanic and Atmospheric Administration Commissioned Officer Corps and civilian personnel.

【SEC. 5. INTERAGENCY PROGRAM REPORTING.

【No later than 18 months after the date of enactment of this Act, and bi-annually thereafter, the Chairman of the Committee shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources a report detailing progress made in implementing the provisions of this Act, including—

【(1) an inventory of data within the territorial seas and the exclusive economic zone and throughout the continental shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

【(2) identification of priority areas in need of survey coverage using present technologies;

【(3) a resource plan that identifies when priority areas in need of modern coastal and ocean mapping surveys can be accomplished;

【(4) the status of efforts to produce integrated digital maps of coastal and ocean areas;

【(5) a description of any products resulting from coordinated mapping efforts under this Act that improve public understanding of the coasts, oceans, or regulatory decision-making;

【(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

【(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

【(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing and distribution systems;

【(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public; and

【(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

【(A) cover the area from the authorized coastal counties through the territorial sea; and

【(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion.

【SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

【(a) IN GENERAL.—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this Act—

【(1) \$20,000,000 for fiscal year 2005;

【(2) \$26,000,000 for fiscal year 2006;

【(3) \$32,000,000 for fiscal year 2007;

【(4) \$38,000,000 for fiscal year 2008; and

【(5) \$45,000,000 for each of fiscal years 2009 through 2012.

【(b) JOINT HYDROGRAPHIC CENTERS.—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 4(c) of this Act:

【(1) \$10,000,000 for fiscal year 2005.

【(2) \$11,000,000 for fiscal year 2006.

【(3) \$12,000,000 for fiscal year 2006.

【(4) \$13,000,000 for fiscal year 2006.

【(5) \$15,000,000 for each of fiscal years 2009 through 2012.

【SEC. 7. DEFINITIONS.

【In this Act:

【(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

【(2) COMMITTEE.—The term “Committee” means the Interagency Ocean Mapping Committee established by section 3.

【(3) EXCLUSIVE ECONOMIC ZONE.—The term “exclusive economic zone” means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

【(4) OCEAN AND COASTAL MAPPING.—The term “ocean and coastal mapping” means the collection of physical, biological, geological, chemical, and archaeological characteristics of ocean and coastal sea beds

through the use of acoustics, satellites, aerial photogrammetry, light and imaging, and direct sampling.

[(5) TERRITORIAL SEA.—The term “territorial sea” means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ocean and Coastal Mapping Integration Act”.

SEC. 2. INTEGRATED OCEAN AND COASTAL MAPPING PROGRAM.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish a program to develop, in coordination with the Interagency Committee on Ocean and Coastal Mapping, a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and Coastal State waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances ecosystem approaches in decision-making for conservation and management of marine resources and habitats, establishes research priorities, supports the siting of research and other platforms, and advances ocean and coastal science.

(b) PROGRAM PARAMETERS.—In developing such a program, the Administrator shall work with the Committee to—

(1) identify all Federal and federally-funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) promote cost-effective, cooperative mapping efforts among all Federal agencies conducting ocean and coastal mapping agencies by increasing data sharing, developing data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and coastal mapping technologies, including through research, development, and training conducted in cooperation with the private sector, academia, and other non-Federal entities;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies between the Federal government and the private sector or academia;

(5) centrally archive, manage, and distribute data sets as well as provide mapping products and services to the general public in service of statutory requirements;

(6) develop specific data presentation standards for use by Federal, State, and other entities that document locations of federally permitted activities, living and nonliving resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, offshore aquaculture projects, and any areas designated for the purposes of environmental protection or conservation and management of living marine resources; and

(7) identify the procedures to be used for coordinating Federal data with State and local government programs.

SEC. 3. INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING.

(a) ESTABLISHMENT.—There is hereby established an Interagency Committee on Ocean and Coastal Mapping.

(b) MEMBERSHIP.—The Committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of

this Act. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, Minerals Management Service, National Science Foundation, National Geospatial-Intelligence Agency, United States Army Corps of Engineers, United States Coast Guard, Environmental Protection Agency, Federal Emergency Management Agency and National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) CHAIRMAN.—The Committee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairman may create subcommittees chaired by any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration.

(d) MEETINGS.—The Committee shall meet on a quarterly basis, but subcommittee or working group meetings shall meet on an as-needed basis.

(e) COORDINATION.—The committee should coordinate activities, when appropriate, with—

(1) other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee;

(2) international mapping activities; and

(3) States and user groups through workshops and other appropriate mechanisms.

SEC. 4. NOAA INTEGRATED MAPPING INITIATIVE.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated ocean and coastal mapping initiative within the National Oceanic and Atmospheric Administration.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) identify and describe all ocean and coastal mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and ocean and coastal science projects;

(2) establish priority mapping programs and establish and periodically update priorities for geographic areas in surveying and mapping, as well as minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative ocean and coastal mapping technologies and applications through research and development through cooperative or other agreements at joint centers of excellence and with the private sector;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, non-governmental organizations, and the private sector;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration’s programs, ships, and aircraft to support a coordinated ocean and coastal mapping program;

(6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration, including—

(A) designating primary data processing centers to maximize efficiency in information technology investment, develop consistency in data processing, and meet Federal mandates for data accessibility; and

(B) designating a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and State programs; and

(7) set forth a timetable for implementation and completion of the plan, including a sched-

ule for periodic Congressional progress reports, and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—The Secretary is authorized to maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall be co-located with an institution of higher education. The centers shall serve as hydrographic centers of excellence and are authorized to conduct activities necessary to carry out the purposes of this Act, including—

(1) research and development of innovative ocean and coastal mapping technologies, equipment, and data products;

(2) mapping of the United States outer continental shelf;

(3) data processing for non-traditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations and ocean exploration; and

(5) providing graduate education in ocean and coastal mapping sciences for National Oceanic and Atmospheric Administration Commissioned Officer Corps, personnel of other agencies with ocean and coastal mapping programs, and civilian personnel.

SEC. 5. INTERAGENCY PROGRAM REPORTING.

No later than 18 months after the date of enactment of this Act, and bi-annually thereafter, the Chairman of the Committee shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources a report detailing progress made in implementing the provisions of this Act, including—

(1) an inventory of ocean and coastal mapping data, noting the metadata, within the territorial seas and the exclusive economic zone and throughout the continental shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(5) a description of any products resulting from coordinated mapping efforts under this Act that improve public understanding of the coasts, oceans, or regulatory decision-making;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public; and

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea;

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion; and

(11) the status of efforts to coordinate Federal programs with State and local government programs and leverage those programs.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) *IN GENERAL.*—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this Act—

- (1) \$20,000,000 for fiscal year 2005;
- (2) \$26,000,000 for fiscal year 2006;
- (3) \$32,000,000 for fiscal year 2007;
- (4) \$38,000,000 for fiscal year 2008; and
- (5) \$45,000,000 for each of fiscal years 2009 through 2012.

(b) *JOINT OCEAN AND COASTAL MAPPING CENTERS.*—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 4(c) of this Act:

- (1) \$10,000,000 for fiscal year 2005.
- (2) \$11,000,000 for fiscal year 2006.
- (3) \$12,000,000 for fiscal year 2007.
- (4) \$13,000,000 for fiscal year 2008.
- (5) \$15,000,000 for each of fiscal years 2009 through 2012.

(c) *INTERAGENCY COMMITTEE.*—Notwithstanding any other provision of law, from amounts authorized to be appropriated for fiscal years 2005 through 2012 to the Department of Defense, the Department of the Interior, the Department of Homeland Security, the Environmental Protection Agency, and the National Aeronautics and Space Administration, the head of each such department or agency may make available not more than \$10,000,000 per fiscal year to carry out interagency activities under section 3 of this Act.

SEC. 7. DEFINITIONS.

In this Act:

(1) *ADMINISTRATOR.*—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) *COASTAL STATE.*—The term “coastal state” has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4)).

(3) *COMMITTEE.*—The term “Committee” means the Interagency Ocean Mapping Committee established by section 3.

(4) *EXCLUSIVE ECONOMIC ZONE.*—The term “exclusive economic zone” means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(5) *OCEAN AND COASTAL MAPPING.*—The term “ocean and coastal mapping” means the acquisition, processing, and management of physical, biological, geological, chemical, and archaeological characteristics and boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, direct sampling, and other mapping technologies.

(6) *TERRITORIAL SEA.*—The term “territorial sea” means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2489), as amended, was passed.

RESEARCH REVIEW ACT OF 2004

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 5213.

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

The legislative clerk read as follows: A bill (H.R. 5213) to expand research information regarding multidisciplinary research projects and epidemiological studies.

