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## Senate

The Senate met at 10 a.m. 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 Lord God, our helper and friend, set up Your throne in our hearts today and rule our spirits. Banish every evil emotion and desire. Direct our minds and thoughts to those things that are true, noble, just, pure, and praiseworthy.

Guide our lawmakers with Your might. Govern their actions so that they will live with integrity. Control their speech so that they will speak the truth with civility, humility, and moderation.

Help us all to so live that we may not be ashamed at Your appearance. And Lord, we also ask You to be near Dr. Richard Smalley, a Nobel Laureate, who is very ill.

All this we ask for Your love's sake. 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.

### 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, with Senators permitted to speak therein for up to 10 minutes.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, this morning we will have a period of morning business which will allow Senators to come to the floor to make statements. I announced last night that there would be no votes today, and I do not anticipate a lengthy session. We expect to consider some executive nominations over the course of the morning, and we also will be able to consider any other cleared legislative items before closing.

On Monday, under our order from last night, we will begin consideration of the deficit reduction bill. I will have a few comments on that shortly. That bill does have a statutory 20-hour time limit, and we now have an order which divides that time over the course of Monday. Also, we have set out a time for Tuesday and Wednesday of this coming week. We will not have any votes during Monday's session, but Senators can expect a very busy week on that deficit reduction package. I will have more to say about the course of next week later today and will outline the voting schedule, as we know it, a little bit later this morning.

I congratulate, once again, Chairman SPECTER and Senator HARKIN for completing the work on the Labor-HHS appropriations bill last night. That was the final of our 12 appropriations bills to be considered by the Senate. Senator COCHRAN has done a tremendous job throughout the appropriations process, and we thank him for his efforts and his committee members for shepherding the bills through.

### RECONCILIATION

Mr. FRIST. Mr. President, on Monday we begin consideration of the def-

icit reduction bill, a bill that goes by the title of a reconciliation bill. Indeed, it has been 8 years since we have addressed spending on a reconciliation bill, a critically important bill. It may well be the most important piece of fiscal legislation we will debate. I fully expect it will be enacted this year. For those who may watch this debate, I should be clear that the bill we will debate is focused on one piece of the Federal budget, not the entire Federal budget. It is, however, a major piece of the budget, mandatory spending. That word "mandatory," sometimes referred to as entitlement spending, represents about \$1.4 trillion or 56 percent of overall Federal spending this year. It will continue to grow in the future, particularly as that demographic shift occurs, as the baby boomers begin to travel through our system in 2008.

Mandatory spending, entitlement spending, encompasses a whole range of programs familiar to my colleagues—Social Security, Medicare, Medicaid, Federal-civilian military retirement, student loans, TRICARE, foster care, child nutrition, SSI, unemployment insurance, farm price support programs, veterans disability, and the list goes on. If Federal spending is to be controlled—and it absolutely must be controlled—over time, these programs are going to have to be addressed. They are going to have to be reformed.

Over the last 5 years, mandatory entitlement program spending has grown at an annual rate of over 7.1 percent. That is three times faster than the overall growth in our economy. It simply cannot be sustained. The result is a greater share of our national economy's productive capacity, that proportion of our productive capacity, is being shifted toward those programs. We have to find a balance. It is incumbent upon us to do so.

Under the procedures laid out by the Budget Act for considering this deficit reduction legislation that we will have on the floor beginning Monday, Tuesday, Wednesday, and Thursday of next

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



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week, Social Security, which is the largest of these mandatory programs, is set aside. It cannot, nor should it be, considered in this legislation. It cannot be. So realistically, the universe of Federal spending that we will be dealing with over the next week is limited to 33 percent or about a third of all Federal spending. That is where the focus will be.

The deficit reduction legislation we will be considering over the week is the culmination of a process that began in February, when the President gave us his budget. The President's budget included proposals to reduce the Federal deficit over the next 5 years by slowing the growth in Federal spending in this area of the Federal budget. Again, of the overall Federal budget, we are talking about a third of it that we will be addressing. The President's budget came over and said: We are going to slow that spending growth by \$26 billion.

The congressional budget resolution we adopted back in April similarly agreed that slowing that growth—and there is still going to be growth—in mandatory spending was an essential part of achieving not only deficit reduction but, not unrelated, being able to sustain economic growth. We want to achieve deficit reduction, but we want to be able to sustain economic growth. So to accomplish that goal, our 2006 budget laid out a process that has not been used in about 8 years. I believe it was in 1997 that we last had a spending deficit reduction package, a reconciliation process used on the spending side of the equation. It has been 8 years since we have used this process.

The budget we adopted directed eight authorizing committees in the Senate and in the House to make changes in laws within their jurisdiction to achieve a total of \$34.7 billion in savings over the next 5 years. That is what the budget told those eight authorizing committees to come up with. Subsequent to passage of our budget in the spring, we have had big, unanticipated spending demands that resulted from the worst hurricane season in the Nation's history. All of that placed added attention on spending and on Government spending. We responded to that appropriately, in a bipartisan way, by agreeing to delay consideration of the reconciliation process in early September so that we could focus on hurricane response and on the demands and on what the people who have been so directly affected by those hurricanes deserve. We have addressed the needs of the gulf coast families affected by the storms. We continue to address them. We did, indeed, in legislation last night. We will continue to do so in the future.

Indeed, within this reconciliation legislation, while at the same time meeting the goal of deficit reduction, we do so while also providing the needed medical attention, the education attention, and other Government bene-

fits to the victims of those hurricanes. We also recognize that because of the additional spending demands being placed on the Federal Government, we needed to do more in terms of deficit reduction itself, the deficit reduction we defined pre-Katrina, that we did need to do more.

In late September, I, along with the chairman of the Budget Committee, wrote to the chairmen and ranking members of the eight reconciled committees, the committees that will be responding with their proposals next week, asking them each to consider how they could come up with increased savings.

I am proud of the effort put forth by each of these eight committees. They have come forth with specific recommendations. Now that is what we are bringing to the floor of the Senate. They increased deficit reduction by nearly 13 percent so rather than \$35 billion, as required by our initial budget proposal from the early part of this year, the legislation approaches about \$40 billion, just under but almost \$40 billion in savings. I thank and applaud members of the various authorizing committees who have come forth with those increased savings.

I would be remiss if I did not point out that in many instances, the additional savings were accomplished on a bipartisan basis in many of the committees. Forty billion dollars in savings over the next 5 years is less than 2 percent of the \$2.6 trillion in mandatory spending that will occur over the next 5 years. It is tough to accomplish that. We will be debating that over the course of the week. But in truth, it is only 2 percent of the \$2.6 trillion in mandatory spending that is going to occur over the next 5 years.

There will be some who think this legislation does not go far enough to reduce spending. I personally would not disagree. There will be others who will come into my office saying it goes too far. I do disagree with them. Both proponents will have an opportunity, over the course of consideration of the bill, to amend the legislation to achieve whatever their objectives might be. I will be laying out that schedule later today.

Regardless of that debate, no one will deny that this is the first real effort in 8 years to slow down growth in mandatory spending. The chairman of the Budget Committee, Senator GREGG, and the ranking member, and the eight reconciled committees are to be congratulated for making the tough and difficult decisions they had to in bringing this bill to the Senate floor.

Finally, in balancing deficit reduction with all of the other demands that come to this body, the committees were careful not to place the burden of deficit reduction on the most vulnerable in our society. As a member of the HELP Committee, I personally thank Chairman ENZI and Ranking Member KENNEDY for meeting their deficit reduction requirement, while at the same

time providing a 10-percent increase in average grants to low-income students, with additional assistance for those students working toward a degree in math, science, engineering, and technology. While that committee achieved over \$16 billion in deficit reduction by eliminating banker and lender windfalls and special payments, it redirected some of those savings toward needy students.

Similarly, the Finance Committee, in meeting its instruction to achieve \$10 billion in deficit reduction, was able to redirect additional savings toward providing such things as \$1.9 billion to Medicaid recipients in the Gulf Coast States, nearly \$1 billion to expand Medicaid benefits to severely disabled children through the Family Opportunity Act, nearly \$100 million for the SCHIP program, and extension of expiring provisions that will provide over \$200 million to rural hospitals and sole community centers.

Another committee, the Commerce Committee, was able to direct a portion of its deficit reduction savings toward implementing E-9-1-1 emergency services as well as directing \$200 million toward coastal disaster assistance.

All of this is a first good positive step toward real mandatory spending reduction. Additional steps are being taken and will be taken to control the growth in the nonsecurity appropriations as we bring the 2006 appropriations process to a conclusion over the next couple of weeks as well.

We will apply fiscal discipline through the actions we take these coming weeks and we will continue to promote those policies that protect the needy while at the same time creating jobs and ensuring a growing economy.

Let us work together to keep America moving forward. I look forward to the debate next week and doing just that, working together to keep this country moving in a positive direction.

Mr. President, I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

#### BUDGET RECONCILIATION

Mr. REID. Mr. President, it is not often you see a spotlight shine on the differences between the two parties, between the Democrats and Republicans. This debate is that spotlight. This budget that is attempted to be reconciled is, as I have said on a number of occasions, an immoral budget. It hurts the poor and middle class. It makes all the rewards to those people who are already fat as a result of our system.

The Republican budget is fiscally irresponsible. It sets forth the wrong values and misplaced priorities. President Bush has the worst fiscal record in the Nation's history, taking a surplus when he was elected President from some say

as much as \$7 trillion over 10 years, and to have squandered it in 5 years to where now we have an \$8 trillion deficit. That is a pretty big turnaround. RECORD surpluses we had have been turned into historic deficits. This immoral budget that is attempted to be reconciled will increase the deficits by \$30 billion more.

Following the budget choices made by the Republicans in this budget, in 5 years the deficit will increase to over \$11 trillion from its now \$8 trillion. Simply the wrong choices have been made with this budget.

This Senate reconciliation spending bill makes the wrong choices. It increases the burdens on seniors in a number of ways, not the least of which is increasing Medicare Part B premiums, cuts health care generally by \$27 billion in Medicare and Medicaid cuts, cuts agriculture, cuts support—that is directed at farmers—by \$3 billion.

In my little town of Searchlight, NV, something called the Farmers Home Administration came in and helped build 28 units of senior housing for the poor. They are, frankly, the nicest homes in town. We don't have these programs anymore, but those 28 units in Searchlight only become vacant when someone dies. Once someone gets in there, qualifies to get in there, they are there until they die. There is a waiting list even in the little community of Searchlight. It is so long people no longer even get on the list. But this budget the Republicans are pushing down the throats of the American people reduces availability of affordable housing. There will be no more places such as that in Searchlight. They are cutting that.

But they are going to drill in Alaska. Remember, we cannot produce our way out of the problems we have with energy. America has, counting ANWR, less than 3 percent of the oil reserves in the world—less than 3 percent. But they finally have been able to accomplish under this reconciliation drilling in Alaska, in this pristine wilderness.

I would think the President would be better off looking at alternative energy, giving incentives for people to develop energy from the sun and wind, geothermal, biomass. No, it is not in this budget. More efficient automobiles maybe. Production of natural gas during the last 5 years has been stable. Right now our reserves are the same as they have been for 5 years. But the people controlling oil, these oil and gas companies, are doing well. For someone heating their home with natural gas—and that is almost 50 percent of the American people—the cost will go up 48 percent this year. Maybe the President should spend a little time on that.

This budget provides tax breaks for multimillionaires and special interests. Reconciliation paves the way for budget-busting tax breaks, including capital gains and dividend tax breaks, that will benefit special interests and the

wealthy. Tax breaks exceed spending cuts by more than \$30 billion in this immoral budget. Well over a majority, some 55 percent of the benefits of capital gains and dividends, go to those with incomes of more than \$1 million. The average benefit of these tax breaks for those with incomes of more than \$1 million will be approximately \$36,000. Those people making between \$50,000 and \$200,000 get \$112. Those with incomes under \$50,000 will get \$6—\$6, compared to millionaires getting \$36,000. It doesn't seem quite fair to me.

Is this the reason the leadership of the Protestant churches in this country has called this an immoral budget? It could be one strong reason.

But the House—they haven't been working much lately because they have been trying to figure out how to cut even \$15 billion more. They can't quite get the votes together, but they are going to try again next week. The House plan cutting \$15 billion, we are told, would include more in student loan cuts, food stamp cuts, cuts in child support enforcement and foster care cuts, deeper and more problematic cuts in health care. Other priority reasons in this country should come first. Rather than harming the vulnerable while providing special tax breaks to the rich increasing the deficit, we should address the Nation's most urgent problems.

I have talked about natural gas. That is only one way to heat your home. But gasoline for your car, that is what we should be focusing on. Oil companies this year will make \$100 billion in profits—\$100 billion in profits. I say that is too much. I say it is time this Congress, rather than pushing forward on this immoral budget, should take a look at the immoral and obscene profits these companies are making, maybe take a look at a windfall profits tax or maybe allow the FTC to do something about this price gouging. These rising energy costs are burdening families, businesses, and farmers.

We have said there are programs we need to take a look at. Katrina victims are still victims. We as a Congress have not provided them the help they need.

I haven't even mentioned the war on Iraq we should be spending some time here on the Senate floor talking about.

Can we do better? Yes, America can do better. Have we done better? Yes, America has done better. During the Clinton years—during the last 3 years he was President—we were paying down the debt. We paid down the debt by half a trillion. We were spending less money than we were taking in. Yes, it can be done. And, yes, we are going to spend this next week on this budget that is fiscally irresponsible, giving the Congress direction in values that are wrong. All across this reconciliation are misplaced priorities. We can do much better. We have done better. And again the spotlight shines on the difference between the two parties here as not often seen. But here we will

see it next week, the difference between the two parties.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. I yield back to the leader.

The PRESIDENT pro tempore. The majority leader is recognized.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, very briefly, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 391, 392, 393, 394, 395, 396, 397, 398, 400, 401, 402, 403, 404, 405, 406, 408, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, and all nominations on the Secretary's desk. I further ask unanimous consent the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President immediately be notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The nominations considered and confirmed are as follows:

#### DEPARTMENT OF STATE

David B. Dunn, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Togolese Republic.

