

emergency in the future. That emergency could well be the avian flu pandemic. Let us not be caught unaware. While there is no guarantee that this will occur this winter, next winter, or even the year after that, scientists tell us that it is only a matter of time, and we should use that time to build our stockpiles of vaccines and medicines, and to support global initiatives to help prevent the spread of the disease through containment strategies and alerts.

Although the avian flu does not yet transmit from human to human, this type of virus is capable of rapidly mutating and becoming highly infectious among people. With the seasonal flu season approaching, the risk of a human strain emerging increases, as the opportunity for the virus to drift among species and mutate is augmented. If a pandemic ensued, the threat would obviously not be distributed evenly across the population. The young and elderly would be at most risk, as would immunocompromised people and people suffering from malnutrition and inadequate basic health services. We know this, we are aware of the problems, and we must take action to ensure the health and safety of the most vulnerable. Guaranteeing safety means taking responsibility for all of our communities' responses and plans.

I am pleased that I was able to join many of my colleagues in sending a letter to President Bush on October 4, 2005, that urged the administration to release a finalized Pandemic Influenza Response and Preparedness Plan, which the World Health Organization has deemed essential to planning a strategy in the case of a global pandemic. I am eagerly waiting for this plan to be released, as I believe it is of extreme importance to the American people. I am also pleased that the Senate approved a measure to add \$3.9 billion to the Defense Department's budget for the purchase of vaccines and medicines to treat avian flu, and I hope to see the House agree to this in conference. This was an important measure to help prepare Americans, particularly those most vulnerable, against the ravages of a fatal disease.

While we do not know when or where this pandemic may develop, we must work to prepare now.

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

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

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

#### REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 12938 WITH RESPECT TO THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION—PM 28

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the emergency posed by the proliferation of weapons of mass destruction and their means of delivery declared by Executive Order 12938 on November 14, 1994, as amended, is to continue in effect beyond November 14, 2005. The most recent notice continuing this emergency was signed on November 4, 2004, and published in the *Federal Register* on November 8, 2004 (69 FR 64637).

Because the proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, I have determined the national emergency previously declared must continue in effect beyond November 14, 2005.

GEORGE W. BUSH.  
THE WHITE HOUSE, October 25, 2005.

#### MESSAGE FROM THE HOUSE

#### ENROLLED BILL SIGNED

At 1:09 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 397. An act to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3894. To provide for waivers under certain housing assistance programs of the De-

partment of Housing and Urban Development to assist victims of Hurricane Katrina and Hurricane Rita in obtaining housing; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3895. To amend title V of the Housing Act of 1949 to provide rural housing assistance to families affected by Hurricane Katrina or Hurricane Rita; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3896. To temporarily suspend, for communities affected by Hurricane Katrina or Hurricane Rita, certain requirements under the community development block grant program; to the Committee on Banking, Housing, and Urban Affairs.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2123. An act to reauthorize the Head Start Act to improve the school readiness of disadvantaged children, and for other purposes.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 25, 2005, she had presented to the President of the United States the following enrolled bill:

S. 397. An act to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

#### 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-4377. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the report of a Program Acquisition Unit Cost (PAUC) Breach relative to the National Polar-orbiting Operational Environmental Satellite System; to the Committee on Armed Services.

EC-4378. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General John W. Rosa, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-4379. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a consolidated report of the Administration's processing of continuing disability reviews for fiscal year 2004; to the Committee on Finance.

EC-4380. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004" (Notice 2005-71) received on October 18, 2005; to the Committee on Finance.

EC-4381. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—August 2005" (Rev. Rul. 2005-69) received on October 18, 2005; to the Committee on Finance.

EC-4382. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Deemed Duration of Marriage for Widows/Widowers and Removal of Restriction on Benefits to Children of Military Parents Overseas" (RIN0960-AG23) received on October 18, 2005; to the Committee on Finance.

EC-4383. A communication from the Director, Regulations and Disclosure Law Division, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material from the Pre-Hispanic Cultures of the Republic of Nicaragua" (RIN1505-AB61) received on October 18, 2005; to the Committee on Finance.

EC-4384. A communication from the National President, Women's Army Corps Veterans' Association, transmitting, pursuant to law, a report of the Association's financial statements for the year ended June 30, 2005; to the Committee on the Judiciary.

EC-4385. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Red Hill Douglas County, Oregon Viticultural Area" (RIN1513-AA39) received on October 18, 2005; to the Committee on the Judiciary.

EC-4386. A communication from the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Dos Rios Viticultural Area" (RIN1513-AA95) received on October 18, 2005; to the Committee on the Judiciary.