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

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

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

The bill (H.R. 5213) was read the third time and passed.

NATIONAL OCEAN EXPLORATION PROGRAM ACT

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 791, S. 2280.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2280) to establish and coordinate the national ocean exploration program with the National Oceanic and Atmospheric Administration.

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

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be laid upon the table, with no intervening debate, and any statements be printed in the RECORD.

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

The bill (S. 2280) was read the third time and passed, as follows:

S. 2280

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 “National Ocean Exploration Program Act”.

SEC. 2. ESTABLISHMENT.

The Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration.

SEC. 3. PURPOSES.

The purposes of the program are the following:

(1) To explore the physical, biological, chemical, geological, archaeological, temporal, and other related characteristics of the oceans to benefit, inform, and inspire the American people.

(2) To create missions and scientific activities of discovery that will improve our understanding, appreciation, and stewardship of the unique marine ecosystems, organisms, chemistry, and geology of the world’s oceans, and to enhance knowledge of submerged maritime historical and archaeological sites.

(3) To facilitate discovery of marine natural products from these ecosystems that may have potential beneficial uses, including those that may help combat disease or provide therapeutic benefits.

(4) To communicate such discoveries and knowledge to policymakers, regulators, researchers, educators, and interested non-governmental entities in order to support policy decisions and to spur additional scientific research and development.

(5) To maximize effectiveness by integrating multiple scientific disciplines, employing the diverse resources of the ocean science community, and making ocean exploration data and information available in a timely and consistent manner.

(6) To achieve heightened education, environmental literacy, public understanding and appreciation of the oceans.

SEC. 4. AUTHORITIES.

In carrying out the program the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary exploration voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on surveying deep water marine systems that hold potential for important scientific and medical discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop, in consultation with the National Science Foundation, a transparent process for reviewing and approving proposals for activities to be conducted under this program;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensors;

(6) conduct public education and outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant educational programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies;

(7) accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans; and

(8) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

SEC. 5. EXPLORATION TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

The National Oceanic and Atmospheric Administration, in coordination with the National Aeronautics and Space Administration, the U.S. Geological Survey, Office of Naval Research, and relevant governmental, non-governmental, academic, and other experts, shall convene an ocean technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration technology to the program;

(2) to improve availability of communications infrastructure, including satellite capabilities, to the program;

(3) to develop an integrated, workable and comprehensive data management information processing system that will make information on unique and significant features obtained by the program available for research and management purposes; and

(4) to encourage cost-sharing partnerships with governmental and non-governmental entities that will assist in transferring exploration technology and technical expertise to the program.

SEC. 6. INTERAGENCY FINANCING.

The National Oceanic and Atmospheric Administration, the National Science Foundation, and other Federal agencies involved in the program, are authorized to participate in interagency financing and share, transfer, receive and spend funds appropriated to any federal participant the program for the purposes of carrying out any administrative or programmatic project or activity under this section. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Federal participant and the costs of the same.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the program—

(1) \$45,000,000 for each of fiscal years 2005 through 2010; and

(2) \$55,000,000 for each of fiscal years 2011 through 2016.

EXTENDING LIABILITY INDEMNIFICATION REGIME FOR COMMERCIAL SPACE TRANSPORTATION INDUSTRY

Mr. FRIST. I ask unanimous consent to proceed to the immediate consideration of H.R. 5245.

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

The legislative clerk read as follows:

A bill (H.R. 5245) to extend the liability indemnification regime for the commercial space transportation industry.

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

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

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

The bill (H.R. 5245) was read for the third time and passed.

NORMAN Y. MINETA RESEARCH AND SPECIAL PROGRAMS IMPROVEMENT ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5163.

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

The legislative clerk read as follows:

A bill (H.R. 5163) to amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology, and for other purposes.

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

Mr. JEFFORDS. Mr. President, H.R. 5163, the Norman Mineta Research and Special Programs Improvement Act, will be considered by the Senate today. I support H.R. 5163 and look forward to its enactment into law.

H.R. 5163 will realign the current Research and Special Programs Administration, creating two new entities; the Pipeline and Hazardous Materials Safety Administration and the Research and Innovative Technologies Administration. Each new entity will be led by an Administrator.

Section 2 of the bill provides a new Section 108 of Title 49, creating the new Pipeline and Hazardous Materials Safety Administration. In 108(c), the bill creates the Administrator position, as follows:

(c) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with advice and consent of the Senate, and shall be an individual with professional experience in pipeline safety, hazardous materials safety, or other transportation safety

By spelling out qualifications for its new Administrator, Congress is seeking to enhance the prospects for success for the new Pipeline and Hazardous Materials Safety Administration.

The new Research and Innovative Technologies Administration is created by amending Section 112 of title 49, eliminating reference to the Research and Special Programs Administration and modifying its powers and duties. Aside from adding the position to the Executive Schedule Pay Rate, H.R. 5163 does not address the new Administrator, Research and Innovative Technologies Administration.

As with the Pipeline and Hazardous Materials Safety Administration, success of the Research and Innovative Technologies Administration will rest to a significant degree on the effectiveness of its leadership. Its Administrator should be well qualified. He or she should be an individual with professional experience in transportation research, research management, research program development, education and training in transportation and transportation-related fields and in transferring technologies into real world applications.

I hope that the President will apply these qualifications when selecting a candidate for Administrator, Research and Innovative Technologies Administration.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table.

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

The bill (H.R. 5163) was read the third time and passed.

AMENDING THE TIJUANA RIVER VALLEY ESTUARY AND BEACH SEWAGE CLEANUP ACT OF 2000

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of H.R. 4794, received from the House.

The legislative clerk read as follows:

A bill (H.R. 4794) to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations, and for other purposes.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements related to the matter be printed in the RECORD, with no intervening action.

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

The bill (H.R. 4794) was read the third time and passed.

MEASURE PLACED ON THE CALENDAR—S. 2986

Mr. FRIST. Mr. President, I ask unanimous consent that S. 2986 be placed directly on the calendar.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2986

Mr. FRIST. Mr. President, I ask unanimous consent that at a time determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to consideration of S. 2986, the debt limit extension bill; provided that there be 6 hours of debate only, equally divided between the chairman and ranking member of the Finance Committee or their designees; provided further that no amendments be in order to the measure, and following the use or yielding back of the time, the Senate proceed to a vote on passage, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDING TITLE XIX OF THE SOCIAL SECURITY ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 2618 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2618) to amend title XIX of the Social Security Act to extend medicare cost-sharing for the medicare part B premium for qualifying individuals through September 2005.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be

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

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

The bill (S. 2618) was read the third time and passed, as follows:

S. 2618

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

SECTION 1. EXTENSION OF MEDICARE COST-SHARING FOR THE MEDICARE PART B PREMIUM FOR QUALIFYING INDIVIDUALS.

(a) IN GENERAL.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “2004” and inserting “2005”.

(b) TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of the Social Security Act (42 U.S.C. 1396u-3(g)) is amended to read as follows:

“(g) SPECIAL RULES.—

“(1) IN GENERAL.—With respect to each period described in paragraph (2), a State shall select qualifying individuals, subject to paragraph (3), and provide such individuals with assistance, in accordance with the provisions of this section as in effect with respect to calendar year 2003, except that for such purpose—

“(A) references in the preceding subsections of this section to a year, whether fiscal or calendar, shall be deemed to be references to such period; and

“(B) the total allocation amount under subsection (c) for such period shall be the amount described in paragraph (2) for that period.

“(2) PERIODS AND TOTAL ALLOCATION AMOUNTS DESCRIBED.—For purposes of this subsection—

“(A) for the period that begins on January 1, 2004, and ends on September 30, 2004, the total allocation amount is \$300,000,000;

“(B) for the period that begins on October 1, 2004, and ends on December 31, 2004, the total allocation amount is \$100,000,000; and

“(C) for the period that begins on January 1, 2005, and ends on September 30, 2005, the total allocation amount is \$300,000,000.

“(3) RULES FOR PERIODS THAT BEGIN AFTER JANUARY 1.—For any specific period described in subparagraph (B) of paragraph (2), the following applies:

“(A) The specific period shall be treated as a continuation of the immediately preceding period in that calendar year for purposes of applying subsection (b)(2) and qualifying individuals who received assistance in the last month of such immediately preceding period shall be deemed to be selected for the specific period (without the need to complete an application for assistance for such period).

“(B) The limit to be applied under subsection (b)(3) for the specific period shall be the same as the limit applied under such subsection for the immediately preceding period.