Carmen Maria Martinez, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

Michael R. Arietti, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Rwanda.

Benson K. Whitney, of Minnesota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway.

David M. Hale, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

Nicholas F. Taubman, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Susan Rasinski McCaw, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

#### INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Jennifer L. Dorn, of Nebraska, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

#### DEPARTMENT OF COMMERCE

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

## DEPARTMENT OF THE TREASURY

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

## THE JUDICIARY

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

## EXECUTIVE OFFICE OF THE PRESIDENT

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.

## DEPARTMENT OF DEFENSE

William Anderson, of Connecticut, to be an Assistant Secretary of the Air Force.

John G. Grimes, of Virginia, to be an Assistant Secretary of Defense.

## DEPARTMENT OF DEFENSE

John J. Young, Jr., of Virginia, to be Director of Defense Research and Engineering.

Delores M. Etter, of Maryland, to be an Assistant Secretary of the Navy.

## IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. William T. Hobbins, 8417

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. Lance L. Smith, 7660

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Michael W. Peterson, 5177

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

*To be major general*

Brigadier General Eugene R. Chojnacki, 3930  
Brigadier General Kenneth R. Clark, 5408  
Brigadier General David F. Wherley, Jr., 8592  
Brigadier General Harry M. Wyatt, III, 1527

*To be brigadier general*

Colonel William R. Burks, 0223  
Colonel Iwan B. Clontz, 5807  
Colonel Donald E. Fick, 9178  
Colonel David J. Hatley, 7777  
Colonel Kenneth M. Jefferson, 8919  
Colonel Robert H. Johnston, 6655  
Colonel Daniel B. O'Hollaren, 9443  
Colonel Randolph M. Scott, 9448  
Colonel Mark F. Sears, 0235  
Colonel Haywood R. Starling, Jr., 5897  
Colonel Ernest G. Talbert, 1569  
Colonel Lawrence S. Thomas, III, 2749  
Colonel Guy M. Walsh, 5972  
Colonel Elliott W. Worcester, Jr., 8627  
Colonel Robert J. Yaple, 1164

## IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Gen. Burwell B. Bell, III, 7158

The following named officer for appointment in the United States Army to the grade

indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Michael D. Maples, 9508

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*

Colonel Daniel B. Allyn, 6989  
Colonel James C. Boozer, Sr., 1513  
Colonel Ronald M. Bouchard, 7342  
Colonel Mark S. Bowman, 4544  
Colonel Thomas M. Cole, 9526  
Colonel Jesse R. Cross, 6494  
Colonel Kenneth S. Dowd, 7036  
Colonel Michael T. Flynn, 4740  
Colonel William H. Forrester, Jr., 6402  
Colonel William B. Garrett, III, 7276  
Colonel James L. Hodge, 5525  
Colonel Anthony R. Ierardi, 8705  
Colonel John D. Johnson, 8672  
Colonel Greg F. Martin, 8042  
Colonel William C. Mayville, Jr., 1736  
Colonel James M. McDonald, 3211  
Colonel Patricia E. McQuiston, 4806  
Colonel John W. Peabody, 1226  
Colonel David G. Perkins, 8615  
Colonel Dana J.H. Pittard, 4461  
Colonel Joe E. Ramirez, Jr., 1924  
Colonel James E. Rogers, 7358  
Colonel Michael E. Rounds, 6679  
Colonel Frederick S. Rudesheim, 8656  
Colonel Todd T. Semonite, 8702  
Colonel John E. Seward, 0909  
Colonel Robin P. Swan, 6382  
Colonel Anthony J. Tata, 8746  
Colonel Kevin R. Wendel, 0434  
Colonel William T. Wolf, 2298  
Colonel Terry A. Wolff, 8867

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. Thomas D. Robinson, 1193

*To be brigadier general*

Col. Charles D. Estes, 8500  
Col. Ellen P. Greene, 4102  
Col. Luis R. Visot, 5465

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 major general*

Brig. Gen. Michael J. Diamond, 8630

## IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Patrick M. Walsh, 1107

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

## IN THE AIR FORCE

PN961 Air Force nomination of John S. Baxter, which was received by the Senate and appeared in the Congressional Record of October 6, 2005.

## IN THE ARMY

PN962 Army nomination of Jose R. Rael, which was received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN963 Army nominations (2) beginning Suzanne R. Avery, and ending James Fikes, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN964 Army nominations (4) beginning Donna J. Dolan, and ending Deborah F.

Simpson, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN965 Army nominations (21) beginning Paul F. Abbey, and ending Warren A. Williams, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN966 Army nominations (35) beginning Paul S. Astphan, and ending Brinda F. Williams-Morgan, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN967 Army nominations (39) beginning Lynn S. Alsop, and ending Carol L. Zieres, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN968 Army nominations (66) beginning James W. Agnew, and ending David A. Yeropoli, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

## IN THE FOREIGN SERVICE

PN729 Foreign Service nominations (230) beginning Deanna Hanek Abdeen, and ending James M. Lambert, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2005.

## IN THE MARINE CORPS

PN969 Marine Corps nomination of Darren W. Milton, which was received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN970 Marine Corps nominations (77) beginning Christopher J. Aaby, and ending Richard B. Young II, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

## IN THE NAVY

PN971 Navy nomination of William D. Fuson, which was received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN972 Navy nominations (429) beginning Daniel Albrecht, and ending Johnny Won, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

## LEGISLATIVE SESSION

The PRESIDENT pro tempore. The Senate will return to legislative session.

The Senator from Georgia is recognized.

## TRIBUTE TO EARL SMITH

Mr. ISAKSON. Mr. President, I rise in morning business to pay tribute to a great Georgian, a great American, a personal friend of mine, and a great citizen of Cobb County. In about 11 days our county will come together to pay tribute to this great individual and I wanted today on the Senate floor to memorialize for a moment the contributions of Earl Smith. For me it is a particular point of personal pride and it is because Earl Smith has been a role model to me my entire adult life. Quite frankly, I don't know that I would be privileged to serve in the Senate had it not been for his example, his support over 35 years.

I met Earl Smith when he founded the Cobb County Lions Club in the 1960s and led it to be the best club in Georgia. I knew him as a businessman because I was in real estate and he was

in the heating and air conditioning business. He installed new units in houses I sold, serviced them, and built a business to be one of the best in the United States of America.

I know him because when our community was in need of facilities for our young people, Earl Smith took time from his business, raised money, and supported the construction of the East Cobb YMCA, today a shining gem in Georgia.

I know him because when our county was in a significant political disaster with an absence of leadership and faced with unparalleled growth and unparalleled difficulty, Earl Smith volunteered and went and qualified for office, ran and was elected as chairman of the county commission and took a county that had grown from 197,000 to 400,000, and now is almost a million; met the needs of its wastewater treatment; met the needs of its electric power generation; met the needs of its roads and transportation system; and even brought about public transportation to this growing and burgeoning community.

He did it during tough political times, but he did it because he was a man of dedication to his community and a man who never ever quit.

Today, a man who has done all those things—built a great business, served in the civic clubs, worked in his church, built a YMCA, a man in the autumn of his life could do many things on beaches or in the mountains—decided there was one more mission. So he took the lead in raising \$140 million to build the Cobb Energy Performing Arts Center in suburban Atlanta in Cobb County near the Galleria Center, a facility upon which ground was just recently broken, and in less than 2 years will be completed to be the finest urban performing arts center in the United States of America.

So today on the Senate floor, I rise for this brief moment to pay tribute to a man who has given countless hours, countless dollars, countless efforts and all of his being to make his community better.

On November 7, when the community comes together to honor him, if I can't be there in spirit, these words will be there so that he knows not only does his community recognize him, but on this day on the floor of the Senate we pay tribute to Earl Smith of Cobb County, GA.

I yield the floor.

The PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. DORGAN. If the Senator will yield, I ask unanimous consent to be recognized following the presentation by the Senator from South Dakota in morning business for such time as I may consume.

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

The Senator from South Dakota.

#### COUNTRY-OF-ORIGIN LABELING

Mr. JOHNSON. Mr. President, I rise today to discuss an issue over which I am outraged, the continued delay of mandatory country-of-origin labeling and the manner in which this issue has continually been addressed.

Mandatory country-of-origin labeling was authorized in the 2002 farm bill and signed into law by this President. This program is widely supported not only by about 85 percent of our Nation's consumers but also overwhelmingly by our Nation's producers.

This program is not only a consumer right-to-know issue, it is a valuable marketing tool for ranchers and farmers.

During consideration of the fiscal year 2004 Agriculture appropriations measure, the Senate passed a sense of the Senate supporting mandatory country-of-origin labeling, or COOL. The House version of the spending measure included a 1-year delay for meat and meat products.

During closed door consideration of the omnibus spending measure, the Republican House leadership was successful in inserting a 2-year delay for all commodities covered under the mandatory COOL Program with the exception of fish and shellfish.

This secretive, closed-door process was outrageous at that time. The omnibus package was settled behind closed doors, with no input from COOL supporters.

Then, in the fiscal year 2006 Agriculture appropriations bill, the House version included, once again, a 1-year delay for meat and meat products covered under mandatory COOL.

The Senate, speaking in support of a mandatory program, included \$3.1 million for an audit-based compliance program to cover implementation costs. I repeat, a \$3.1 million appropriations for implementation.

This small spending level, which was requested by the Bush administration for program implementation, only served to show how grossly the Department of Agriculture overestimated implementation costs for COOL.

On Tuesday evening, House Republican Chairman BONILLA convened a conference committee on which I serve, meeting on the most recent agricultural spending measure.

For those of us who expected an open discussion on outstanding items, we were sorely and entirely mistaken.

The chairman recessed that meeting subject to the call of the Chair without ever discussing COOL or indicating when we would reconvene.

Instead of an open discussion on this outstanding item, instead of any up-or-down public vote, the chairman simply modified, singlehandedly, language on the final report to include a 2-year delay—behind closed doors yet again, pushing back mandatory implementation, this time until September 30, 2008.

Let me repeat: The Senate Agriculture appropriations bill contained no delay in country-of-origin labeling;

in fact, it included funding for implementation.

The House Agriculture appropriations bill called for a 1-year delay. That happened behind closed doors without the benefit of debate, without the benefit of a vote. The chairman actually inserted language calling for a 2-year delay, kicking this program over into the next farm bill, essentially a do-over on the last 2002 farm bill in which we initially made the law of the land country-of-origin labeling for meat and meat products.

This is truly outrageous. It is the purpose of a conference committee to discuss outstanding items in an open manner, not to change policy in back-room deals, in closed-door discussions in the dead of the night.

What happened on Wednesday was an incredibly corrupt process that failed the American public and failed the political process of our Nation. The chairman chose not to address COOL simply because he knew he would lose. It was easier to address this item behind closed doors and avoid any vote because of the broad bipartisan support in the Senate that this program enjoys.

It is because of the 2-year delay and the appalling process by which this open item was considered that I refused—I refused—to sign the conference report. It is because of this wrong doing that I will also vote against the conference report when it is considered by the full Senate.

Not only was the process by which this outstanding issue was considered absolutely corrupt, this delay yet again takes another stab at rewriting our farm bill. The farm bill, when signed into law, did not indicate an implementation date of September 30, 2008, for mandatory COOL. It specifically stated September 30, 2004.

In order to change this implementation date and rewrite farm bill policy, the majority leadership has had to hold two closed-door conferences to achieve its back-room goals.

The farm bill is a contract with rural America that needs to be honored—not modified, changed, not destroyed in closed, back-door dealings during the night.

The most recent debacle with COOL is yet another illustration of how House congressional leadership is failing rural America.

The Bush administration advocates stripping in excess of \$3 billion from this farm bill during the budget reconciliation process, weakening the essential safety net that we need, that our Nation needs to foster economic development in rural America, especially in time of weak commodity prices.

The President advocated reducing commodity payments and leaving producers in the cold. The President insisted last year that \$3 billion be cannibalized from the Conservation Security Program to fund a 2003–2004 either/or agriculture assistance disaster package.

I find this is wrong, considering the pending Doha WTO negotiations and this administration's platform on gutting programs.

All of these reductions were supported by the President despite the fact that the farm bill has come in at \$14 billion under the projected costs. Agriculture has already paid enough.

The administration advocated closing over 700 Farm Service Agency offices nationwide, including 24 percent of the offices in my home State of South Dakota. I know that other States also were subject to even larger percentage cuts of offices. Not only would the administration scrap or limit farm bill programs, the plan is it would make it more difficult for the producer to obtain information about the farm bill programs that are available, leaving producers too often to fend for themselves.

The administration has yet to issue disaster payments from over 1 year ago. Producers in my home State of South Dakota are still waiting for Livestock Assistance Program payments and the American Indian Livestock Feed Program payment. Even on the few payments that were issued, interest was not calculated properly, prompting a redo on parts of those payments.

Families have made financial decisions around this financial obligation. Congress did its part in passing the disaster package last year. The U.S. Department of Agriculture's computer software glitch excuse, quite frankly, wore thin many months ago.

These delayed payments are especially unacceptable considering that USDA already had a process for getting money to producers. The USDA selected a crucial agriculture disaster package to use, frankly, as a guinea pig for a new untested computer software program.

The USDA and President Bush, even after opening our markets to Canadian beef, opening the market to a tidal wave of Canadian beef and cattle, would propose to open our borders to Japanese beef even before we can secure that export market.

The Senate overwhelmingly passed an amendment to the agriculture spending measure but sent a strong message to this administration that the Department of Agriculture should not allow Japanese beef into the United States until Japan allows beef into that nation.

A group of 21 Senators in a bipartisan fashion also introduced a bill this week that would impose economic sanctions on Japanese beef unless Japan opens their borders to American beef.

American producers continue to lose \$3.14 billion a year while the Japan market stays closed, and the administration has yet to open Japan's borders to American beef.

This is another example of a flawed trade agenda that fails to work for the domestic U.S. agricultural producer.

I continue to hear from ranchers and farmers in South Dakota who are tired

of seeing unrealized promises in these trade deals. We buy the Japanese cars, we buy the Japanese electronics, but Japan has yet to comply with WTO, and Japan has yet to comply with scientific standards in accepting the safest and highest quality beef in the world from the United States.