EC-4387. A communication from the Attorney Advisor, National Highway Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on October 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4388. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Provisions for Claiming the Benefit of a Provisional Application with a Non-English Specification and Other Miscellaneous Matters" (RIN0651-AB85) received on October 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4389. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of \$100,000,000 or more to Japan (technical data, defense services and hardware related to the sale and inspection of U-125A aircraft); to the Committee on Foreign Relations.

EC-4390. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of \$100,000,000 or more to Japan (design, production and launch of the BSAT-3a commercial communications satellite); to the Committee on Foreign Relations.

EC-4391. A communication from the Acting Assistant Secretary for Legislative Affairs,

Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of \$100,000,000 or more to Sea Launch Company LLC and the Boeing Company (JCSAT 9); to the Committee on Foreign Relations.

EC-4392. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of \$72,000,000 or more to Japan (Evolved SeaSparrow Missile); to the Committee on Foreign Relations.

EC-4393. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the dollar value of articles, materials, and supplies purchased by the United States Department of State that were manufactured outside of the United States; to the Committee on Foreign Relations.

EC-4394. A communication from the Director of Finance and Administration, Delta Regional Authority, transmitting, pursuant to law, the Authority's Audited Financial Statements for Fiscal Year 2004; to the Committee on Environment and Public Works.

EC-4395. A communication from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting, a report of proposed legislation relative to the Civil Works program of the Army Corps of Engineers; to the Committee on Environment and Public Works.

EC-4396. A communication from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting, pursuant to law, a report recommending authorization of the project for ecosystem restoration, Denver County Reach, South Platte River, Denver, Colorado; to the Committee on Environment and Public Works.

EC-4397. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Redesignation of City of New Haven PM10 Non-attainment Area to Attainment and Approval of the Limited Maintenance Plan" (FRL7979-8) received on October 18, 2005; to the Committee on Environment and Public Works.

EC-4398. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Visible and Particulate Emissions from Glass Melting Facilities" (FRL7984-7) received on October 18, 2005; to the Committee on Environment and Public Works.

EC-4399. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of VOC from AIM Coatings" (FRL7984-6) received on October 18, 2005; to the Committee on Environment and Public Works.

EC-4400. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

"Approval and Promulgation of Implementation Plans; Texas; Speed Limits Local Measure for the Dallas/Fort Worth Ozone Non-attainment Area" (FRL7982-1) received on October 18, 2005; to the Committee on Environment and Public Works.

EC-4401. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Maintenance Plan Revisions; Wisconsin" (FRL7974-4) received on October 18, 2005; to the Committee on Environment and Public Works.

EC-4402. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Monterey Bay United Air Pollution Control District" (FRL7975-1) received on October 18, 2005; to the Committee on Environment and Public Works.

EC-4403. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "TSCA Inventory Update Reporting Partially Exempted Chemicals List; Addition of 1,2,3-Propanetriol" (FRL7715-2) received on October 18, 2005; to the Committee on Environment and Public Works.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRASSLEY for the Committee on Finance.

\*Franklin L. Lavin, of Ohio, to be Under Secretary of Commerce for International Trade.

\*Clay Lowery, of Virginia, to be a Deputy Under Secretary of the Treasury.

\*James S. Halpern, of the District of Columbia, to be a Judge of the United States Tax Court for a term of fifteen years.

\*Karan K. Bhatia, of Maryland, to be Deputy United States Trade Representative, with the Rank of Ambassador.

\*Susan C. Schwab, of Maryland, to be a Deputy United States Trade Representative, with the rank of Ambassador.

By Mr. LUGAR for the Committee on Foreign Relations.

\*C. Boyden Gray, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador.

Nominee: Clayland Boyden Gray.  
Post: U.S. Ambassador to the European Union.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:  
1. Self: 1,000.00, 01/22/01, Collins for Senate (2002-P); 1,000.00, 05/03/01, Friends of Connie Morella (2002-P); 10,000.00, 05/11/01, National Republican Senatorial Committee; 1,000.00, 05/21/01, Bob Smith for Senate (2002-P); 1,000.00, 06/13/01, Voinovich for Senate (2004-P); 4,000.00, 06/13/01, The 2001 President's Dinner (1/2 NRSC and 1/2 NRCC); 1,000.00, 06/15/01, Senator John Warner Committee (2002-P); 1,000.00, 06/26/01, Lindsey Graham for Senate (2002-P); 500.00, 07/09/01, Friends of Max Baucus (2002-P); 1,000.00, 07/13/01, Inhofe for Senate (2002-P); 1,000.00, 09/11/01, Texas Freedom