“(C) The ratio to be applied under subsection (c)(2) for the specific period shall be the same as the ratio applied under such subsection for the immediately preceding period.”.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 108-27

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty trans-

mitted to the Senate November 16, 2004, by the President of the United States: Mutual Legal Assistance Treaty with Germany, Treaty Document No. 108-27. I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

[Mutual Legal Assistance Treaty with Germany Treaty Doc. 108-27]

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Federal Republic of Germany on Mutual Legal Assistance in Criminal Matters, signed at Washington on October 14, 2003, and a related exchange of notes. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking the testimony or statements of persons; providing documents, records, and articles of evidence; locating or identifying persons; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; undertaking telecommunications surveillance, undercover investigations, and controlled deliveries; assisting in proceedings related to immobilization and forfeiture of assets, restitution to the victims of crime and collection of fines; and any other form of assistance not prohibited by the laws of the State from whom the assistance is requested.

I recommend that the Senate give early and favorable consideration to the Treaty, and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, September 13, 2004.

**ORDERS FOR WEDNESDAY,
NOVEMBER 17, 2004**

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2:15 p.m. on Wednesday, November 17. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin consideration of S. 2986, the debt limit extension bill provided under the previous order.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will begin consideration of

the debt limit extension bill. Under the order, there will be up to 6 hours of debate on the measure prior to the vote. It is my expectation that we will use a portion of that debate tomorrow and the remainder of the debate on Thursday. A number of our colleagues will be attending the opening of the Clinton Presidential Library and, therefore, I expect that vote to occur when that delegation returns.

As I mentioned this morning, we have a lot of work to do prior to adjournment of this Congress. In addition to the debt limit bill, the Senate must also complete action on the remaining fiscal year 2005 spending bills, the intelligence reform conference report, if available, a number of nominations, and any other conference reports that may become available.

It is our intention to finish our work on these items this week. Therefore, Senators should make themselves available for busy days over the remainder of the week.

Mr. President, I will be happy to turn to the Democratic leader. If not, I will be putting us into a quorum call for a period of time.

Mr. DASCHLE. Mr. President, I ask if the majority leader can give us any understanding as to progress that may have been made today on the appropriations and the omnibus bill. It is my understanding it is unlikely the bill will come up before Friday, but might he share with us what he knows about the progress the negotiators made today?

Mr. FRIST. Mr. President, in response to the Democratic leader, tremendous progress has been made over the course of the weekend, yesterday, and then over the course of today. We have a number of bills that are involved, as everyone knows, and it is a monumental task that both the staff and the Senators have been asked to do. But huge progress is being made.

We will, for the convenience of Senators, not be voting on Thursday during the day. We will have a vote likely Thursday night. It would be an objective to finish the omnibus bill on Friday. I hesitate to say that because a number of Senators have come up and said exactly what is in that omnibus bill. The staff is working with the Senators on the various conferences and the appropriators, and it is very important people be able to see it and have the opportunity to comment on it and debate what is in that bill.

Tremendous progress is being made which led me to say that if we stay focused, we should be able to finish our business this week on Friday or Saturday, although, again, we have the intelligence bills to consider.

Mr. DASCHLE. I thank the majority leader. I only reiterate what I said this morning. Obviously, our ability to expedite consideration of the omnibus bill, which is very critical, will be directly related to the degree to which extraneous matters are incorporated in the bill. I hope very earnestly that people who have an inclination to want to

add extraneous issues can refrain from doing so in order to complete our work and to avoid what might be an extended delay.

I know both sides are working with that in mind. I appreciate the effort made to bring this matter to a close. This is probably one of the most important remaining pieces of unfinished business. I appreciate very much the leader's report tonight.

I yield the floor.

Mr. FRIST. Mr. President, I also want to reemphasize what the Democratic leader just said. A number of people are coming forward with legislation in the hopes there is some way it can be attached to the omnibus bill because people realize it is an important bill, and it is a bill we have worked on in a bipartisan way to bring to closure, which we will. I encourage our colleagues on both sides of the aisle to understand that we are not going to be including extraneous matter on this bill. That is under mutual agreement with the Democratic leadership and the Republican leadership.

CORRECTING THE ENROLLMENT OF H.R. 1417

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 145, which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A concurrent resolution (S. Res. 145) to correct the enrollment of H.R. 1417.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The concurrent resolution (S. Res. 145) was agreed to, as follows:

S. CON. RES. 145

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 1417, an Act to amend title 17, United States Code, to replace copyright arbitration royalty panels with Copyright Royalty Judges, and for other purposes (the Copyright Royalty and Distribution Reform Act of 2004), the Clerk of the House of Representatives shall make the following corrections:

(1) In section 801 of title 17, United States Code, as amended by section 3(a) of H.R. 1417—

(A) in subsection (b)(7)(A)—

(i) in clause (i), strike “the other participants” and insert “participants”; and

(ii) in clause (ii), strike “any other participant described in subparagraph (A)” and insert “any participant described in clause (i)”;

(B) in subsection (b)(7)(B), strike “118(b)(2) or (3)” and insert “118(b)(2)”;

(C) in subsection (b)(8), insert a comma after “802(g)” and

(D) in subsection (c), strike “As provided in section 801(f)(1), the” and insert “The”.

(2) In section 802 of title 17, United States Code, as amended by section 3(a) of H.R. 1417—

(A) in subsection (a)(1), in the second sentence—

(i) strike “two Copyright” and insert “2 Copyright”;

(ii) strike “one shall” and insert “1 shall”;

(B) in subsection (c)—

(i) strike “appointed the Chief Copyright” and insert “appointed as the Chief Copyright”;

(ii) strike “appointed Copyright” and insert “appointed as Copyright”;

(C) in subsection (f)—

(i) in paragraph (1)(A)(ii), strike “14 days of receipt by the Register of Copyrights of all” and insert “14 days after the Register of Copyrights receives all”;

(ii) in paragraph (1)(B)(i)—

(I) strike “The Register shall” and insert “The Register of Copyrights shall”;

(II) strike “30 days of receipt by the Register of Copyrights of all” and insert “30 days after the Register of Copyrights receives all”;

(III) in the last sentence, insert “to the Copyright Royalty Judges” after “is timely delivered”;

(iii) in paragraph (1)(D)—

(I) insert after the second sentence the following: “The Register of Copyrights shall issue such written decision not later than 60 days after the date on which the final determination by the Copyright Royalty Judges is issued.”;

(II) in the following sentence, insert a comma after “such written decision”;

(III) strike “section 802(f)(1)(D)” and insert “this subparagraph”;

(IV) strike “notification and undertakes to consult with” and insert “notification to, and undertakes to consult with,”;

(V) strike “fails within reasonable period after receipt of such notification” and insert “fails, within a reasonable period after receiving such notification.”

(3) In section 803 of title 17, United States Code, as amended by section 3(a) of H.R. 1417—

(A) in subsection (a)(1), strike “Librarian of Congress, copyright arbitration royalty panels,” and insert “the Librarian of Congress,”;

(B) in subsection (b)—

(i) in paragraph (1), amend subparagraph (A)(i) to read as follows:

“(A) CALL FOR PETITIONS TO PARTICIPATE.—

(i) The Copyright Royalty Judges shall cause to be published in the Federal Register notice of commencement of proceedings under this chapter, calling for the filing of petitions to participate in a proceeding under this chapter for the purpose of making the relevant determination under section 111, 112, 114, 115, 116, 118, 119, 1004, or 1007, as the case may be—

“(I) promptly upon a determination made under section 804(a);

“(II) by no later than January 5 of a year specified in paragraph (2) of section 804(b) for the commencement of proceedings;

“(III) by no later than January 5 of a year specified in subparagraph (A) or (B) of paragraph (3) of section 804(b) for the commencement of proceedings, or as otherwise provided in subparagraph (A) or (C) of such paragraph for the commencement of proceedings;

“(IV) as provided under section 804(b)(8); or

“(V) by no later than January 5 of a year specified in any other provision of section 804(b) for the filing of petitions for the com-

mencement of proceedings, if a petition has not been filed by that date.”;

(ii) in clause (i) of paragraph (1)(A)—

(I) strike “proceeding, under clause (i)” and insert “proceeding under clause (i)”;

(II) strike “section 803(b)(3)” and insert “paragraph (3)”;

(iii) in paragraph (4)(A), strike “a participant in the proceeding asserts a claim in the amount of” and insert “the contested amount of a claim is”;

(iv) in paragraph (6)(C)—

(I) in clause (iv), insert a comma after “orders”;

(II) in clause (v), strike “according to” and insert “in accordance with”; and

(III) in clause (vi)(I), strike “absent the discovery sought” and insert “, absent the discovery sought.”;

(v) in clause (vii), strike “interrogatories and” and insert “interrogatories, and”; and

(vi) in clause (ix)—

(I) in the first sentence, insert a comma after “give testimony” and insert a comma after “inspection of documents or tangible things”; and

(II) in the last sentence, strike “subparagraph” and insert “clause”;

(C) in subsection (c)—

(i) in paragraph (1), strike “(b)(3)(C)(x)” and insert “(b)(6)(C)(x)”;

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) insert “in a proceeding” after “a participant”;

(bb) strike “a proceeding is issued” and insert “the proceeding is issued”;

(II) in subparagraph (B), strike “their initial determination concerning rates and terms to the participants in the proceeding” and insert “to the participants in the proceeding their initial determination concerning rates and terms”;

(III) in subparagraph (C), strike “except as provided under subsection (d)(1)” and insert “except that nonparticipation may give rise to the limitations with respect to judicial review provided for in subsection (d)(1)”;

(iii) in paragraph (6), strike “Following review of the determination by the Register of Copyrights under section 802(f)(1)(D)” and insert “By no later than the end of the 60-day period provided in section 802(f)(1)(D)”;

(D) in the second sentence of subsection (d)(2)(A), strike “transmission service” and insert “licensee”.