The Department of Agriculture is not making certain our farmers can stay in the fold. The administration is undermining our family farmers at too many turns. The most recent action on mandatory country-of-origin labeling and the closed-door consideration that prompted this move is utterly unacceptable. The USDA worked with a majority of Members of Congress to delay mandatory COOL behind closed doors. The USDA's actions are just simply strong examples of how wrong the administration has been on too many agricultural issues.

The Department of Agriculture, it seems to me, is responsive primarily to the packing and processing industry, the large agribusiness conglomerates, instead of the family farmer and the family rancher.

I simply believe that our rural communities and agricultural producers can do better. I believe that America can do better than this backward, behind-closed-doors, in-the-dead-of-night process that has taken over this year's Agriculture appropriations conference report.

I yield the floor.

Mr. DORGAN. Mr. President, I was a member of the conference that the Senator from South Dakota just described. I, too, refused to sign the conference report this week. I think when Senator JOHNSON uses the term "outrage," it is a very appropriate word to describe what happened in that conference. That conference recessed at the call of the Chair. We never reconvened. And behind closed doors with some secret deal, the majority party decided to hear the siren call of the big packing houses and others, and they extended by 2 years the effective date of the time when the American people would finally figure out, by labels, where the meat they were eating would come from.

The reason I think this meat labeling is important, we label everything. We label T-shirts, shoes, shirts. Name it, we label it. Go to the grocery store, see what is labeled. Everything on the shelf is labeled. But then pick up a piece of meat and figure out if we know where it came from.

I held up a piece of steak on the Senate floor one day and said: I defy anyone to tell me where this came from. Then I read a report from an inspector who went to a plant in Mexico, inspected the plant—this is a plant shipping meat to this country. He said there were carcasses hanging in unrefrigerated rooms, with feces smeared on the carcasses, all ready to be thrown in the hopper to be cut up and the meat sent to American consumers. That is what he found, one in-

spection. By the way, they closed that plant. Then it changed its name, changed its ownership, reopened, and has never again been inspected.

That is why when one asks the question, How do you like your steak, the answer ought to be, I like my steak from places where it is healthy meat. We do not know where the healthy meat comes from unless we see a label to be able to determine where that meat comes from. That is why the Senator from South Dakota and I and others have fought so aggressively to get this meat-labeling law in place. It is now the law of the land. We have people making secret deals behind closed doors to try to shut it down, to prevent it from ever being implemented. That is what happened this week. That is why I refused to sign the conference report as well. I appreciate the effort of the Senator from South Dakota. There are about half a dozen of us who would not sign the conference report because this was an arrogant approach to make a secret deal behind closed doors that injures the consumers of this country. We should not put up with it.

Mr. JOHNSON. If I may ask a question of my colleague and my friend from North Dakota, does it not seem to the Senator that part of the reason we have lost essentially our entire export market for beef in America is in part because even countries that want to buy American beef, that understand we have the safest, highest quality beef in the world, are not confident that we are, in fact, selling them American beef? Their fear is that this may be Canadian, it may be Mexican, it may be Argentine. Who knows where this beef comes from in the United States because we are one of the few industrialized democracies in the world that do not have country-of-origin labeling in place for meat. That undermines the integrity of our sales abroad and further complicates our recapture of these lost export markets.

Does the Senator see that as one of the contributing factors to our loss of export market?

Mr. DORGAN. I do not think there is any question but that is the case. We do not have labeling of this meat; other countries do. So we have a homogenization of all kinds of meat that comes into this country, gets mixed here and there and everywhere.

The Senator from South Dakota said something very important. Our farmers and ranchers in this country raise beef, meat. We raise a healthy supply of meat. We inspect it. We have the healthiest supply of meat anywhere in the world. I think the lack of having country-of-origin labeling on the meat that is sold in this country hurts all of us. It hurts our consumers as they consume. It also hurts us in our ability to get into foreign markets, as my colleague has just described.

Once again, the big interests get the attention around here behind closed doors, outside of the view of the public. So we come out with legislation now

that says, well, not only is there a law that requires country-of-origin labeling, we will not allow that law to take effect. It has been in place for some while. We will extend for 2 years the excuse to allow the Department of Agriculture not to put it in effect. It is, as the Senator has used the term, an outrage. It is the wrong way for this Congress to legislate.

I thank the Senator from South Dakota for yielding.

Mr. JOHNSON. I yield the floor.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator yields back.

The Senator from North Dakota.

#### ENERGY PRICES

Mr. DORGAN. Mr. President, today in *The Washington Post*, the question in the business section is: How Big Is \$9.9 Billion?

That happens to be the single quarter profit for ExxonMobil Oil Company. Pretty fortunate for this company to have a \$9.9 billion quarterly profit. That profit comes from people who are driving up to the gas pump, putting gasoline in their car; from people who are going to be heating their homes with home heating fuel, natural gas, and propane this winter.

So we have this spectacle of one industry with record profits, the highest in the history of the world. This is the largest profit of any corporation ever. The gain is here and the pain is elsewhere.

What does all of this mean? Well, I come from a State that is 10 times the size of Massachusetts in land mass. We have 642,000 people spread out in 10 Massachusettses. We are a Northern State, so it gets cold from time to time in the winter. We use home heating fuel and natural gas to heat our homes. Heating our homes is not a luxury; it is a necessity.

When we drive, we drive a fairly long ways. In fact, there is only one other State in which the per capita use of gasoline is higher than the State of North Dakota. It is Wyoming. We are fourth among all the States in all energy consumption, second in gasoline per capita.

I am told in New York City that if someone decides to take a vacation to go see some distant relative in Bayonne, NJ, 50 miles away, they plan it for some months. They put an emergency kit in their trunk. They put blankets in their car. They probably get their car serviced. They get the gasoline all topped off. They get all ready to go 50 miles to New Jersey to see their relatives. Why is it such a big deal? Because they do not travel very much, that is why. In our part of the country, we travel a lot. We drive a lot. It is not unusual to drive 100 or 200 miles to get a part for a combine or a tractor and then drive another 100 or 200 miles back. That is not a big deal.

In terms of pain, the pain in States such as North Dakota and, yes, Wyoming and other States in our area of

the country is very significant related to these prices. This is not a pain that is spread evenly.

We have the highest amounts in history in the corporate treasuries of the oil companies, and then we have a huge pain for American consumers who are paying at the gas pump and are going to pay for home heating fuel.

I would like to put up a couple of charts to show what is happening: oil company profits. Let me make a point. I come from a State that produces oil. I do not wish the oil industry bad news. I support a number of things the oil industry does. I have supported an \$18 floor on marginal wells, using tax credits to bring the oil up to \$18 when necessary. I support opening up Lease 181 in the Gulf of Mexico for additional production. I support a number of things that the energy industry and the oil industry want.

When I see what is happening with the oil industry at the moment, I know that a year ago last January, the price of a barrel of oil was \$34.50 a barrel. Now it is almost \$30 above that. At \$34.50 a barrel, they were making the highest profits they had ever made. Now it is \$30 a barrel above that. What are the consequences of those increased prices? The consequences are enormous for American consumers. BP, one of the world's largest companies, 34 percent profit in the third quarter; ConocoPhillips, 89 percent profit increase in the quarter; ExxonMobil, 75 percent profit increase in the quarter, \$9.9 billion just for the one corporation.

The question might be asked, What is happening to this profit? Well, this is *BusinessWeek*. This is hardly some silly liberal rag. *BusinessWeek* says, Why isn't big oil drilling more?

It says:

Rather than developing new fields, oil giants have preferred to buy rivals—"drilling for oil on Wall Street."

Do my colleagues want to know where a lot of these profits are going, the record profits above last year? Buying back stock, hoarding cash, and drilling for oil on Wall Street. I have news for them. There is no oil on Wall Street. They are going to drill a dry hole on Wall Street.

The point of the *BusinessWeek* article is to point out that much of these profits are used to go buy others, to merge with others. We have now seen these huge, blockbuster mergers. We now have bigger oil companies than we have ever seen.

There are three things that affect the price of oil. I know we have a lot of free market advocates in Congress. I think the free market is wonderful. I do not think it is perfect. A 7-foot, 2-inch basketball player gets paid the same amount as 1,000 elementary school teachers? That is the marketplace, I guess. A short stop gets paid \$250 million. Judge Judy, that woman on television—I do not watch her much. Once in a great while, I tune in cruising the trials and she seems a little crabby to me, but Judge Judy makes 10 times, 20

times, or 30 times the amount of money that the Chief Justice of the U.S. Supreme Court makes. I guess that is the market system. I believe in the market system. The free market system makes a lot of sense, but there is no free market in oil at the moment.

There are three things happening with oil. One, there are the OPEC ministers sitting around a table because they were fortunate to find that on this little planet of ours, a substantial amount of the reserves of oil, the first, second and third largest reserves, exist under the sands of the Middle East. OPEC ministers sit around a table and decide quantity and price to the extent they can—especially quantity—and then the major oil companies, made larger and more muscular by blockbuster mergers, decide to use their raw muscle in the marketplace. Third and finally, the futures market, which is designed to provide liquidity for trading, has become a grand bazaar for speculation, an orgy of speculation. Those are the three elements that now give us a price of oil of over \$60 a barrel.

Sixty-six million U.S. homes are heated mainly with natural gas, and their heating bills this winter are going to be 48 percent on average; 60 percent in my part of the country—60 percent increase to heat one's home this winter at a time when the largest enterprises that sell the oil are filling their bank accounts and drilling for oil on Wall Street. Sound fair? It does not to me.

I have proposed a windfall profits tax, the proceeds of which would be rebated back to the consumers. This is not your mother's or father's windfall profits tax. We had one once before. It did not work very well. That was to bring money into the Federal Government. I do not propose that.

Last year, the average cost of a barrel of oil was \$40. In January, it was \$34.50. The average cost the entire year was \$40, and the energy industry, the oil companies, had the highest profits in their history. I propose that above that level of \$40 a barrel represents windfall or excess profits.

I propose further that the oil companies have two choices: If they decide to use all of that excess or windfall profit to invest back into the ground to explore for more oil or to build refineries above ground, then they would not pay a windfall profits tax. If they choose not to do that, if they choose to drill for oil on Wall Street, if they choose to buy back their stock and hoard cash, then they would pay a 50-percent excise tax on those windfall profits, the entire proceeds of which would be sent back to the American consumers.

Some say, if that would happen, the oil companies would simply drill less or explore for oil much less aggressively. No. In fact, the most significant incentive to get them to explore for more energy would be to avoid paying a 50-percent excise tax called the windfall profits tax that I have proposed. It

would be the single most aggressive incentive to say, sink that money back into the ground, expand America's supply of energy.

It is interesting that we use one-fourth of the oil that is produced every day. Eighty-four million barrels of oil a day are produced in the world. We use 21 million barrels of oil a day in our country. This little spot on this globe called the United States of America uses one-fourth of all oil that is produced every day. Sixty percent of that which we produce comes in from other countries. We are hopelessly addicted to foreign oil, and it is dangerous for our country. That is a longer term other significant issue we have to deal with. We cannot continue to be addicted to oil that comes from Saudi Arabia, Kuwait, Iraq, and elsewhere. We simply cannot do that. That is why we as a country need to establish goals toward energy independence.

John Kenneth Galbraith said: In the long run, we are all dead.

Those people who say, Well, in the long term, it is going to work out, in the long run, we are all dead. In the short term, we have a responsibility moving into this winter to try to find a way to deal with this dichotomy of the oil companies filling their treasuries and the consumers trying to figure out, How do I pay the bill? How do I pay a 60-percent increase in natural gas prices in the northern Great Plains? How do I pay \$50 to put 16 or 18 gallons in my gas tank? I think this Congress has a responsibility to address this.

As I said before, yes, I support the oil industry in a number of ways. I have described them. I can describe others. I support the free market system. But I think this system is broken and I think what you have is significant pain for the American consumers, significant gain for the largest oil companies, and I think it is unfair.

#### TRADE

Today I want to speak about another subject very briefly and that is the subject of trade. Some while ago there was an airplane flying over Los Angeles with a bent nose wheel. That nose wheel, twisted and bent, meant that airplane stayed up a good number of hours to dump fuel because they were going to make a landing and they worried about whether that landing would result in the safety of the airplane for the passengers and crew. There was a lot of drama on television as all of us watched that airplane circle.

Fortunately that airplane landed. There was a plume of smoke and ball of fire and it came to a safe stop. Those pilots must have been skillful pilots.

It reminded me of something I read a couple of weeks before that, and that is that particular airline and virtually all other airlines decided to outsource their maintenance. I have no idea whether that played a role in the drama I watched on television that day, but that particular airline does some of its maintenance in El Salvador

and flies its airplanes down to El Salvador empty to do its maintenance. I wonder why they do airplane maintenance in El Salvador and fly an empty Airbus 320 down to El Salvador to have it done. The answer is, you can pay a worker in El Salvador a fraction of what you pay a worker in this country and save a lot of money.

I found out since that about 40 percent of the maintenance of our airplanes with commercial airlines is now outsourced; some outsourced to other companies in our country, some outsourced to other countries, as a matter of fact.

I mentioned the airplane that was flying over Los Angeles with a bent nose wheel had some of its maintenance done in the country of El Salvador in order to save money. Outsourcing is something we hear about every day. Outsourcing is a term that doesn't sound so ominous unless it affects you. Outsourcing means you might get fired because somebody else is willing to work for a substantially lower salary. Corporations have now discovered we live in a world with roughly 6.5 billion people and there are anywhere from 1 to 2 billion people now who are willing to work for virtually pennies, so they have decided what we ought to do is outsource that work. When we produce something, let's outsource it, produce it somewhere else for 30 cents or 40 cents an hour, save a lot of money, and come back to this country and sell it on the store shelves in Pittsburgh and Philadelphia and Los Angeles and Chicago and Denver. Particularly in the last decade or so, that has become something most corporations are doing and they say we can't compete unless we outsource.

What we are seeing is a massive exodus of American jobs. I have gone through a few in other speeches. I will start by pointing out we have the highest trade deficit in American history. No other country has ever come close. What does this mean? Today is Friday. It means today we are going to buy \$2 billion more in goods from other countries than we are going to sell. That means today, on Friday, we are going to rack up a \$2 billion debt, just for today, and every day, 7 days a week, all year long, a \$2 billion debt because we are buying from abroad much more than we are selling. That means we are selling part of our country; that is what it means. This doesn't work out. This mortgages the future for our kids.

How does that happen? A significant part of the debt is with China. About a third of it is with the country of China. Substantial numbers of jobs outsourced from this country are going to the country of China.

IBM, Big Blue—this is a couple of months ago—proceeds to lay off 13,000 workers in Europe and the United States; IBM plans to increase its payroll in India by 14,000 workers. By the way, the memorandum from IBM says, When you tell your workers they are losing their jobs, don't ever use the

word "outsourcing" and make sure you tell them this is not about the quality of your work as you tell them you are done.

This young lady worked for Palm Pilot, a young African-American woman who went to school, did everything you should do, got a great job in a technology company called Palm Pilot. The problem was they outsourced her job and many others. People think this is just about factories making textiles; it is not. It is outsourcing of good jobs—engineers' and technicians' jobs and professional jobs. The last note she made on her Palm Pilot was, "My job's gone to India," but she was fired. By the way, she had to train the person in India who took her job.

I have gone through a long list of these. You have all seen the Fruit of the Loom Guys. They advertise Fruit of the Loom by having people dress up as grapes. I have never understood why they do that, but apparently it works. So you dress somebody up as a green grape or red grape and people dance and sing and people apparently think that is the pair of shorts or the undershirt they ought to buy because they saw a dancing grape. At any rate, Fruit of the Loom used to be all American. You walked around and put on some Fruit of the Loom underwear and you felt you were all American. No more. There are not any Fruit of the Loom garments made in the United States. They are gone.

When I think of Levis, there is not one pair of Levis made in the United States. By the way, if you wear Tony Lama boots, you might be wearing boots from China.

The list goes on and on. I have described many of them. I have described the problems in trade through automobiles, which is obviously a big ticket item. We have a lot of good jobs in the automobile industry. It is interesting, 30 years ago the largest corporation in America was General Motors. Most people who went to work for General Motors expected to have a career for a lifetime. They worked for a lifetime and then retired. General Motors paid good salaries, they paid good benefits, they had health care, they paid retirement benefits, and it was America's largest corporation. Now the largest corporation is Wal-Mart—I guess it switches between GE and Wal-Mart, but I believe it is Wal-Mart at the moment. When people go to work for Wal-Mart, they don't go to work for a lifetime. There is a 70-percent turnover in Wal-Mart and the average wage is between \$17,000 and \$19,000 a year, and half of them don't have benefits. Difference? Pretty big difference. What does that say about the job base in our country? I think that says a lot about the job base in this country.

What we need to do, it seems to me, is to care a little about the circumstances of international trade and begin to decide, as a country, are we going to put up with this? Is this what we want to have happen?

The description of these next photos I want to show you describes something that tells about the conditions in which we are producing products we are purchasing. When I say we, the corporations that are outsourcing these products. These happen to be photographs that were taken in Bangladesh. These photographs are of striking workers at a factory called Pantex, which produced sports clothing for the Decathlon label, which is sold in the U.S. and Europe.

These people, mostly children, were forced to work 14 hours a day. They worked them 7 days a week, and 700 Pantex workers decided the conditions under which we are working are almost intolerable, 14-hour days, 7 days a week, being paid pennies, so they protested. They blocked the gate to the plant.

Here is what happened to them by the Government and the company itself—people were beaten, badly beaten. People were killed. Why? Because they had decided they wanted the opportunity—you can see the photographs and they are devastating photographs—they wanted the opportunity as workers to be able to work in a safe work plant, to be paid decent wages, not to have to work 14 hours a day, 7 days a week.

Does anybody in this country care that those are the conditions under which products are made and sold on the store shelves of America? Does anybody care that we tell Americans you have to compete with that, you have to compete with companies that will hire kids, work them 14 hours a day, 7 days a week? And if somebody does care about it, when will we do something about it? When will we pass legislation to do something about it?

This gospel of so-called offshoring these days is now taken as something that needs to be done in order to stay competitive. Get rid of your American workers, sleep well at night, don't say the Pledge of Allegiance in the boardroom, decide you should hire kids, hire whatever you want, hire a contractor who hires kids or hire a contractor who hires young women. I held a hearing one day and two women showed up from a plant in Honduras. This particular plant was making shirts for Puff Daddy.

Puff Daddy, you might remember, changed his name to P. Diddy. I don't know why somebody would change his name from Puff Daddy to P. Diddy, but then he decided he would change his name to Diddy, so it is Puff Daddy to P. Diddy to Diddy. His real name is Sean Combs and Sean Combs is quite a sporty guy. He dresses well. I have seen some pictures. He has a line of clothing which apparently is a pretty good line of clothing.

Two women who worked in a plant in Honduras, to make P. Diddy or Diddy or Puff Daddy or whatever it is shirts, showed up to talk about the conditions in that plant. This is a plant that was doing contract work.

Mr. Diddy—I am not quite sure what I should call him, Mr. Combs or whatever his name is—said he wasn't aware of this. And I expect that is the case. I don't think he or anyone else who engages in this believes that a contractor is going to have a plant in Honduras or Bangladesh or Sri Lanka or Indonesia and say it is fine if they go ahead and hire a bunch of kids or hire people and don't have safe workplaces, don't pay them adequate wages. Most people would say no, that is not fine. But it is fine if it is out of sight and they don't have to know about it. Just get the socks made, shirt made, shoes made, get them over here. We don't care about the conditions in which they are made.

By the way, we get a chance, as an American company, to say if our people can't compete with that, by God, they lose their jobs because we are going to be competitive, and if it takes hiring people in China or Bangladesh to be competitive, that is the way it works.

I don't understand this at all. When Franklin Delano Roosevelt died, there was a man who waited hours in line to go past his casket, along with other Americans. A reporter was asking people for his story, to get a little flavor of things, he was asking people their thoughts and so on. He walked up to this fellow, obviously a workman, holding his hat in his hand. He stood there for hours and had tears in his eyes. The reporter said,

Did you know Franklin Roosevelt?

And this fellow said,

Oh, no, I didn't. But he knew me.

What he meant was this President knew the American worker and stood up for the working men and women of this country. "He knew me."

Who knows America's workers now? Who knows the workers who will be told today or tomorrow that their job has gone to China, their job has gone elsewhere? Where will we develop the base, the foundation for the middle class that sustains the economy in this country?

I didn't bring it to the floor today, but I should have—I asked the Labor Department for a list of the companies that have outsourced jobs and are then claiming, as a result of that, through filing at the Department of Labor, trade adjustment assistance for the people who are losing their jobs because of outsourcing. I was very surprised to find that in the first 6 months of this year I received 32 pages, single spaced, small type, both sides, line after line after line of the names of companies that have outsourced their jobs in the first 6 months of this year.

My point is this. None of this adds up.

We are a country that is unique in the world. We built something extraordinary, and we did it because we honored work, we valued work. We understood that men and women in this country who go to work and provide for

themselves earn an honest wage for a day's work. We decided the conditions of that work shall be that workers have a right to organize. And, oh, by the way, you know that little teddy bear you are buying at some shop today may well have been built in China or some other country, and some worker who was protesting 12, 14-hour days, 7 days a week was probably sent to prison.

I should come to the floor and read the names of people who are sitting in prison today in China. Their transgression? They believed people should have a right to organize. We decided long ago that people should have the right to organize and work in a safe workplace. We have child labor laws. We have laws that prevent companies from putting chemicals and pollution into the ground, the streams, and the air. But you can get rid of all of that. Just pole-vault over all of those things and move your jobs offshore in order to be "competitive."

What is the strategy and how does all that work? Who is going to pay the bills? Who is going to go to work in this country in the future and earn sufficient money to take care of their family if we do not stand up for the interests of this country? I am not suggesting we should put walls around our country. I am just saying our trade strategy is a bankrupt failure, a total failure, and no one really seems to want to admit it.

Our trade strategy ought to be to push other countries up, not push our country down. I come from a State that needs to sell a lot of products overseas. We produce a lot of agricultural commodities, and we need to ship a fair amount overseas. So I believe in fair trade. Free trade does not mean anything to me. "Free trade" is just a jingoistic phrase, people standing on street corners banging cymbals, wearing robes, and chanting "free trade."

What I care about is for this country to require fair trade. We are not, and for this reason: For the first 25 years after the Second World War, we could beat anyone, anywhere, anytime with a hand tied behind our back. We were the biggest and strongest country in the world, and most of our trade policy could be concessional foreign policy, in many cases softheaded, but still concessional and still foreign policy.

In the second 25 years after the Second World War, our trading partners became bigger, tougher, shrewder, and the competition became much different. But what also happened was the growth of enterprises, which can produce almost anywhere in the world, decided that if you can produce by finding much cheaper labor elsewhere, that is what we are going to do. We create those enterprises here. We give them a charter called a corporation.

By the way, many of them not only are producing elsewhere where they can hire kids for 30 cents an hour, but they are also running their operations through a mailbox in the Bahamas in

order to avoid paying taxes in this country, which is a subject for another day.

The question is, When will, or will ever, this Congress decide that this strategy does not work, that this strategy is not a strategy that is going to strengthen this country, it is going to weaken this country? Go to any business school in this country and ask those who are teaching classes about outsourcing, and they will give you a dim prospect for future jobs because you can hire engineers in India for a whole lot less than you can in the United States. You can hire people in China for a whole lot less money than you can in the United States. That does not mean a textile worker in this country is valueless. Jobs in this country are important.

I once asked Carla Hills, who was a trade ambassador, Is there anything that you wouldn't trade away? Are there any concentric circles of economic activity that are essential for our country to remain a strong world economic power? The answer was really not. Whatever the competition is, it is.

That is just wrong. That just does not make any sense. There are certain things that are required in our country for our country to remain a world economic power. Part of it is to stand up for our own economic interests, and, yes, to care a little about trying to bring others up but certainly not to allow our standard of living to be pushed down.

Those who hear me who feel differently think, as they have always thought, those of us who speak this way are xenophobic isolationist stooges who don't have enough brain power to see over the horizon. Won't they ever learn expanded trade benefits everybody?

Expanded trade, if it means outsourcing of American jobs because you can find people who will work for pennies an hour, does not benefit this country. It benefits the consumers in the short term perhaps, but consumers without jobs will not long be consumers. And this economic strategy, I think, finally—given this chart that I showed at the start—finally the understanding by nearly anyone who is thinking and sober is this strategy is creating an abyss for this country that is very serious. This is a very serious problem: mountains of red ink, substantial lost jobs, and economic opportunity leaving our country.

I have a series of recommendations on how to respond to all of this. I will mention one again because we are going to vote on it the week after next—I have offered it four times, and I have lost all four times. We will have a fifth vote. One would think that the first baby step in the direction of doing the right thing would be to shut down the perverse and idiotic tax exemption or tax credit for moving jobs overseas. Yes, that is right. We actually provide a reward for someone who shuts down

their American manufacturing plant and moves the jobs overseas for the purpose of shipping the product back into this country. We actually reward them for doing that.

One would think the first baby step would be to shut down that perverse tax incentive. There are not enough votes in this Chamber, at least historically, to do that. We are going to see the week after next whether some in this Chamber who have previously voted against it might either have seen the light, felt the heat, one way or the other, and have decided it is not useful—in fact, it is destructive—to reward those who decide to ship their American jobs overseas.

That is just the first step. There are many others, and I will in a future discussion talk about the practical steps we should and could take to protect the economic interests of our country, even as we attempt in every way to expand fair trade.

I am not against trade. I believe trade is important. But this country ought to expand opportunities for fair trade all around the world and stop being a pin cushion, an Uncle Sam that is played for Uncle Sucker in every single way.

I did not talk about automobiles, but the automobile trade is unbelievable. Has trade in automobiles required U.S. companies to improve their vehicles? Yes, it sure has. But I will give, again, one example with respect to Korea, and there is a longer story with China, but Korea is enough.

We have ships that bring Korean cars into this country. I am sure they are offloading today at some port. Nearly 700,000 Korean cars are shipped into our country each year. Do you know how many American cars we are able to sell in Korea? Less than 4,000—700,000 cars coming this way, and we get less than 4,000 cars into the Korean marketplace.

One that is of interest to me is the Dodge Dakota pickup because it is named after my State, Dakota. There was a time when the folks who made Dodge Dakota got really excited because they sold something like 100 of them in Korea. They thought they were going to ramp up a sales effort. They seemed to like Dodge Dakotas. They got shut down just like that.

Look at the sales of Dodge Dakota pickups in Korea for the first 9 months of this year and you will see the Korean Government did a great job of shutting that down. They want to ship 700,000 cars and allow us to ship 4,000 back. What does that mean? It means a mass exodus of American jobs.

Mr. President, we have so many challenges. My hope is that we will, through amendments I will offer to the reconciliation bill and other approaches in the Senate and in other ways, finally come to grips with whether we think this is doing anything other than dramatically injuring America's future economic opportunities.

One of my favorite people is Warren Buffett. He is the world's second rich-

est person, but you wouldn't know it looking at him, and you wouldn't know it talking with him. He is a wonderful guy with a great sense of humor, just plain spoken.

Warren Buffett is one of the few main business people in this country, one of the few people coming from a business background who says this is nuts, this is dangerous. This is going to turn us into a country of sharecroppers. He is very up front about it. Very few others are.

My hope is that ideas he has advanced—one of them I particularly like and they advanced in an article in Fortune magazine, which is how to deal with these devastating deficits and outsourcing, is that at one point or another this begins to take root in this Chamber.

Today I understand we are poised on the head of a pin because a Supreme Court nomination was withdrawn yesterday, and that is a big news item. Today the special prosecutor, at 2 o'clock, will announce the results of his decision with respect to the leak of outing a covert CIA officer. We have all these issues, and we dance on the head of pins on all these issues. Yes, some of them are important, some not. This is important. This describes whether our kids are going to have jobs; whether our country is going to expand and grow; whether America is going to be, in the future, what it has been in the past: a strong country, a world economic power, and one that can supply and one that can provide a standard of living and the kind of life that Americans have built for themselves for many decades.