(4) In section 5(b)(1)—

(A) in subparagraph (A), strike “and” at the end;

(B) strike subparagraph (B); and

(C) redesignate subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(5) In the amendment made by section 5(b)(1)(A)—

(A) strike “5-year periods” and insert “5-year period”;

(B) strike “such other periods” and insert “such other period”.

(6) Strike paragraph (3) of section 5(b) and insert the following:

(3) In paragraph (5), by striking “determination by a copyright arbitration royalty panel or decision by the Librarian of Congress” and inserting “decision by the Librarian of Congress or determination by the Copyright Royalty Judges”;

(7) In the amendment made by section 5(c)(1)(A)(i)—

(A) strike “5-year periods” and insert “the 5-year period”;

(B) strike “different transitional periods are provided in section 804(b), or such periods” and insert “a different transitional period is provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period”.

(8) In the amendment made by section 5(c)(1)(B)(i), strike "in section 804(b)" and insert "under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004".

(9) In the amendment made by section 5(c)(2)(A)—

(A) strike "5-year periods" and insert "the 5-year period"; and

(B) strike "different transitional periods are provided in section 804(b), or such periods" and insert "a different transitional period is provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period".

(10) In the amendment made by section 5(c)(2)(B)(i), strike "in section 804(b)" and insert "under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004".

(11) Strike paragraph (3) of section 5(c) and insert the following:

(3) in paragraph (3), by striking "determination by a copyright arbitration royalty panel or decision by the Librarian of Congress" and inserting "decision by the Librarian of Congress or determination by the Copyright Royalty Judges"; and

(12) In section 5(c)(4)(B), insert "of subparagraph (A) the following:" after "by adding after the first sentence".

(13) In the amendment made by section 5(d)(3)(A), strike "during periods" and insert "during the period".

(14) In section 5(d)(4)—

(A) strike "and" at the end of subparagraph (B);

(B) add "and" after the semicolon at the end of subparagraph (C); and

(C) add after subparagraph (C) the following:

(D) in the last sentence, by striking "Librarian of Congress" and inserting "Copyright Royalty Judges".

(15) In the amendment made by section 5(d)(5)(A)(i), strike "Copyright Royalty Judges, or a copyright arbitration royalty panel to the extent those determinations were accepted by the Librarian of Congress" and insert "or Copyright Royalty Judges".

(16) In the amendment made by section 5(f)(1)(B)—

(A) strike "a copyright arbitration royalty panel,"; and

(B) strike "to the extent that they were accepted by the Librarian of Congress.".

(17) In section 5, insert the following after subsection (g) and redesignate succeeding subsections accordingly:

(h) RATEMAKING FOR SATELLITE CARRIERS.—Section 119(c) of title 17, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking "Librarian of Congress" and inserting "Copyright Royalty Judges"; and

(B) in subparagraph (C), by striking "Register of Copyrights shall prescribe" and inserting "Copyright Royalty Judges shall prescribe as provided in section 803(b)(6); and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking "arbitration proceedings" and inserting "proceedings"; and

(ii) by striking "arbitration proceeding" and inserting "proceedings";

(B) in subparagraph (B)—

(i) by striking "copyright arbitration royalty panel appointed under chapter 8" and inserting "Copyright Royalty Judges"; and

(ii) by striking "panel shall base its decision" and inserting "Copyright Royalty Judges shall base their determination"; and

(C) in subparagraph (C)—

(i) in the heading, by striking "DECISION OF ARBITRATION PANEL OR ORDER OF LIBRARIAN" and inserting "DETERMINATION UNDER CHAPTER 8"; and

(ii) by striking clauses (i) and (ii) and inserting the following:

"(i) is made by the Copyright Royalty Judges pursuant to this paragraph and becomes final, or

"(ii) is made by the court on appeal under section 803(d)(3)."

(18) In the first sentence of section 6(b)(1)—

(A) strike "date of enactment of this Act" and insert "effective date provided in subsection (a)"; and

(B) strike "such date of enactment" and insert "such effective date".

(19) Strike paragraph (2) of section 6(b) and insert the following:

(2) CERTAIN ROYALTY RATE PROCEEDINGS.—Notwithstanding paragraph (1), the amendments made by this Act shall not affect proceedings to determine royalty rates pursuant to section 119(c) of title 17, United States Code, that are commenced before January 31, 2006.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

ADJOURNMENT UNTIL 2:15 P.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 6:31 p.m., adjourned until Wednesday, November 17, 2004, at 2:15 p.m.

NOMINATIONS

Executive nominations received by the Senate November 16, 2004:

FARM CREDIT ADMINISTRATION

DALLAS TONSAGER, OF SOUTH DAKOTA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING MAY 21, 2010, VICE MICHAEL M. REYNA, TERM EXPIRED.

COMMODITY FUTURES TRADING COMMISSION

MICHAEL V. DUNN, OF IOWA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 19, 2006, VICE JAMES E. NEWSOME, RESIGNED.

CORPORATION FOR PUBLIC BROADCASTING

ERNEST J. WILSON III, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2010. (REAPPOINTMENT)

FEDERAL MARITIME COMMISSION

HAROLD JENNINGS CREEL, JR., OF SOUTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2009. (REAPPOINTMENT)

FEDERAL COMMUNICATIONS COMMISSION

JONATHAN STEVEN ADELSTEIN, OF SOUTH DAKOTA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM EXPIRING JUNE 30, 2008. (REAPPOINTMENT)

NUCLEAR REGULATORY COMMISSION

ALBERT HENRY KONETZNI, JR., OF NEW YORK, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR A TERM EXPIRING JUNE 30, 2009, VICE RICHARD A. MESERVE, RESIGNED.

DEPARTMENT OF THE TREASURY

RAYMOND THOMAS WAGNER, JR., OF MISSOURI, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2009. (REAPPOINTMENT)

BROADCASTING BOARD OF GOVERNORS

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS. (REAPPOINTMENT)

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007. (REAPPOINTMENT)

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

JAY T. SNYDER, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2007. (REAPPOINTMENT)

BROADCASTING BOARD OF GOVERNORS

D. JEFFREY HIRSCHBERG, OF WISCONSIN, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007. (REAPPOINTMENT)

POSTAL RATE COMMISSION

TONY HAMMOND, OF VIRGINIA, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2010. (REAPPOINTMENT)

UNITED STATES POSTAL SERVICE

LOUIS J. GIULIANO, OF NEW YORK, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2009, VICE ALBERT CASEY, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CAROLYN L. GALLAGHER, OF TEXAS, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 8, 2005, VICE ERENSTA BALLARD, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SHARON TUCKER, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005, VICE E. GORDON GEE, TERM EXPIRED.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

CHARLES P. RUCH, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 2010, VICE NIRANJAN SHAMALBHAI SHAH, TERM EXPIRED.

EDWARD ALTON PARRISH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING APRIL 17, 2008, VICE HANS MARK, RESIGNED.

LAURIE STENBERG NICHOLS, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING MARCH 3, 2010, VICE DONNA DEARMAN SMITH, TERM EXPIRED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MIMI MAGER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING DECEMBER 27, 2007, VICE MARK D. GEARAN, TERM EXPIRED.

JACOB JOSEPH LEW, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008, VICE ARTHUR J. NAFARSTEK, TERM EXPIRED.

DEPARTMENT OF JUSTICE

ALBERTO R. GONZALES, OF TEXAS, TO BE ATTORNEY GENERAL, VICE JOHN ASHCROFT, RESIGNED.

PATRICIA CUSHWA, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE JANIE L. JEFFERS.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be lieutenant commander

JOEL A. AMUNDSON, 5854
EUGENIO S. ANZANO, 1658
KIMBERLY J. AVSEC, 8143
KEVIN L. BARNETTE, 8142
JOHN F. BARRETT, 0164
AMY M. BEACH, 6825
PETER L. BEAVIS, 6708
JAMES G. BELLAIRE, 1945
BENJAMIN D. BERG, 5025
JAMES R. BETZ, 5714
DANIEL P. BISHOP, 6638
KENNETH A. BISHOP, 5578
LUCINDA J. BOOKHAMMER, 9350
GEORGE A. BORLASE, 5310
RICHARD G. BOSTON, 2570
JOHN M. BRANCH, 6757
WILLIAM J. BROOME, 6391
BRUCE C. BROWN, 9096
ROBERT S. BROWN, 6265
SUZANNE M. BROWN, 7363
SANDRA E. BULLOCK, 7365
PHILLIP B. BURGARD, 8291
JEFFREY S. BURKE, 2674
JOHN M. BURNS, 2320
WILLIAM R. BUTLER, 3953
MARIE B. BYRD, 6856

SCOTT R. CALHOUN, 8887
 WILLARD R. CALLIHAN, 9790
 ROBERT J. CAMPBELL, 8473
 FLIP P. CAPISTRANO, 8872
 DARREN J. CAPRARA, 6350
 JAY CAPUTO, 2475
 KEVIN M. CARROLL, 3088
 KEVIN M. CARROLL, 9172
 PETER R. CARROLL, 1285
 ERIC P. CARTER, 3909
 HARRY W. CAULTON, 9191
 MICHAEL S. CAVALLARO, 5620
 MICHAEL J. CIAGLO, 7688
 JOHN D. COLE, 2076
 TIMOTHY J. CONNORS, 0409
 BRODIE G. COWNIE, 6614
 FREDERICK C. CRAWFORD, 1864
 KEELI S. DARST, 4385
 MICHAEL J. DAVANZO, 4100
 ELLIS G. DAVIS, 2566
 FELIX E. DELGADO, 7385
 ERIC D. DENLEY, 3999
 STEPHEN W. DEPEW, 5244
 JACKY L. DEPUÉ, 8849
 STEVEN M. DETTON, 7247
 DAVID J. DIBELLA, 3482
 MICHAEL B. DOLAN, 6792
 ANGELIC D. DONOVAN, 6313
 PATRICK R. DOZIER, 0552
 MARYELLEN J. DURLEY, 4285
 CHRISTINA DUTTON, 9365
 CRAIG F. DYKES, 7083
 MATTHEW EDWARDS, 8346
 ROY J. EIDEM, 6808
 FREDERICK C. ENGLISH, 2504
 THOMAS S. EVANS, 5313
 STEPHEN J. FABIAN, 7117
 BRIAN D. FALK, 6508
 MICHAEL C. FARRELL, 6912
 MICHAEL A. FAZIO, 1740
 ROSEMARY P. FIRESTONE, 1173
 PATRICK M. FLYNN, 8581
 KELLY B. FOUCH, 6662
 DARCI A. K. GARRIS, 5885
 DANIEL P. GAINOR, 2997
 VINCENT A. GAMMA, 0197
 KATHLEEN C. GARZA, 1892
 TONI N. GAY, 6568
 MICHAEL D. GERO, 0394
 CHARLES L. GOW, 4838
 STACEY A. GOW, 3347
 AMY B. GRABLE, 5199
 GEORGE G. GRILLS, 1896
 DAVID GUDBRANDSEN, 2821
 ROBERT L. HAGGERTY, 4822
 JEFFREY W. HALL, 3766
 MARK P. HAMMOND, 7796
 MELISSA J. HARRPETER, 8378
 THOMAS J. HARRINGTON, 6974
 HOLLY R. HARRISON, 8738
 EDWARD J. HAUKKALA, 2762
 MICHAEL J. HAUSCHEN, 5678
 MARC A. HAWKINS, 3674
 RUSSELL F. HELLSTERN, 8825
 ROBERT L. HELTON, 3055
 ROBERT E. HEMP, 6825
 BRIAN E. HIGGINS, 4709
 LADONN A. HIGHTALLEN, 9704
 MARK E. HIGEL, 5378
 PATRICK M. HILBERT, 4643
 CARL W. HINSHAW, 9504
 MONTREVILLE D. HOLCOMBE, 9533
 LISA M. HOULIHAN, 3866
 TODD M. HOWARD, 6242
 RICHARD E. HOWES, 2015
 JULIET J. HUDSON, 4935
 MICHAEL A. HUDSON, 9892
 HOMER D. HEY, 4648
 KEVIN L. IVEY, 8213
 CHARLES T. JENNINGS, 4580
 ERIK J. JENSEN, 8821
 KETH A. JERNIGAN, 8809
 MARY P. JOHNSON, 3999
 SCOTT L. JOHNSON, 9199
 CLIFFORD T. JONES, 0692
 TYRONNE L. JONES, 2690
 JAMES M. KAMMEL, 8623
 RENEE C. KERN, 5338
 KEVIN J. KERNY, 5319
 MICHAEL L. KILMER, 6832
 TAE J. KIM, 6378
 ERIC P. KING, 8756
 LAURA E. KING, 6454
 DAVID K. KIRKPATRICK, 3742
 SCOTT A. KLINKE, 6617
 SHAWN S. KOCH, 4511
 GARY C. KOEHLER, 5388
 REED H. KOHBERGER, 8989
 KENNETH S. KOSTECKI, 9209
 JASON M. KRAJEWSKI, 6620
 DONALD O. LAJAVIC, 2514
 MATTHEW W. LAKE, 2004
 PAUL J. LAMCZYK, 1093
 MICHAEL E. LANGSTON, 5851
 ALAN G. LANGNA, 6758
 PAUL R. LATTANZI, 4101
 MATTHEW F. LAVIN, 9831
 MANDEL J. LAYTON, 9857
 ERIK A. LEUBENBERGER, 1825
 WILLIAM A. LEWIN, 8098
 STEFANIE A. LINCOLN, 3237
 RALPH R. LITTLE, 0444
 GREGORY LOISELLE, 3666
 STEVEN M. LONG, 6272
 MICHAEL C. MACMILLAN, 6178
 EDWARD N. MACDURA, 7578
 JONATHAN H. MAJORINE, 5993