Mr. President, I will speak more about this issue at some future point. I yield the floor, and 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. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### DEFENSE AUTHORIZATION

Mr. WARNER. Mr. President, the annual Armed Forces authorization bill will soon be the subject of further debate in the Senate at a time to be decided upon by the distinguished majority leader in consultation with the distinguished Democratic leader. I wish to thank each of them for their long, consistent, and arduous effort to bring this bill up for what I anticipate will be a successful resolution to the bill, with final passage in this Senate in coming weeks. Senator LEVIN and I have been on this committee for some 27 years together. We are ready.

Given that the unanimous consent was accepted by the Senate, both committee staffs are actually at this time working on amendments and other

matters in preparation for the future consideration of this bill by the Senate. I urge Senators who might wish to have amendments discussed, first, to listen to the terms of the unanimous consent agreement and study those. Flexibility is given to the managers to reach a joint agreement for Members that have amendments not covered explicitly in the numerical amounts in the unanimous consent.

The committee staffs are working. I urge Senators to bring to Senator LEVIN and myself such matters as they may be interested in, and we will do our very best to accommodate Senators.

This Nation is at war. Each day we find in our hearts compassion for those we have lost, those on the battlefields today—not just in Iraq and Afghanistan but all throughout the world—and their families at home.

I thank our leaders for passing that unanimous consent, and I encourage Senators to submit their amendments and bring them to our attention.

The committee met this week. We reported out the intelligence authorization bill. That, hopefully, will be a joint referral to the Committee on Government Operations. There is provision in that bill which was clearly within the jurisdiction of that committee. I am very fortunate to have on the Committee on Armed Services both the chairman, Chairman COLLINS, and the ranking member, Senator LIEBERMAN, as well as, of course, Senator ROBERTS. During the course of our deliberations yesterday, we quickly recognized it would be appropriate to be referred to that committee the intelligence bill with regard to that provision. That is progress we have made this week.

I am also pleased the committee pointed out a number of nominees for important civilian posts and, indeed, military posts in our Department of Defense. I understand some have been worked on today, and I will check to see whether other nominations can be cleared.

I am proud to say the Committee on Armed Services was very active this week. We have a charter now. We are back in business. I am very pleased that the prospects are we will pass our legislation.

Mr. WARNER. Mr. President, I turn to another matter.

The PRESIDING OFFICER. The Senator may proceed.

(The remarks of Mr. WARNER pertaining to the introduction of S. 1939 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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 rescinded.

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

#### MATH LITERACY

Mr. FRIST. Mr. President, in a few moments we will be closing for the week. But before doing so, I wanted to bring to the attention of my colleagues something that was just brought to my attention about 2 hours ago when I was e-mailed by our President pro tempore, Senator TED STEVENS.

Basically, in a little cryptic language, it said: Bill, did you read the New York Times today?

I said: No, I haven't read the New York Times today.

Then he gave me one statistic that he picked up. I looked at it, and he is exactly right. That statistic drove home to me a threat—we don't talk very much about it—that we need to face up to and to act on. We are doing some powerful things in the Senate to do just that. But we are going to have to put it out front, and we are going to have to lead on it.

The statistic is that China, in engineering, one field, is producing 442,000 new undergraduates a year, along with 48,000 graduates with master's degrees and 8,000 Ph.D.s in engineering. I focus on that to seize the opportunity that we do have before us a real threat that America is losing—not will lose but is losing—today the edge in technology that we depend on, and we depend on it in terms of creating the American dream, maintaining that American dream to pass on to our children, and it is time for us to act.

This has not been the first time that certain challenges have been put before us. We faced a similar challenge, and we overcame it. On October 4, 1957, the Soviet Union—and we all remember that day, or those of us who were alive at the time remember that date—successfully launched the first manmade satellite into space. I was a very little boy at the time sitting around the dinner table and watching the stunning effect that had on my own family as they talked about it, I remember, one Sunday afternoon.

The event stunned America, but it spurred us to action. We don't have a Sputnik, per se, moment, but we need to create it. We need to educate the American people where we are today, the challenge that we face and the threat that we face to our competitive edge.

Less than a year later after that October 4 day in 1957, President Eisenhower signed the National Defense Education Act to restore America's preeminence in science. Math, engineering, and science became our top educational priorities. As a result, not only did we close the gap with the Soviet Union, but we far exceeded our own dreams, our own expectations at the time.

Fifty years later we face a similar challenge with the entry of China, the example I used, but also India and soon

to be many other nations, into this global marketplace. As writer and observer Tom Friedman details in his wonderful book, "The World Is Flat," American workers face accelerating competition not only in the low-wage manufacturing sector but now in the new fields of science and engineering and the technological fields. That is where the competition is today—with China and with India.

According to BusinessWeek, together China and India graduate 500,000 scientists and engineers a year—every year, 500,000. How about America? Where are we? Just guess. Think. Are we more? Less?

United States, 60,000; 500,000, India and China every year. We are down to 60,000. China, I just mentioned—more than 442,000 graduates every year.

While the entire world is getting smarter and faster and stronger in math and science, the United States is not. We are moving in the opposite direction. Indeed, the number of engineering degrees awarded in the United States is down 20 percent from just a decade ago, 10 years ago. We are moving in the opposite direction. If current trends continue, by 2010 more than 90 percent of all scientists in the world, of all engineers in the world, 90 percent will be in Asia. Already, the majority of graduate science and engineering students in the United States are foreign born.

Let me say that again. Already, the majority of graduate students in science and engineering in the United States are foreign born.

Instead of investing their new skills in America, they are increasingly returning—not staying here but returning to their homes. According to Education for Innovation Initiative, which is a coalition of America's most prominent business organizations, we need to double—we need to double the number of American science, technology, engineering, and mathematic students by 2015 if we are to remain the technological leader in the 21st century. That is a lot to do by 2015, just 10 years from now—a doubling. As I said, we are moving in the opposite direction.

If we don't significantly improve math and science education in this country, there is a real danger that we will fall permanently behind—once we lose that competitive edge in technology, in science, in mathematics where most job creation, as we look to the future, occurs.

How are we failing? I used the example of students today at the graduate level in engineering. So where does it all start? You have to jump all the way back down to the 15-, 16-year-old in the middle school areas. Are we failing there as we look to the future? They will become the graduates, whether it is math, science, engineering, or some other field, in the future.

Well, right now in the 29 industrialized nations in the world, if I asked you just to imagine where you think we are if you look at 15-year-old students—and most people would say,

whether you are going to be a scientist or an engineer, it is really determined in that age, from about 14 to 16. If I happened to ask the American people listening but also my colleagues, if there are 29 industrialized countries, and we want to rank mathematics performance of students around the world, is the United States first? You would think so. Maybe fifth? Surely, you would think so, in the United States of America, with our resources and our great innovation and culture of creativity and the American dream.

It is not 5th. It is not 10th. It is not 15th. It is not 20th. The United States now ranks 24th of 29 industrialized nations in math literacy among 15-year-olds. We fall behind who? You can name 23 of them, but it is Finland, Korea, Canada, the Czech Republic, Ireland, Poland, Hungary, Spain, France.

Business leaders who observe this tell us that fewer and fewer American workers have the math and science skills they need for today's jobs. One researcher at the Hudson Institute warns:

We're rolling into the most severe shortage of skilled workers this country has ever seen.

And in what must be the most dismal development, tutoring American students in math via the Internet is becoming a boom industry—in India. We are actually outsourcing our education.

All this really says: What do you do? These are the observations. They are observations at the middle school level, the high school level, the graduate level, even beyond graduate level, and we are failing. So it is incumbent upon us to act, and to act with meaningful solutions that respond to a real problem that is there today, and it is going to increase over time. We cannot afford to lose the technological race. It is a matter of economics. It is a matter of security. I believe it is a matter of national security as well. It is a matter of keeping jobs, good-paying jobs right here in America.

People say: Well, Senator FRIST, he is a doctor. He is a scientist. He has a little bias.

It is way beyond that. Math and the hard sciences are what drive innovation in just about every single industry today. From computers, to my own field of medicine, we depend on technology to improve our quality of life, to be able to figure out how we solve problems that seemingly are insurmountable, that are unsolvable. We solve them by the most innovative, most creative, the most advanced technological solution. That is where that competitive edge exists.

Not only that but math comprehension is critical to everyday tasks today, whether it is balancing the checkbook or figuring out how to interpret your 401(k). You need those everyday skills. We are thriving in a fast-changing modern world, constantly evolving world, moving so much faster than any of us would have anticipated

5 or 10 years ago. We need these skills to survive and to thrive.

That is why in terms of action, in the sort of things we need to do, in August I proposed the national SMART grant. The national SMART grant provides low-income students up to \$1,500 in their third and in their fourth year of college to pursue math and science. Together the maximum Pell grant and the national SMART grant cover nearly an entire typical State university tuition bill for those last 2 years.

People say: Why the last 2 years? The last 2 years because that is when people determine their majors, in those years of college. The national SMART grant will make it easier for low-income students to meet that heavy class load in math and in science. We know that those academic loads are heavy in those particular fields.

Some of my colleagues have worked on this. I thank them. To start naming them, Senators ENZI and ROBERTS and WARNER have done a tremendous job in getting this legislation to the point that it exists, and each has been a champion of rigorous math and science education. In addition, I thank Chairman ENZI, especially, for more than doubling the investment in this SMART grant program. It is focused on the needs I am speaking about today. As a matter of fact, the SMART grant is a good, solid first step in getting America's science and math education back on track so that we truly can globally compete.

Mr. President, throughout our history, our Nation has been blessed to be a land of innovation and creativity and dynamism. We have attracted the best, and we have attracted the brightest from across the oceans. And they have come and made our country an even more vibrant and more dynamic place. I am confident that if we keep our focus on the fundamentals, America will continue to offer unrivaled opportunity and prosperity for generations to come.

#### JAPAN BEEF TRADE

Mr. ROBERTS. Mr. President I have joined with my colleague from North Dakota, Senator CONRAD, and 19 other Senators to introduce a bill to restore normal beef trade with Japan.

Prior to the discovery of BSE or mad cow disease in the United States in December 2003, Japan was the largest export market for American beef in the world. But since that fateful day 2 years ago, U.S. beef producers have been locked out of the Japanese market.

To say the loss of this market has been detrimental to the viability of the American beef industry is an understatement. This is an issue that effects every part of the U.S. beef industry from the cowboys in western Kansas to the folks standing in line at the grocery store shopping for hamburger patties in New York City.

And perhaps this is felt no where as strongly than in places like Dodge

City, KS Dodge City is a town that has built it's economy on the beef industry since the days of the wild west. It is a place where the number of cattle far outnumbers the number of people that live within the county lines. And it is the place that I call home.

The beef industry is a major economic driver for Dodge, but it's one of the largest industries in Kansas—representing over \$5 billion in annual revenue.

We are a state with 6.65 million head of cattle, compared to a human population of 2.6 million. In 2003, cattle represented 62 percent of the Kansas cultural cash receipts and the processing industry alone employs over 18,700 Kansans. And to boot, we rank in the top three of virtually every major beef statistic.

But, trade with Japan has an impact that extends well beyond the borders of Kansas—it's an issue that affects all of farm country. The cattle industry comprises one of the largest sectors in American agriculture—with business in every state. Japan is the largest export market for food and agricultural products from the United States and beef is one of the largest and most lucrative exports to Japan.

In short, for ranchers across farm country, including those in Kansas, there are few issues more important than the viability of the beef industry—and specifically how we handle BSE.

This week marks the year anniversary of the mutual agreement the U.S. and Japan signed to resume normal beef trade. Since then, the U.S. Department of Agriculture, USDA, has worked hard to implement substantive improvements in our ability to prevent, identify and respond to BSE. For instance, as a part of their enhanced animal surveillance effort, the Animal and Plant Health Inspection Service, APHIS, has tested over 450,000 head of cattle for BSE.

Despite this increased testing, Japan refuses to reopen its market and has instead relied upon imports of beef from countries with little or no testing for BSE.

The increased U.S. testing, in coordination with the U.S. Food and Drug Administration implementation of safeguards that ensure the safety of our food supply, have bolstered our claim to having the safest and most abundant food supply in the world.

Regrettably, the Japanese has failed to match these standards with prudent efforts to change their policy of keeping American beef out of Japan.

The Japanese Food Safety Commission, the body with the delegated responsibility to review the process by which Japan would reopen its market, and others within the government have been unresponsive to extensive diplomatic efforts made by U.S. officials during the last year.

The office of the U.S. Trade Representative and USDA have worked in concert with President Bush, other

cabinet agencies and officials and U.S. Congress to restore regular beef trade.

Despite the efforts of even the highest office in our nation's government, Japan continues to keep American beef out of their country.

The Japanese Food Safety Commission and others within the government have repeatedly demanded excessive documentation and paperwork with little or no justification. None of these requests reflect the internationally accepted phytosanitary guidelines. Rather, they appear to be a dilatory tool to prevent any effort to resume the purchase of American beef.

There have been claims that American beef is unsafe. This is simply not true. The international science says our cattle under 30 months of age are safe and not at risk. Yet, we have agreed to not send meat from any animals under 20 months of age to Japan.

Furthermore, after 20 confirmed cases of BSE in Japan, the claim that U.S. beef is not as safe as Japanese beef is simply an insult to American producers. Still the market remains closed to the U.S.

In recent weeks, Japan has insisted upon an unwarranted and unjustified trade barrier by preventing the resumption of regular beef trade with the U.S. Japan has a complicated bureaucracy in place to deal with the issue of BSE. In 2003, the Japanese Parliament established the Food Safety Commission as a Cabinet Office tasked with ensuring food safety.

This week, the Japanese Food Safety Commission again failed to reach an agreement to remove the blockade to U.S. beef imports. And to insult to injury, four of the Commission's 12 members did not even show up to the meeting because of their alleged concern with the safety of U.S. beef.

I am troubled that our negotiations with Japan have deteriorated to this point. Japan has traditionally been a distinguished and important trading partner for the U.S. Furthermore, they have been a critical ally in the War on terrorism.

Despite, this long-standing relationship, I am here today to support legislation that requires the U.S. Department of Treasury to implement additional tariffs on goods grown, produced or manufactured in Japan unless the U.S. Trade Representative certifies that Japan has reopened its market to American beef by December 15, 2005.

I have long supported free trade. Our country has benefitted from trade agreements with Chile, Australia, Canada and Mexico, and now Central America. These trading relationships are a necessity to ensure the ability of American farmers, ranchers and businessmen alike to compete in the global marketplace.

But, these agreements hinge heavily upon the commitment of the participating countries to uphold the principles of free trade—and for agriculture trade that means abiding by the international science standards that set im-

portant standards for animal, plant and human safety.

Prior to the discovery of a case of native-born BSE in a cow that never entered the food supply, we enjoyed this kind of trading relationship with Japan. However, Japan has chosen to ignore internationally recognized science and has instead based their food safety on emotional, politically-driven arguments. And, this comes at a high price for the American beef industry.

Since December 2003, the U.S. beef industry has experienced roughly \$6 billion in cumulative economic losses—in current annual economic trade terms, this is about \$3.1 billion a year.

We've been patient, but with this kind of economic loss, the American beef industry cannot afford to wait any longer.

I will not stand idly by while politics and posturing drive our trade relationships.

I urge my colleagues to support this legislation to send a message in the strongest way possible, that free trade is a two-way street. More importantly, in the context of the pending negotiations in the Doha Round of the World Trade Organization, I urge my colleagues to support this bill because it sends the message to American producers that we will stand up for American agriculture in our trade negotiations.

#### THE PATH FORWARD

Mr. KERRY. Mr. President, I ask unanimous consent to have a recent speech I delivered on Iraq printed in the RECORD.

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

[October 26, 2005]

“THE PATH FORWARD”

(Georgetown University)

A few weeks ago I departed Iraq from Mosul. Three Senators and staff were gathered in the forward part of a C-130. In the middle of the cavernous cargo hold was a simple, aluminum coffin with a small American flag draped over it. We were bringing another American soldier home to his family and final resting place.

The starkness of his coffin in the center of the hold, the silence except for the din of the engines, was a real time cold reminder of the consequences of decisions for which we Senators share responsibility.

As we arrived in Kuwait, a larger flag was transferred to fully cover his coffin and we joined graves registration personnel in giving him an honor guard as he was ceremoniously carried from the plane to a waiting truck. When the doors clunked shut, I wondered why all of America would not be allowed to see him arrive at Dover Air Force Base instead of hiding him from a nation that deserves to mourn together in truth and in the light of day. His lonely journey compels all of us to come to grips with our choices in Iraq.

Now more than 2,000 brave Americans have given their lives, and several hundred thousand more have done everything in their power to wade through the ongoing internal civil strife in Iraq. An Iraq which increas-

ingly is what it was not before the war—a breeding ground for homegrown terrorists and a magnet for foreign terrorists. We are entering a make or break six month period, and I want to talk about the steps we must take if we hope to bring our troops home within a reasonable timeframe from an Iraq that's not permanently torn by irrepressible conflict.

It is never easy to discuss what has gone wrong while our troops are in constant danger. I know this dilemma first-hand. After serving in war, I returned home to offer my own personal voice of dissent. I did so because I believed strongly that we owed it to those risking their lives to speak truth to power. We still do.

In fact, while some say we can't ask tough questions because we are at war, I say no—in a time of war we must ask the hardest questions of all. It's essential if we want to correct our course and do what's right for our troops instead of repeating the same mistakes over and over again. No matter what the President says, asking tough questions isn't pessimism, it's patriotism.

Our troops have served with stunning bravery and resolve. The nobility of their service to country can never be diminished by the mistakes of politicians. American families who have lost, or who fear the loss, of their loved ones deserve to know the truth about what we have asked them to do, what we are doing to complete the mission, and what we are doing to prevent our forces from being trapped in an endless quagmire.

Some people would rather not have that discussion. They'd rather revise and rewrite the story of our involvement in Iraq for the history books. Tragically, that's become standard fare from an administration that doesn't acknowledge facts generally, whether they are provided by scientists, whistleblowers, journalists, military leaders, or the common sense of every citizen. At a time when many worry that we have become a society of moral relativists, too few worry that we have a government of factual relativists.

Let's be straight about Iraq. Saddam Hussein was a brutal dictator who deserves his own special place in hell. But that was not the reason America went to war.

The country and the Congress were misled into war. I regret that we were not given the truth; as I said more than a year ago, knowing what we know now, I would not have gone to war in Iraq. And knowing now the full measure of the Bush Administration's duplicity and incompetence, I doubt there are many members of Congress who would give them the authority they abused so badly. I know I would not. The truth is, if the Bush Administration had come to the United States Senate and acknowledged there was no “slam dunk case” that Saddam Hussein had weapons of mass destruction, acknowledged that Iraq was not connected to 9/11, there never would have even been a vote to authorize the use of force—just as there's no vote today to invade North Korea, Iran, Cuba, or a host of regimes we rightfully despise.

I understand that as much as we might wish it, we can't rewind the tape of history. There is, as Robert Kennedy once said, 'enough blame to go around,' and I accept my share of the responsibility. But the mistakes of the past, no matter who made them, are no justification for marching ahead into a future of miscalculations and misjudgments and the loss of American lives with no end in sight. We each have a responsibility, to our country and our conscience, to be honest about where we should go from here. It is time for those of us who believe in a better course to say so plainly and unequivocally.

We are where we are. The President's flip-pant “bring it on” taunt to the insurgents

has found a meaning beyond his wildest expectations, a painful reality for troops who went for too long without protective armor. We have traded a dictator for a chaos that has left America less secure, and the mission the President once declared accomplished remains perilously incomplete.

To set a new course, we must be strong, smart, and honest. As we learned painfully during the Vietnam War, no president can sustain a war without the support of the American people. In the case of Iraq, their patience is frayed and nearly to the breaking point because Americans will not tolerate our troops giving their lives without a clear strategy, and will not tolerate vague platitudes or rosy scenarios when real answers are urgently needed.

It's time for leaders to be honest that if we do not change course, there is the prospect of indefinite, even endless conflict—a fate untenable for our troops, and a future unacceptable to the American people and the Iraqis who pray for the day when a stable Iraq will belong to Iraqis alone.

The path forward will not be easy. The administration's incompetence and unwillingness to listen has made the task that much harder, and reduced what we can expect to accomplish. But there is a way forward that gives us the best chance both to salvage a difficult situation in Iraq, and to save American and Iraqi lives. With so much at stake, we must follow it.

We must begin by acknowledging that our options in Iraq today are not what they should be, or could have been.

The reason is simple. This Administration hitched their wagon to ideologues, excluding those who dared to tell the truth, even leaders of their own party and the uniformed military.

When after September 11th, flags flew from porches across America and foreign newspaper headlines proclaimed "We're all Americans now," the Administration could have kept the world united, but they chose not to. And they were wrong. Instead, they pushed allies away, isolated America, and lost leverage we desperately need today.

When they could have demanded and relied on accurate instead of manipulated intelligence, they chose not to. They were wrong—and instead they sacrificed our credibility at home and abroad.

When they could have given the inspectors time to discover whether Saddam Hussein actually had weapons of mass destruction, when they could have paid attention to Ambassador Wilson's report, they chose not to. And they were wrong. Instead they attacked him, and they attacked his wife to justify attacking Iraq. We don't know yet whether this will prove to be an indictable offense in a court of law, but for it, and for misleading a nation into war, they will be indicted in the high court of history. History will judge the invasion of Iraq one of the greatest foreign policy misadventures of all time.

But the mistakes were not limited to the decision to invade. They mounted, one upon another.

When they could have listened to General Shinseki and put in enough troops to maintain order, they chose not to. They were wrong. When they could have learned from George Herbert Walker Bush and built a genuine global coalition, they chose not to. They were wrong. When they could have implemented a detailed State Department plan for reconstructing post-Saddam Iraq, they chose not to. And they were wrong again. When they could have protected American forces by guarding Saddam Hussein's ammo dumps where there were weapons of individual destruction, they exposed our young men and women to the ammo that now maims and kills them because they chose

not to act. And they were wrong. When they could have imposed immediate order and structure in Baghdad after the fall of Saddam, Rumsfeld shrugged his shoulders, said Baghdad was safer than Washington, D.C. and chose not to act. He was wrong. When the Administration could have kept an Iraqi army selectively intact, they chose not to. They were wrong. When they could have kept an entire civil structure functioning to deliver basic services to Iraqi citizens, they chose not to. They were wrong. When they could have accepted the offers of the United Nations and individual countries to provide on the ground peacekeepers and reconstruction assistance, they chose not to. They were wrong. When they should have leveled with the American people that the insurgency had grown, they chose not to. Vice President Cheney even absurdly claimed that the "insurgency was in its last throes." He was wrong.

Now after all these mistakes, the Administration accuses anyone who proposes a better course of wanting to cut and run. But we are in trouble today precisely because of a policy of cut and run. This administration made the wrong choice to cut and run from sound intelligence and good diplomacy; to cut and run from the best military advice; to cut and run from sensible war time planning; to cut and run from their responsibility to properly arm and protect our troops; to cut and run from history's lessons about the Middle East; to cut and run from common sense.

And still today they cut and run from the truth.

This difficult road traveled demands the unvarnished truth about the road ahead.

To those who suggest we should withdraw all troops immediately—I say No. A precipitous withdrawal would invite civil and regional chaos and endanger our own security. But to those who rely on the overly simplistic phrase "we will stay as long as it takes," who pretend this is primarily a war against Al Qaeda, and who offer halting, sporadic, diplomatic engagement, I also say—No, that will only lead us into a quagmire.

The way forward in Iraq is not to pull out precipitously or merely promise to stay "as long as it takes." To undermine the insurgency, we must instead simultaneously pursue both a political settlement *and* the withdrawal of American combat forces linked to specific, responsible benchmarks. At the first benchmark, the completion of the December elections, we can start the process of reducing our forces by withdrawing 20,000 troops over the course of the holidays.

The Administration must immediately give Congress and the American people a detailed plan for the transfer of military and police responsibilities on a sector by sector basis to Iraqis so the majority of our combat forces can be withdrawn. No more shell games, no more false reports of progress, but specific and measurable goals.

It is true that our soldiers increasingly fight side by side with Iraqis willing to put their lives on the line for a better future. But history shows that guns alone do not end an insurgency. The real struggle in Iraq—Sunni versus Shiia—will only be settled by a political solution, and no political solution can be achieved when the antagonists can rely on the indefinite large scale presence of occupying American combat troops.

In fact, because we failed to take advantage of the momentum of our military victory, because we failed to deliver services and let Iraqis choose their leaders early on, our military presence in vast and visible numbers has become part of the problem, not the solution.

And our generals understand this. General George Casey, our top military commander

in Iraq, recently told Congress that our large military presence "feeds the notion of occupation" and "extends the amount of time that it will take for Iraqi security forces to become self-reliant." And Richard Nixon's Secretary of Defense Melvin Laird, breaking a thirty year silence, writes, "Our presence is what feeds the insurgency, and our gradual withdrawal would feed the confidence and the ability of average Iraqis to stand up to the insurgency." No wonder the Sovereignty Committee of the Iraqi Parliament is already asking for a timetable for withdrawal of our troops; without this, Iraqis believe Iraq will never be its own country.

We must move aggressively to reduce popular support for the insurgency fed by the perception of American occupation. An open-ended declaration to stay "as long as it takes" lets Iraqi factions maneuver for their own political advantage by making us stay as long as they want, and it becomes an excuse for billions of American tax dollars to be sent to Iraq and siphoned off into the coffers of cronyism and corruption.

It will be hard for this Administration, but it is essential to acknowledge that the insurgency will not be defeated unless our troop levels are drawn down, starting immediately after successful elections in December. The draw down of troops should be tied not to an arbitrary timetable, but to a specific timetable for transfer of political and security responsibility to Iraqis and realignment of our troop deployment. That timetable must be real and strict. The goal should be to withdraw the bulk of American combat forces by the end of next year. If the Administration does its work correctly, that is achievable.

Our strategy must achieve a political solution that deprives the Sunni-dominated insurgency of support by giving the Sunnis a stake in the future of their country. The Constitution, opposed by more than two thirds of Sunnis, has postponed and even exacerbated the fundamental crisis of Iraq. The Sunnis want a strong secular national government that fairly distributes oil revenues. Shiites want to control their own region and resources in a loosely united Islamic state. And Kurds simply want to be left alone. Until sufficient compromise is hammered out, a Sunni base cannot be created that isolates the hard core Baathists and jihaaadists and defuses the insurgency.

The Administration must use all of the leverage in America's arsenal—our diplomacy, the presence of our troops, and our reconstruction money—to convince Shiites and Kurds to address legitimate Sunni concerns and to make Sunnis accept the reality that they will no longer dominate Iraq. We cannot and should not do this alone.

The Administration must bring to the table the full weight of all of Iraq's Sunni neighbors. They also have a large stake in a stable Iraq. Instead of just telling us that Iraq is falling apart, as the Saudi foreign minister did recently, they must do their part to put it back together. We've proven ourselves to be a strong ally to many nations in the region. Now it's their turn to do their part.

The administration must immediately call a conference of Iraq's neighbors, Britain, Turkey and other key NATO allies, and Russia. All of these countries have influence and ties to various parties in Iraq. Together, we must implement a collective strategy to bring the parties in Iraq to a sustainable political compromise. This must include obtaining mutual security guarantees among Iraqis themselves. Shiite and Kurdish leaders need to make a commitment not to perpetrate a bloodbath against Sunnis in the post-election period. In turn, Sunni leaders must end support for the insurgents, including those who are targeting Shiites. And the

Kurds must explicitly commit themselves not to declare independence.

To enlist the support of Iraq's Sunni neighbors, we should commit to a new regional security structure that strengthens the security of the countries in the region and the wider community of nations. This requires a phased process including improved security assistance programs, joint exercises, and participation by countries both outside and within the Middle East.

Ambassador Khalilzad is doing a terrific job trying broker a better deal between the Iraqi parties. But he can't do it alone. The President should immediately appoint a high level envoy to maximize our diplomacy in Iraq and the region.