SUSAN M. MAITRE, 3475
 MALCOLM C. MARK, 5189
 JAMES D. MARQUEZ, 2757
 CHRISTOPHER D. MARTIN, 1069
 JORGE MARTINEZ, 5057
 CRAIG J. MASSELLO, 4204
 SHAWN D. MAULDIN, 5644
 HARRY D. MAUTTE, 6924
 PETER A. MCCAFFREY, 7630
 JOHN A. MCCLAIN, 3567
 JOSEPH P. MCCONNELL, 4802
 JOSEPH T. MCGILLEY, 8940
 ROCKLYN L. MCNAIR, 9141
 BRIAN L. MELVIN, 5139
 STACEY MERSEL, 0756
 JOSHUA J. MICKEL, 3178
 DENNIS C. MILLER, 1137
 STEPHEN A. MILLER, 7400
 SANDRA J. MIRACLE, 4725
 PATRICIA T. MITROWSKI, 5667
 MATTHEW E. MOHRMAN, 4547
 RICHARD D. MOLLOY, 0842
 SIMONE S. MONTGOMERY, 8016
 JEFFREY R. MORGAN, 4284
 CLIFFORD W. MORRIS, 7103
 ADAM B. MORRISON, 2869
 HEATHER L. MORRISON, 0099
 PHILIP J. MOTSAI, 6565
 CHRISTOPHER F. MURRAY, 4743
 BETH A. NAFF, 3700
 MICHAEL F. NASITKA, 8559
 PRINCE A. NEAL, 0117
 TIMOTHY M. NEWTON, 4113
 JEFFREY W. NOVAK, 2743
 JEFFREY W. NOYES, 6195
 MICHAEL S. OBAR, 6641
 ANNE J. ODEGAARD, 6822
 CHRISTOPHER T. ONEILL, 7669
 KELLY L. OSBORNE, 7103
 LOUIE C. PARKS, 8873
 RICHARD D. PETERSEN, 4393
 ROBERT A. PHILLIPS, 9058
 LAWRENCE R. PICCONI, 1231
 OCTAVIA D. POOLE, 4870
 CURTISS C. POTTER, 9432
 ANTHONY P. POWELL, 4821
 DAVID C. PROHASKA, 4825
 GREGORY L. PURVIS, 0958
 ROBERT J. PUTANSU, 2804
 RUDYARD K. QUIACHON, 3745
 KEVIN P. QUILLIAM, 5733
 JOSE A. QUINONESQUINTANA, 7182
 CHRISTOPHER B. RANDOLPH, 0215
 MICHAEL G. REAGAN, 2005
 DANA B. REID, 0438
 JACK E. ROBINSON, 4078
 STEPHEN A. RONCONE, 3587
 GREGORY C. ROTHROCK, 1079
 TRACY L. ROYCE, 5206
 JASON H. RYAN, 8832
 DOMINIQUE T. SAMONTE, 8907
 LUIS C. SANDOVAL, 4089
 BERNARD J. SANDY, 9981
 JOHN A. SCHUTZENHOFER, 9442
 HILLIARD W. SEAMANS, 6353
 ROBYN A. SHAVERS, 4944
 TOM W. SHELTON, 6951
 LEONARD W. SHELTRY, 0373
 DALE V. SHEPARDSON, 6033
 GERALD D. SLATER, 1237
 MARTIN L. SMITH, 3149
 PATRICK R. SMITH, 1087
 ROBERT W. SMYTH, 5640
 DAVID C. SOCCI, 3701
 GARY J. SPONHOLZ, 1240
 PATRICIA J. SPRINGER, 4145
 SAM C. STEVENS, 9548
 JESSE L. STEVENSON, 1097
 GLENN D. STOCKS, 4063
 MARK W. STOEBBAUER, 9258
 ERIC J. STORCH, 7321
 KEVIN J. SULLIVAN, 7605
 THOMAS P. SULLIVAN, 4261
 JEFFREY S. SWANSON, 6256
 MICHAEL G. TAPPE, 2964
 JASON P. TAMA, 2165
 ROXANNE TAMEZ, 0200
 GREGORY L. THOMAS, 0621
 WENDY M. TOMKO, 9850
 KARRIE C. TREBBE, 6477
 STEVEN J. TUCKER, 3461
 MARK W. TURNER, 6053
 KEVIN C. ULLRICH, 1524
 PETER R. VANNESS, 0501
 ROBERT B. VILLACRES, 7642
 BRUCE WALKER, 6764
 JOHN D. WALLINGTON, 5800
 MARK B. WALLSH, 2890
 MICHAEL R. WASHBURN, 4428
 BRIAN D. WAZLAVEK, 2956
 SCOTT K. WETTER, 2351
 GLENN E. WHITLOW, 8308
 MICHAEL A. WILFORD, 3444
 ERIC A. WILLIAMS, 4939
 JOHN A. WILLIAMS, 9412
 JAMES A. WILLIAMSON, 0566
 PAUL H. WISNIEWSKI, 3391
 JEFFERY L. WOLFE, 3509
 GREGORY S. WOOD, 6872
 JASON K. WOOLCOTT, 4226
 CRAIG A. WYATT, 8728
 JAMES T. ZAWROTNY, 6905
 JOSEPH M. ZWACK, 5803

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DONNA LURLINE WOOLF, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

NANCY E. ABELLA, OF CONNECTICUT
 JOHN ALOIA, OF NEW JERSEY
 ALEXANDER NEVILLE AVE LALLEMANT, OF TEXAS
 KAY GILBRECH BARTON, OF TEXAS
 DENA D. BROWNLOW, OF THE DISTRICT OF COLUMBIA
 CATHLEEN ELIZABETH CAROTHERS, OF KANSAS
 CHARLES GARDNER CHANDLER IV, OF TEXAS
 PETER THOMPSON CHISHOLM, OF FLORIDA
 DEREK SHANE CHRISTENSEN, OF CALIFORNIA
 AMANDA BETH CRONKHITE, OF NEW YORK
 MONICA LYN CUMMINGS, OF CALIFORNIA
 EVAN TAIT FELSING, OF CALIFORNIA
 LI GONG, OF VIRGINIA
 GLENN JAMES GUIMOND, OF CALIFORNIA
 KENT C. HEALY, OF CONNECTICUT
 NICHOLAS J. HILGERT III, OF VIRGINIA
 JOHN J. HILLMEYER, OF MISSOURI
 CHARLES DAVID HILLON, OF VIRGINIA
 DARREN WILLIAM HULTMAN, OF CALIFORNIA
 DEBRA IRENE JOHNSON, OF VIRGINIA
 DANA MICHELE LINNET, OF CALIFORNIA
 STELLA C. LUTTER, OF FLORIDA
 DARRYN A. MARTIN, OF VIRGINIA
 KATHERINE MARIE MCGOWEN, OF ALASKA
 RANDALL TODD MERIDETH, OF MINNESOTA
 SUSAN MICHELLE MEYER, OF NEBRASKA
 SARA LILLI MICHAEL, OF CALIFORNIA
 MATTHEW CHRISTIAN MILLER, OF VIRGINIA
 KIMBERLY A. MURPHY, OF FLORIDA
 HECTOR NAVA, OF TEXAS
 HEATHER LYNN NOSS, OF CALIFORNIA
 MATTHEW E. O'CONNOR, OF TEXAS
 CHRISTOPHER JAMES PANICO, OF CONNECTICUT
 JOHN BENTON PARKER, OF FLORIDA
 SCOTT R. RIEDMANN, OF OHIO
 HUGO F. RODRIGUEZ JR., OF VIRGINIA
 STEPHEN I. RUKEN, OF TEXAS
 EDWIN S. SAEGER, OF MARYLAND
 NOMI E. SELTZER, OF NEW YORK
 MATTHEW DAVID SMITH, OF NEW HAMPSHIRE
 JULIE A. STINEHART, OF WYOMING
 MICHAEL D. SWENERT, OF CALIFORNIA
 CATHERINE ELIZABETH SWET, OF WASHINGTON
 MICHAEL DAVID TOYRYLA, OF CALIFORNIA
 NIKOLAS MICHAEL TRENDOWSKI, OF MICHIGAN
 SETH H. VAUGHN, OF NEW YORK
 LUCIA CLELIA VERRIER, OF NEW HAMPSHIRE

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

BRENT E. OMDAHL, OF TEXAS

DEPARTMENT OF STATE

RALPH C. AHLERS, OF THE DISTRICT OF COLUMBIA
 JACOB F. APPLETON, OF THE DISTRICT OF COLUMBIA
 DANIEL VARTAN ARAKELIAN, OF MICHIGAN
 TAMMY MCKUHLKIN BAKER, OF FLORIDA
 REGINA ANNE BATESON, OF CALIFORNIA
 JEFFREY A. BEALS, OF NEW YORK
 KETH B. BEAN, OF NEW JERSEY
 PHILIP M. BEKEMAN, OF MICHIGAN
 MIECZYSLAW P. BODUSZYNSKI, OF CALIFORNIA
 JAMES MICHAEL BONKOWSKI, OF VIRGINIA
 KATHERINE ANNE BRANDING, OF VIRGINIA
 JAMAR PHILLIP BROUSSARD, OF CALIFORNIA
 MARIA DEL ROSARIO RODRIGUEZ-DIAZ BUTCHER, OF WEST VIRGINIA
 ANDREA MICHELLE CAMERON, OF VIRGINIA
 RYAN T. CAMPBELL, OF CALIFORNIA
 VINCENT M. CAMPOS, OF CALIFORNIA
 JOHN L. CANADY, OF FLORIDA
 LAURA ANNE CANSICIO, OF CALIFORNIA
 JARED S. CAPLAN, OF FLORIDA
 KENNETH PATRICK CHAVEZ, OF TEXAS
 MATT BUTLER CHESSEN, OF CALIFORNIA
 GRACE H. CHOI, OF CALIFORNIA
 JOHN CHOI, OF CALIFORNIA
 RYAN P. COOPER, OF VIRGINIA
 ROBERT J. DAHLKE, OF MARYLAND
 DANIEL A. DAVILA, OF TEXAS
 DANIEL KENNETH DELK JR., OF GEORGIA
 DAVID S. FELDMANN, OF MARYLAND
 KARA VAN DE CARR FRENCH, OF LOUISIANA
 BRIAN MICHAEL FRERE, OF FLORIDA
 DANIEL C. GEDACHT, OF MASSACHUSETTS
 LEON W. GENDIN, OF FLORIDA
 TONYA WOYTOWICH GENDIN, OF FLORIDA
 KEVIN EDWARD GONZALES, OF MARYLAND
 NATHAN S. HALAT, OF NEW YORK
 STEPHANIE LYNE HALLETT, OF FLORIDA
 THOMAS EDWARD HAMMANG JR., OF TEXAS
 MICHELLE F. HARRIS, OF PUERTO RICO
 BRIAN B. HIMMELSTEIN, OF NEW JERSEY
 ARIEL N. HOWARD, OF LOUISIANA
 DOUGLAS M. HOYT, OF THE DISTRICT OF COLUMBIA
 MARGARET E. HSIANG, OF NEW JERSEY

BONNIE LEE HUNTER, OF VIRGINIA
 ANTOINETTE CHRISTINE HURTADO, OF CALIFORNIA
 ANNA SUNSHINE ISON, OF NORTH CAROLINA
 MARY BETH KEANE, OF VIRGINIA
 TERI L. KEAS, OF KANSAS
 REBECCA N. KINYON, OF NEW YORK
 HOLLY ANN KIRKING, OF WISCONSIN
 PAYTON LUCAS KNOPF, OF THE DISTRICT OF COLUMBIA
 TOMIKA KONDI, OF MARYLAND
 RACHNA SACHDEVA KORHONEN, OF NEW JERSEY
 MOLLY RUTLEDGE KOSCINA, OF WASHINGTON
 JON A. LARSEN, OF OREGON
 ELIZABETH M. LAWRENCE, OF ILLINOIS
 ANNIE S. LEE, OF CALIFORNIA
 THERESA LOONG, OF NEW YORK
 ANITA LYSSIKATOS, OF NEW HAMPSHIRE
 PATRICK M. MACKIN, OF VIRGINIA
 MICHAEL A. MAZZOCCO, OF VIRGINIA
 TIMOTHY RAY MCGOWAN, OF VIRGINIA
 SEAN J. MCINTOSH, OF NEW YORK
 DANIEL L. MCMANUS, OF FLORIDA
 LIUDMILA MILLMAN, OF VIRGINIA
 MOLLY C. MONTGOMERY, OF OREGON
 JESSICA NICOLE MUNSON, OF MINNESOTA
 CHAD R. NORBERG, OF FLORIDA
 MARY JANE O'BRIEN, OF VIRGINIA
 SADIE MARIE OKOKO, OF MARYLAND
 ANGELA P. PAN, OF CALIFORNIA
 SETH L.P. PATCH, OF MASSACHUSETTS
 CHARLOTTE AUDREY POLONCSIK, OF VIRGINIA
 SHANNON D. QUINN, OF FLORIDA
 T. CLIFFORD REED, OF TEXAS
 KYLE RICHARDSON, OF IOWA
 SUSAN JEAN RIGGS, OF VIRGINIA
 JOHN THOMAS RIVERA-DIRKS, OF NEW MEXICO
 GREGG ALLEN ROBERTS, OF VIRGINIA
 BRENDA C. RUTH, OF COLORADO
 STETSON A. SANDERS, OF THE DISTRICT OF COLUMBIA
 SHIGH LUKE SAPP, OF CALIFORNIA
 CAROLINE SAVAGE, OF WISCONSIN
 ADDIE B. SCHROEDER, OF KANSAS
 JEFFREY A. SHELSTAD, OF VIRGINIA
 DANIEL E. SLUSHER, OF KANSAS
 BRIAN T. SMITH, OF INDIANA
 DEBORAH BUDDINGTON SMITH, OF CONNECTICUT
 TASHAWNA S. SMITH, OF NEW JERSEY
 ALYS LOUISE SPENSLEY, OF MINNESOTA
 ANNE MARIE STASZECKI, OF VIRGINIA
 MICHAEL ANTHONY STEVENS, OF FLORIDA
 TERRENCE CLARE STEVENS, OF VIRGINIA
 MICHAEL STEWART, OF OREGON
 NANCY ELIZABETH TALBOT, OF NEW YORK
 MARK HAMILTON THORNBURG, OF THE DISTRICT OF COLUMBIA
 ELAINE H. TIANGCO, OF NEVADA
 DENNIS DEAN TIDWELL, OF TENNESSEE
 KEVIN J. TIERNEY, OF VIRGINIA
 MICHAEL J. TRAN, OF KANSAS
 TINA TRAN, OF OKLAHOMA
 IAN ADAM TURNER, OF MARYLAND
 LINNISA JOYA WAHID, OF MARYLAND
 SUSAN F. WALKER, OF VIRGINIA
 MARK ALLEN WEED, OF VIRGINIA
 TONIA N. WEIK, OF TEXAS
 APRIL S. WELLS, OF ALABAMA
 RUSSELL J. WESTERGARD, OF UTAH
 DAVID L. WYCHE, OF PENNSYLVANIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

LISA BOBBIE SCHREIBER-HUGHES, OF PENNSYLVANIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

CYNTHIA A. HALEY, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

DIANA J. HABERLACK, OF WASHINGTON
 MICAH L. WATSON, OF MARYLAND

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

JOHN F. CORONADO, OF CALIFORNIA
 MARK C. O'GRADY, OF MARYLAND

DEPARTMENT OF STATE

SARAH AHMED, OF NEW YORK
 JOHN STANLEY ANTHONY, OF VIRGINIA
 MARA SUNSHINE ANDERSEN, OF COLORADO
 KAREN ANDRUS, OF TEXAS
 MIRIAM LAILA AWAD, OF TEXAS
 CYNTHIA BALAZS, OF THE DISTRICT OF COLUMBIA
 JARED BANKS, OF MARYLAND

ANNE W. BENJAMINSON, OF CALIFORNIA
 JOHN CHARLES BERGEMANN, OF VIRGINIA
 ONI KAY BLAIR, OF TEXAS
 DOUGLAS E. BLANDFORD, OF MARYLAND
 CECILY R. BREWSTER, OF CALIFORNIA
 KELLY W. BRIMHALL, OF UTAH
 RUSSELL KENNETH BROOKS, OF NEW JERSEY
 FREDERICK E. N. BRUST, OF NEW YORK
 ANDREW A. BUNTROCK, OF THE DISTRICT OF COLUMBIA
 ANIA BURCZYNSKA, OF WASHINGTON
 BRENT BURKMAN, OF VIRGINIA
 BENJAMIN CADE CANAVAN, OF FLORIDA
 DONALD LEROY CARROLL, OF IDAHO
 MARCUS EVAN CARY, OF WASHINGTON
 ANAMIKA CHAKRAVORTY, OF CALIFORNIA
 AKUNNA E. COOK, OF NEW JERSEY
 KIMBERLY COULTER, OF THE DISTRICT OF COLUMBIA
 CHRISTOPHER J. COVA, OF VIRGINIA
 MARIO CRIFO, OF TEXAS
 NIGEL A. DE COSTER, OF VIRGINIA
 JACQUELINE S. DELEY, OF CALIFORNIA
 BRIAN E. DENVER, OF VIRGINIA
 VITO DIPAOLA, OF GEORGIA
 ROBERT F. DOUGHTEN, OF MONTANA
 CAROLINE GRACE DOW, OF PENNSYLVANIA
 TIMOTHY W. DUBOFF, OF VIRGINIA
 ROCHELLE C. EAST, OF CALIFORNIA
 LINDA A. FENTON, OF KANSAS
 ANDREA R. FORD, OF VIRGINIA
 KEVIN M. FORD, OF VIRGINIA
 SCOTT FREEMAN, OF VIRGINIA
 ANDREW S. GRALNEK, OF VIRGINIA
 ELAINE M. FRENCH, OF NEW YORK
 DAVID HARDT GAMBLE JR., OF VIRGINIA
 ALEXANDER C. GAZIS, OF NEW YORK
 SUZANNE L. GORDON, OF MICHIGAN
 KATHERINE ANNE GREELEY, OF CALIFORNIA
 MARY KATHERINE HARDING, OF THE DISTRICT OF COLUMBIA