Showing Sunnis the benefits that await them if they continue to participate in the process of building Iraq can go a long way toward achieving stability. We should press these countries to set up a reconstruction fund specifically for the majority Sunni areas. It's time for them to deliver on their commitments to provide funds to Iraq. Even short-term improvements, like providing electricity and supplying diesel fuel—an offer that the Saudis have made but have yet to fulfill—can make a real difference.

We need to jump start our own lagging reconstruction efforts by providing the necessary civilian personnel to do the job, standing up civil-military reconstruction teams throughout the country, streamlining the disbursement of funds to the provinces so they can deliver services, expanding job creation programs, and strengthening the capacity of government ministries.

We must make it clear now that we do not want permanent military bases in Iraq, or a large combat force on Iraqi soil indefinitely. And as we withdraw our combat troops, we should be prepared to keep a substantially reduced level of American forces in Iraq, at the request of the Iraqi government, for the purpose of training their security forces. Some combat ready American troops will still be needed to safeguard the Americans engaged in that training, but they should be there to do that and to provide a back stop to Iraqi efforts, not to do the fighting for Iraqis.

Simultaneously, the President needs to put the training of Iraqi security forces on a six month wartime footing and ensure that the Iraqi government has the budget to deploy them. The Administration must stop using the requirement that troops be trained in-country as an excuse for refusing offers made by Egypt, Jordan, France and Germany to do more.

This week, long standing suspicions of Syrian complicity in destabilizing Lebanon were laid bare by the community of nations. And we know Syria has failed to take the aggressive steps necessary to stop former Baathists and foreign fighters from using its territory as a transit route into Iraq. The Administration must prod the new Iraqi government to ask for a multinational force to help protect Iraq's borders until a capable national army is formed. Such a force, if sanctioned by the United Nations Security Council, could attract participation by Iraq's neighbors and countries like India and would be a critical step in stemming the tide of insurgents and money into Iraq.

Finally, and without delay, we must fundamentally alter the deployment of American troops. While Special Operations must continue to pursue specific intelligence leads, the vast majority of our own troops should be in rear guard, garrisoned status for security backup. We do not need to send young Americans on search and destroy missions that invite alienation and deepen the risks they face. Iraqis should police Iraqis. Iraqis should search Iraqi homes. Iraqis should stand up for Iraq.

We will never be as safe as we should be if Iraq continues to distract us from the most important war we must win—the war on Osama bin Laden, Al Qaeda, and the terrorists that are resurfacing even in Afghanistan. These are the make or break months for Iraq. The President must take a new course, and hold Iraqis accountable. If the President still refuses, Congress must insist on a change in policy. If we do take these steps, there is no reason this difficult process can not be completed in 12-15 months. There is no reason Iraq cannot be sufficiently stable, no reason the majority of our combat troops can't soon be on their way home, and no reason we can't take on a new role in Iraq, as an ally not an occupier, training Iraqis to defend themselves. Only then will we have provided leadership equal to our soldiers' sacrifice—and that is what they deserve.

#### NATIONAL DISABILITY EMPLOYMENT MONTH

Mr. HARKIN. Mr. President, this October marks the 60th anniversary of National Disability Employment Awareness Month, and gives us an opportunity to recognize and celebrate the contributions that employees with disabilities have made to the American workforce.

The effort to help our fellow Americans understand these important contributions began in 1945, when Congress designated the first week in October each year as National Employ the Physically Handicapped Week. In 1962, the name was changed to include all employees with disabilities. And, in 1988, Congress expanded the designated week to a full month, and changed the name to National Disability Employment Awareness Month.

National Disability Employment Awareness Month is a time to celebrate the progress we have made in opening the doors of opportunity for individuals with disabilities. People with disabilities—as all people—have unique abilities, talents, and aptitudes. And there is no question that our nation is better, fairer, and richer when we make full use of those gifts.

This July, our Nation celebrated the 15th anniversary of the Americans with Disabilities Act—the landmark civil rights law securing the rights of people with disabilities. As the chief sponsor of the ADA in Congress, I remember the day it was signed into law—June 26, 1990—as one of the proudest in my entire legislative career. And, just as many predicted, the ADA has taken its place among the great civil rights laws in our Nation's history. Today, the impact of the ADA is all around us, in countless facets of our daily lives.

Yet we still have much work to do to increase employment opportunities for people with disabilities. Long-term employment, career advancement, and equal pay continue to be challenging for many workers with disabilities. Most importantly, we need to improve the employment rate of persons with disabilities. The gap between the employment rates of working-age people with and without disabilities was more than 40 percentage points in 2004.

There are many factors that contribute to this gap, including disincentives, transportation issues, and outdated stereotypes about people with disabilities. But the end result is unfortunate and unacceptable. Most people with disabilities want to work; they want to be self-supporting and independent. As a government and as a society, we need to encourage employers to hire people with disabilities. We need to support creative job accommodations so we expand employment opportunities.

Misconceptions and apprehensions about hiring people with physical or mental disabilities continue to exist as a barrier to progress. We need to get out the truth, which is that most workers with disabilities require no special accommodations, while the cost for those who do is often minimal. Moreover, research amply shows that employees with disabilities have above-average records in attendance, job dependability, performance, and safety.

Breaking down these persistent attitudinal barriers requires a cooperative, sustained, and consistent effort. A new generation of young people with disabilities is growing up in America today—graduating from high school, going to college, and preparing to participate fully in the workplace. These young people have a right to make the most of their potential. Likewise, America must make the most of their intellect, talents, and abilities.

So this month, as we celebrate the 60th anniversary of National Disability Employment Month, let us rededicate ourselves to breaking down the workplace barriers—physical and psychological—that continue to stand in the way of people with disabilities. Our goal must be to make the American dream accessible to all Americans.

#### HONORING THE SERVICE OF BARBARA BERGER

Mr. CRAPO. Mr. President, I would like to honor a remarkable individual today on the occasion of her retirement from the U.S. Senate Recording Studio. Barbara Berger, or Barb, as she is known here in the Senate, is celebrating her last day of a career spanning 33 years. Barb has been here longer than any Senator save four. She has seen 320 Senators come and go from this body and served under 13 Sergeants-At-Arms. Not only has she seen many of us come and go, she has also witnessed the astounding technological transformation in media that has occurred in the past three decades. In 1972, when Barb began as a receptionist in the front office of the Recording Studio, radio and film were the only mediums of communication available to the Senate, and floor proceedings were not televised yet.

I haven't been here as long as some of my colleagues, but over the past 7 years, Barb has been the gracious smile and distinguished and professional face

of the Recording Studio. Her poise, civility and shining personality permeate the office and make working with them an absolute pleasure for me. Her institutional knowledge and memory and quiet authority provide me and all the staff and Members who work with the studio reassurance that our messages will be handled with care and expertise.

American historian Barbara Tuchman said:

Although I know we have already grown accustomed to less beauty, less elegance, less excellence, yet perversely I have confidence in the opposite of egalitarianism: in the competence and excellence of the best among us. The urge for the best is an element of humankind as inherent as the heartbeat. It may be crushed temporarily but it cannot be eliminated. We will always have pride in accomplishment, the charm of fine things . . . As long as people exist, some will always strive for the best. And some will attain it.

Barb epitomizes this competence and excellence in her work, and beauty in her kind and graceful spirit. My staff and I will most certainly miss her and I wish her well in retirement.

#### ADDITIONAL STATEMENTS

##### IN SPECIAL RECOGNITION OF ANN S. SIMPSON

• Mr. THOMAS. Mr. President, I rise today to recognize Ann Simpson for her selection to receive the prestigious University of Wyoming Art Museum National Advisory Board President's Award on November 5, 2005.

John Paul Richter once said, "Art is not the bread, but the wine of life." In many ways this is true, but art not only enriches our quality of life, it also plays an instrumental role in human development. Art enhances cognitive skills and encourages creative expression. Art helps us understand different worldviews and perspectives. For these reasons and more, art must be fostered in our communities and across the Nation.

In line with this mission, the University of Wyoming Art Museum National Advisory Board established the President's Award in 1995. This special award is to be presented to an individual, group or organization for their lifetime commitment to the arts in Wyoming. Those selected must be an active advocate of the arts, be recognized as a patron of and major contributor to the arts, have played an instrumental role in the creation or development of a specific art program and/or art initiative, and embody a strong commitment to furthering/developing arts in Wyoming. Ann Simpson is an excellent choice to receive this distinguished award.

A Wyoming native, Ann is a long-time supporter of the arts throughout our State. In 1989, Ann received the Wyoming Arts Council Governor's Arts Award for her outstanding service to the arts in Wyoming. Her passion for

the arts is further illustrated by her work on the Ford's Theater Board, the University of Wyoming Art Museum Advisory Board, and significant financial contributions to art programs throughout the State and Nation. In fact, Ann worked with the Wyoming State legislature to secure a National Endowment for the Arts funding match of \$3.5 million in order to initiate construction of the Centennial Complex which currently houses the University of Wyoming Art Museum. She was also responsible for cultivating and stewarding a \$2.5 million donation to the University of Wyoming Art Museum, their largest endowment gift to date.

Ann has always recognized the importance of art and art education to our society. In fact, one of her most notable contributions to our State is an art outreach program called the Artmobile. The Artmobile is a traveling exhibition which visits communities throughout the State of Wyoming in order to provide our residents with exposure to diverse forms of visual art. The program incorporates artwork from the University of Wyoming's permanent collection and by Wyoming artists. Discussions of the exhibition are typically followed by hands-on art activities with the Artmobile curator. The program is provided free of charge and each presentation is tailored to engage its particular audience.

In 1995, the Artmobile was renamed for Ann in recognition of her tremendous efforts on behalf of the program. To this day, Ann works diligently to increase public awareness of the valuable service the "Ann Simpson Artmobile" provides and to enrich the lives of all Wyomingites with art. Ann Simpson is truly deserving of the University of Wyoming Art Museum National Advisory Board President's Award.

Mr. President, Ann's husband, former Senator Alan Simpson, and I grew up a stone's throw from one another, so I have had the pleasure of knowing the Simpsons for most of my life. Al and Ann are a remarkable couple with endless energy and enthusiasm for our great State. My wife Susan and I consider them both dear friends, and we extend our most sincere congratulations for Ann's extraordinary achievement.●

#### 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 and a withdrawal which were referred to the appropriate committees.

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

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 10 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 172. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

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

#### MEASURES REFERRED

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

H.R. 3945. Agreed to amend the title so as to read: "A Bill to facilitate recovery from the effects of Hurricane Katrina by providing greater flexibility for, and temporary waivers of certain requirements and fees imposed on, depository institutions, credit unions, and Federal regulatory agencies, and for other purposes"; to the Committee on Banking, Housing, and Urban Affairs.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 28, 2005, she had presented to the President of the United States the following enrolled bill:

S. 172. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Navy nomination of James D. Thompson to be Commander.

Navy nominations beginning with James F. Brinkman and ending with William L. Yarde, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2005.

Air Force nomination of Christopher Sartori to be Colonel.

Air Force nominations beginning with Suzanne M. Ceconi and ending with Kirk B. Stetson, which nominations were received by the Senate and appeared in the Congressional Record on October 17, 2005.

Air Force nomination of Melissa A. Saragosa to be Major.

Army nomination of Deborah Whitmer to be Lieutenant Colonel.

Army nominations beginning with Steven C. Henricks and ending with William J. Nelson, which nominations were received by the Senate and appeared in the Congressional Record on October 17, 2005.

Army nominations beginning with Gary L. Gross and ending with Adger S. Turner,

which nominations were received by the Senate and appeared in the Congressional Record on October 19, 2005.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### 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 Ms. SNOWE (for herself and Ms. COLLINS):

S. 1938. A bill to redesignate the project for navigation, Saco River, Maine as an anchorage area; to the Committee on Environment and Public Works.

By Mr. WARNER:

S. 1939. A bill to extend the suspension of duty on hexanedioic acid, polymer with 1,3-benzenedimethanamine; to the Committee on Finance.

#### ADDITIONAL COSPONSORS

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1699

At the request of Mr. SPECTER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1699, a bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

S. 1735

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1735, a bill to improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies, and for other purposes.

S. 1756

At the request of Mr. DAYTON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1756, a bill to establish a Department of Peace and Nonviolence.

S. 1774

At the request of Mr. CORNYN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1774, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension.

S. 1890

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1890, a bill to amend the Internal Revenue Code of 1986 to deny a deduction for certain fines, penalties, and other amounts.

S. 1937

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1937, a bill to expand certain preferential trade treatment for Haiti.

S. RES. 292

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. Res. 292, a resolution calling on the President to condemn the anti-Israel sentiments expressed by the President of Iran, Mahmoud Ahmadinejad, on October 26, 2005.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1938. A bill to redesignate the project for navigation, Saco River, Maine as an anchorage area; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, I rise today to introduce a bill for the City of Saco, ME that concerns the town's ability to allow the mooring of boats on the Saco River. The bill changes the turning basin into an anchorage while managing a 50 foot channel within the anchorage. The town was not aware that it was in violation because of 21 moorings located in the Saco River Federal Navigational Project. In an effort to eliminate this encroachment, city officials have requested a modification or deauthorization of the Federal Navigational Project to resolve the issue.

The U.S. Army Corps of Engineers has suggested language that redesignates the maneuvering basin into an anchorage area that will meet the needs of the community. The language, which I hope will be included in the Water Resources Development Act in this Congress, will allow for the legal moorage of boats, the fairway for which would be maintained by the City of Saco as is customary for towns with Federal anchorages. It is my understanding that the two mayors of the cities involved along with the Saco Yacht Club have agreed to the Corps' language.

By Mr. WARNER:

S. 1939. A bill to extend the suspension of duty on hexanedioic acid, polymer with 1,3-benzenedimethanamine; to the Committee on Finance.

Mr. WARNER. Mr. President, I rise today to introduce a bill to extend the temporary duty suspension for imports of Nylon MXD6, hexanedioic acid, polymer with 1,3-benzenedimethanamine. This product, which is not manufactured in the United States at this time, serves as the favored option for food packaging and other multifunction packaging due to its tough, transparent properties.