SCOTT M. HARNEY, OF VIRGINIA
 CHRISTOPHER JAMES HARRIS, OF VIRGINIA
 BARBARA ANN HARRISON, OF ARIZONA
 HOLLY M. HARVEY, OF VIRGINIA
 ROBERT H. HELTON III, OF VIRGINIA
 GARY A. HERMAN, OF VIRGINIA
 MARLA J. HEXTER, OF MASSACHUSETTS
 PATRICK J. HICKER, OF VIRGINIA
 BRIAN R. HILLBERRY, OF WEST VIRGINIA
 MARCUS A. HIRSCH, OF VIRGINIA
 PHUONG THAO THANH HONG, OF WASHINGTON
 CHRISTOPHER DREW HOSTER, OF OREGON
 KAREN W. HSIAO, OF UTAH
 RODNEY M. HUNTER, OF INDIANA
 HEATHER LYNN JAMBROSIC, OF VIRGINIA
 DONALD S. JONES, OF VIRGINIA
 PAUL IVAN JUKIC, OF OHIO
 HEATHER E. KALMBACH, OF PENNSYLVANIA
 SEAN PETER KANUCK, OF VIRGINIA
 ASHISH KATKAR, OF VIRGINIA
 YOLANDA Y. KERNEY, OF THE DISTRICT OF COLUMBIA
 SHARON S. KETCHUM, OF ARIZONA
 ANN MOONJU KIM, OF CALIFORNIA
 KRISTIN LOUISE KNEEDLER, OF MARYLAND
 DANIEL DAVID KOSKI, OF ILLINOIS
 KENNETH A. KRESSE, OF VIRGINIA
 BONNIE DEE LANGENDORFER, OF VIRGINIA
 BRIAN E. KRESSIN, OF THE DISTRICT OF COLUMBIA
 L. DALE LAWTON, OF NEVADA
 ANDREW T. LEE, OF CALIFORNIA
 BENJAMIN A. LE ROY, OF CALIFORNIA
 JOHN LOMBARD, OF VIRGINIA
 BRYAN P. LOPEZ, OF VIRGINIA
 EDWARD PAUL LUCHESSI, OF CALIFORNIA
 TODD HARRY LUNDGREN, OF WASHINGTON
 KIMBERLY A. LY, OF CALIFORNIA
 MATTHEW M. MARLOWE, OF VIRGINIA
 LA TRANDA SHONTPELL MARTIN, OF GEORGIA
 LISA R. MCCUMBER, OF TEXAS
 STACEY DAWN MCDONALD, OF WEST VIRGINIA
 COLIN C. MCDUFFIE, OF VIRGINIA
 AMY MEDEIROS, OF VIRGINIA
 JESSICA MEGILL, OF CALIFORNIA
 DAVID C. METZLER, OF VIRGINIA
 JOHN C. MOOR, OF TEXAS
 GREGORY L. NAARDEN, OF TEXAS
 CHERYL L. NEELY, OF TENNESSEE
 MICHAEL THOMAS NESTOR, OF VIRGINIA
 LONG THUY NGUYEN, OF CALIFORNIA
 MARTHA A. NICHOLSON, OF VIRGINIA
 LIAM J. O'FLANAGAN, OF NEW YORK
 MELINDA M. PAVEK, OF MINNESOTA
 RAIMONDS PAVLOVSKIS, OF NEW YORK
 JOHN C. PERNICK, OF VIRGINIA
 PAUL W. PIATKOWSKI, OF PENNSYLVANIA
 WYNN S. PINKSTON, OF VIRGINIA
 FRANCISCO PINOL, OF VIRGINIA
 KRISTYNA L. RABASSA, OF MICHIGAN
 ANNA RADIVILOVA, OF CALIFORNIA
 BRIAN A. RAYMOND, OF MARYLAND
 CHRISTIAN W. REDMER, OF TENNESSEE
 ZEBBA REYAZUDDIN, OF THE DISTRICT OF COLUMBIA
 CORRIE H. ROBB, OF CALIFORNIA
 RANDALL ARTHUR ROBINSON, OF FLORIDA
 SARAH ROTH, OF VIRGINIA
 LAURA KAY RUOG, OF VIRGINIA
 KIMBERLY A. RUSSELL, OF PENNSYLVANIA
 DOVAS ALGIS SAULYS, OF ILLINOIS
 LEAH F. SCHAENDLBAUER, OF VIRGINIA
 JODY K. SILVER, OF TEXAS
 SUSAN K. SILVER, OF VIRGINIA
 MORDICA M. SIMPSON, OF VIRGINIA
 SRI LYNN SITTON, OF FLORIDA
 DAVID R. SMITH, OF VIRGINIA
 DEE ANNA SMITH, OF THE DISTRICT OF COLUMBIA
 ROBIN DIANE SOLOMON, OF TEXAS
 ERICA LEIGH STILLWELL, OF FLORIDA
 M. VICTORIA STURDIVANT, OF GEORGIA

KRISTA D. TACEY, OF TEXAS
 JAMES D. TELFER, OF VIRGINIA
 YODCHIWAN DEW TIAN-TAWACH, OF OREGON
 MATTHEW A. TOLLIVER, OF FLORIDA
 JESSICA MARIE TORRES, OF FLORIDA
 ERIC TURNER, OF VIRGINIA
 RICHARD J. TYLER, OF VIRGINIA
 ANDREW VADEN, OF TEXAS
 JENNIFER R. VAN TRUMP, OF CALIFORNIA
 RAJEEV M. WADHWANI, OF THE DISTRICT OF COLUMBIA
 PETER G. WARMKA, OF FLORIDA
 CARL THOMAS WATSON, OF NEW YORK
 GINA M. WERTH, OF NEVADA
 DIANNE KAYE WEST, OF SOUTH DAKOTA
 ALEXANDER E. L. WHITTINGTON, OF TEXAS
 SCOTT R. WILLIAMS, OF VIRGINIA
 ALLISON YEZRLI, OF THE DISTRICT OF COLUMBIA
 CHRISTINE M. YORK, OF VIRGINIA
 JONATHAN E. YOUNG, OF VIRGINIA
 SARA SHIRLEY YUN, OF VIRGINIA
 ELISABETH F. ZENTOS, OF OHIO

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE INTERNATIONAL BROADCASTING BUREAU FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

WILFORD H. COOPER, OF VIRGINIA
 WALTER D. PATTERSON, OF SOUTH CAROLINA

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL VINCENT E. BOLES, 8885
 BRIGADIER GENERAL THOMAS P. BOSTICK, 9680
 BRIGADIER GENERAL HOWARD B. BROMBERG, 2959
 BRIGADIER GENERAL SEAN J. BYRNE, 2057
 BRIGADIER GENERAL CHARLES A. CARTWRIGHT, 2898
 BRIGADIER GENERAL THOMAS R. CSRNKO, 1332
 BRIGADIER GENERAL JOHN DEFREITAS III, 7924
 BRIGADIER GENERAL ROBERT E. DURBIN, 9354
 BRIGADIER GENERAL DAVID A. FASTABEND, 5081
 BRIGADIER GENERAL CHARLES W. FLETCHER JR., 4165
 BRIGADIER GENERAL DANIEL A. HAHN, 0301
 BRIGADIER GENERAL RHETT A. HERNANDEZ, 7009
 BRIGADIER GENERAL MARK P. HERTLING, 3917
 BRIGADIER GENERAL JAY W. HOOD, 6271
 BRIGADIER GENERAL CHARLES H. LUTFE JR., 3627
 BRIGADIER GENERAL JEROME JOHNSON, 6280
 BRIGADIER GENERAL GARY M. JONES, 0483
 BRIGADIER GENERAL WILLIAM M. LENAERS, 8865
 BRIGADIER GENERAL DOUGLAS E. LUTFE, 2999
 BRIGADIER GENERAL JAMES R. MYLES, 2299
 BRIGADIER GENERAL ROGER A. NADEAU, 8893
 BRIGADIER GENERAL DAVID M. RODRIGUEZ, 1850
 BRIGADIER GENERAL RICHARD J. ROWE JR., 5346
 BRIGADIER GENERAL JEFFREY J. SCHLOSSER, 3460
 BRIGADIER GENERAL JEFFREY A. SORENSON, 3510
 BRIGADIER GENERAL ABRAHAM J. TURNER, 5542
 BRIGADIER GENERAL ROBERT M. WILLIAMS, 6304
 BRIGADIER GENERAL RICHARD P. ZAHNER, 3707

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DONNA L. DACIER, 9272

To be brigadier general

COL. CHARLES K. EBNER, 6011

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JULIA A. KRAUS, 8646

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JAMES O. BARCLAY III, 4493
 COL. DONALD M. CAMPBELL JR., 3215
 COL. DENNIS E. ROGERS, 6273

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

AMY V. DUNNING, 0523

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL AKSELERUD, 4776

THE JUDICIARY

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.

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.

CONFIRMATION

Executive Nomination Confirmed by the Senate November 16, 2004:

DEPARTMENT OF DEFENSE

FRANCIS J. HARVEY, OF CALIFORNIA, TO BE SECRETARY OF THE ARMY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE AND DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWALS

Executive message transmitted by the President to the Senate on Novem-

ber 16, 2004, withdrawing from further Senate consideration the following nominations:

ANN C. ROSENTHAL, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2003, WHICH WAS SENT TO THE SENATE ON JUNE 12, 2003.

ANN C. ROSENTHAL, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2006, WHICH WAS SENT TO THE SENATE ON JUNE 12, 2003.

LAWRENCE T. DI RITA, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF DEFENSE, WHICH WAS SENT TO THE SENATE ON NOVEMBER 21, 2003.