It is customary for the Congress every few years to consider relatively minor technical changes to certain trade proposals as one omnibus bill. The most recent of these bills was the

Miscellaneous Trade and Technical Changes Act of 2004. For a proposal to be included in the legislation, the House Ways and Means Committee, Senate Finance Committee, and International Trade Commission all have to conclude that the proposal is noncontroversial. As one of the determining factors for a duty suspension request to be considered noncontroversial, no domestic production of the commodity may exist, or it may not be at a sufficient level to satisfy domestic demand.

As I mentioned before, Nylon MXD6 is not produced in the United States, and as a result, a temporary duty suspension was awarded to imports of Nylon MXD6 under the Miscellaneous Trade and Technical Corrections Act of 2004. However, this suspension is due to expire on December 31, 2006. While this sunset may sound far from now, no domestic production is expected to exist by then nor is it expected to exist for a few years afterwards, causing uncertainty for future production.

The current duty suspension for this import has been a key element in lowering the costs of domestic production of commodities containing Nylon MXD6. The bill I introduce today would extend the current suspension through December 31, 2008, which will provide manufacturers the certainty they need to plan for their future.

In closing, I hope my colleagues in the Senate will join with me in support of this legislation.

#### EXECUTIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the remaining military nominations that were reported by the Armed Services Committee and are at the desk.

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

Mr. FRIST. Mr. President, I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

#### IN THE NAVY

The following named officer for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 624:

#### To be commander

James D. Thompson, 1605

The following named officers for regular appointments to the grade indicated in the United States Navy under title 10, U.S.C., section 531:

#### To be lieutenant commander

James F. Brinkman, 3080

Joe D. Haines, Jr., 4816

Lisa Pearse, 7702

Jerry M. Rebrey, 0024

Ernest J. Whittle, 1215  
William L. Yarde, 5054

IN THE AIR FORCE

The following named individual for appointment to the grade indicated in the Reserve of the Air Force under title 10, U.S.C., section 12203:

*To be colonel*

Christopher Sartori, 6349

The following named individuals in the grades indicated in the Regular Air Force under title 10, U.S.C., section 531(a):

*To be lieutenant colonel*

Suzanne M. Cecconi, 6218  
Gary A. Peitzmeier, 1014  
Harry M. Richter, 3724

*To be major*

Philip M. Beck, 1881  
Lance T. Frye, 6876  
James J. Madden, 9267  
Kirk B. Stetson, 5871

The following named officer for Regular appointment in the grade indicated in the United States Air Force under title 10, U.S.C., section 531(a):

*To be major*

Melissa A. Saragosa, 3669

IN THE ARMY

The following named officer for Regular appointment to the grade indicated in the United States Army Veterinary Corps under title 10, U.S.C., sections 531 and 3064:

*To be lieutenant colonel*

Deborah Whitmer, 8289

The following named officers for regular appointment in the grade indicated in the United States Army Judge Advocate General's Corps under title 10, U.S.C., sections 531 and 3064:

*To be major*

Steven C. Henricks, 6329  
Michael D. Mierau, 9454  
William C. Moorhouse, 1544  
William J. Nelson, 4408

The following named officers for Regular appointment in the grades indicated as Chaplains in the United States Army under title 10, U.S.C., sections 531 and 3064:

*To be colonel*

Gary L. Gross, 8676

*To be lieutenant colonel*

Neal J. Buckon, 8297  
Michael J. Cerrone, 7838  
Frank R. Spencer, 6046  
Valerie B. StJohn, 4165  
Gary R. Studniewski, 3714  
Avi S. Weis, 1490

*To be major*

Mark N. Awdykowyz, 7102  
Richard J. Bendorf, 0129  
James R. Boulware, 4868  
Gary W. Bragg, 2780  
Joey T. Byrd, 7482  
John L. Congdon, 9262  
Douglas C. Fenton, 5423  
Michael L. Fralley, 6405  
Richard P. Graves, 9813  
David S. Harsdorf, 4070  
Jose G. Herrera, 7276  
Timothy L. Hubbs, 3648  
Carlos C. Huerta, 5992  
Paul K. Hurley, 8535  
Daniel C. Hussey, 0731  
Jerald P. Jacobs, 1669  
Steven R. Jerles, 2687  
Edward D. Northrop, 4777  
James E. Oneal, 8125  
Matthew P. Pawlikowski, 3222  
Pekola F. Roberts, 1643  
Adger S. Turner, 3411

LEGISLATIVE SESSION

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

ORDERS FOR MONDAY, OCTOBER  
31, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, October 31. I further ask consent 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 proceed to a period for the transaction of morning business, with the time equally divided until 4 p.m. I further ask unanimous consent that the Senate then proceed to S. 1932, as under the previous order.

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

PROGRAM

Mr. FRIST. Mr. President, next week, the Senate will consider the deficit reduction bill, a bill I spoke on in my opening comments today, a bill about which I am very excited. It answers the question of doing what is right, what the American people expect, and that is getting our deficit down, reducing the deficit by slowing down, by reducing that mandatory or entitlement spending growth.

We will complete action on that important measure on Thursday or Friday. We will have a very long day on Thursday. I encourage our colleagues not to schedule anything else on Thursday because we will be voting a lot on the floor of the Senate and will do so in the fashion that we voted this week—having votes scheduled and strictly cutting off votes if Members are not here.

Under the time agreement that was reached last night, we will have plenty of time for debate each day with many votes over the course of the week. I urge my colleagues—and I feel I say this again and again—to be judicious in their offering of amendments. We will work with our colleagues on the time. We want to have and will have plenty of time for debate and amendments. We do not need to bring every amendment to the floor to make a message when it is pretty clear what the outcome will be.

Again, we will protect everybody's right and opportunity to have full debate and vote accordingly, but I ask people to judiciously consider what amendments they bring to the floor.

Next week we will also address the Agriculture appropriations conference report under a very short time agreement. We will also address any other conference reports available, as well as executive nominations that are ready for Senate action.

ROSA PARKS

Mr. FRIST. Mr. President, over the course of the weekend, the Capitol will be busy. As people know, on Tuesday of this week, civil rights icon Rosa Parks passed away in her Detroit home at the age of 92. Throughout her life, she was a champion, an activist, a true hero, and has left a legacy that all of us will carry forward and pass on to our children and future generations because of that simple act—not so simple act, but that dramatic act of refusal to give up her seat on a Montgomery bus that was the catalyst for that historic civil rights movement that and remade our Nation.

Last night, it was our honor in this body to pass a resolution to allow the remains of Rosa Parks to lie in state on Sunday and Monday in the Capitol Rotunda. The House is expected to ratify a similar resolution today. Citizens from all around the country and really all around the globe, I am sure, will come to pay their respects. Rosa Parks will be forever etched in history as a testament to how one person with courage can literally change the world.

Although shortly we will be closing, at this time, 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. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MICHAEL WYNNE  
TO BE SECRETARY OF THE AIR  
FORCE

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider Calendar No. 409, the nomination of Michael Wynne to be Secretary of the Air Force. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action, and finally that the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF DEFENSE

Michael W. Wynne, of Florida, to be Secretary of the Air Force.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I think the distinguished majority leader. Our committee acted on this nomination yesterday. There has been a vacancy in the Secretary's Office of the

Air Force for some period of time. I thank the members from both sides of the aisle of the Armed Services Committee who have cooperated with me as chairman to get this nomination through today.

Mike Wynne is an extraordinary individual, eminently well qualified to lead the Department of the Air Force with great pride and integrity. He is a West Point graduate, served on active duty in the military. He has had extraordinary experience and degrees from the Institute of Technology, a master's, and on it goes. He has been in the Department of Defense in a variety of positions, and he was recently Under Secretary for Acquisition Technology and Logistics. I cannot think of a better qualified individual than Mike Wynne to take on this important task.

I yield the floor.

**LEGISLATIVE SESSION**

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

ADJOURNMENT UNTIL MONDAY, OCTOBER 31, 2005, AT 2 P.M.

Mr. WARNER. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:54 p.m., adjourned until Monday, October 31, 2005, at 2 p.m.

**NOMINATIONS**

Executive nominations received by the Senate October 28, 2005:

**DEPARTMENT OF STATE**

PATRICIA NEWTON MOLLER, OF ARKANSAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICATO THE REPUBLIC OF BURUNDI.  
 CAROL VAN VOORST, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICATO THE REPUBLIC OF ICELAND.  
 ROSS WILSON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICATO THE REPUBLIC OF TURKEY.

**CONFIRMATIONS**

Executive nominations confirmed by the Senate: Friday, October 28, 2005

**DEPARTMENT OF STATE**

DAVID B. DUNN, OF CALIFORNIA, TO BE AMBASSADOR TO THE TOGOLESE REPUBLIC.  
 CARMEN MARIA MARTINEZ, OF FLORIDA, TO BE AMBASSADOR TO THE REPUBLIC OF ZAMBIA.  
 MICHAEL R. ARIETTI, OF CONNECTICUT, TO BE AMBASSADOR TO THE REPUBLIC OF RWANDA.  
 BENSON K. WHITNEY, OF MINNESOTA, TO BE AMBASSADOR TO NORWAY.  
 DAVID M. HALE, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR TO THE HASHEMITE KINGDOM OF JORDAN.  
 NICHOLAS F. TAUBMAN, OF VIRGINIA, TO BE AMBASSADOR TO ROMANIA  
 SUSAN RASINSKI MCCAW, OF WASHINGTON, TO BE AMBASSADOR TO THE REPUBLIC OF AUSTRIA.

**INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT**

JENNIFER L. DORN, OF NEBRASKA, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS.

**DEPARTMENT OF COMMERCE**

FRANKLIN L. LAVIN, OF OHIO, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE.

**DEPARTMENT OF THE TREASURY**

CLAY LOWERY, OF VIRGINIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

**THE JUDICIARY**

JAMES S. HALPERN, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

**EXECUTIVE OFFICE OF THE PRESIDENT**

KARAN K. BHATIA, OF MARYLAND, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.  
 SUSAN C. SCHWAR, OF MARYLAND, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.  
 THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

**DEPARTMENT OF DEFENSE**

WILLIAM ANDERSON, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.  
 JOHN G. GRIMES, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.  
 JOHN J. YOUNG, JR., OF VIRGINIA, TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.  
 MICHAEL W. WYNNE, OF FLORIDA, TO BE SECRETARY OF THE AIR FORCE.  
 DELORES M. ETTER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

**IN THE AIR FORCE**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. WILLIAM T. HOBBS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. LANCE L. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. MICHAEL W. PETERSON

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIGADIER GENERAL EUGENE R. CHOJNACKI  
 BRIGADIER GENERAL KENNETH R. CLARK  
 BRIGADIER GENERAL DAVID F. WHERLEY, JR.  
 BRIGADIER GENERAL HARRY M. WYATT III

*To be brigadier general*

COLONEL WILLIAM R. BURKS  
 COLONEL IWAN B. CLONTZ  
 COLONEL DONALD E. FICK  
 COLONEL DAVID J. HATLEY  
 COLONEL KENNETH M. JEFFERSON  
 COLONEL ROBERT H. JOHNSTON  
 COLONEL DANIEL B. O'HOLLAREN  
 COLONEL RANDOLPH M. SCOTT  
 COLONEL MARK F. SEARS  
 COLONEL HAYWOOD R. STARLING, JR.  
 COLONEL ERNEST G. TALBERT  
 COLONEL LAWRENCE S. THOMAS III  
 COLONEL GUY M. WALSH  
 COLONEL ELLIOTT W. WORCESTER, JR.  
 COLONEL ROBERT J. YAPLE

**IN THE ARMY**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

GEN. BURWELL B. BELL III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. MICHAEL D. MAPLES

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*

COLONEL DANIEL B. ALLYN

COLONEL JAMES C. BOOZER, SR.  
 COLONEL RONALD M. BOUCHARD  
 COLONEL MARK S. BOWMAN  
 COLONEL THOMAS M. COLE  
 COLONEL JESSE R. CROSS  
 COLONEL KENNETH S. DOWD  
 COLONEL MICHAEL T. FLYNN  
 COLONEL WILLIAM H. FORRESTER, JR.  
 COLONEL WILLIAM B. GARRETT III  
 COLONEL JAMES L. HODGE  
 COLONEL ANTHONY R. IERARDI  
 COLONEL JOHN D. JOHNSON  
 COLONEL GREGG F. MARTIN  
 COLONEL WILLIAM C. MAYVILLE, JR.  
 COLONEL JAMES M. MCDONALD  
 COLONEL PATRICIA E. MCQUISTON  
 COLONEL JOHN W. PEABODY  
 COLONEL DAVID G. PERKINS  
 COLONEL DANA J. H. PITTARD  
 COLONEL JOE E. RAMIREZ, JR.  
 COLONEL JAMES E. ROGERS  
 COLONEL MICHAEL E. ROUNDS  
 COLONEL FREDERICK S. RUDSHEIM  
 COLONEL TODD T. SEMONITE  
 COLONEL JOHN E. SEWARD  
 COLONEL ROBIN P. SWAN  
 COLONEL ANTHONY J. TATA  
 COLONEL KEVIN R. WENDEL  
 COLONEL WILLIAM T. WOLF  
 COLONEL TERRY A. WOLFF

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. THOMAS D. ROBINSON

*To be brigadier general*

COL. CHARLES D. ESTES  
 COL. ELLEN P. GREENE  
 COL. LUIS R. VISOT

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 major general*

BRIG. GEN. MICHAEL J. DIAMOND

**IN THE NAVY**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. PATRICK M. WALSH

**IN THE AIR FORCE**

AIR FORCE NOMINATION OF CHRISTOPHER SARTORI TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH SUZANNE M. CECCONI AND ENDING WITH KIRK B. STETSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 17, 2005.

AIR FORCE NOMINATION OF MELISSA A. SARAGOSA TO BE MAJOR.

**IN THE ARMY**

ARMY NOMINATION OF DEBORAH WHITMER TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH STEVEN C. HENRICKS AND ENDING WITH WILLIAM J. NELSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 17, 2005.

ARMY NOMINATIONS BEGINNING WITH GARY L. GROSS AND ENDING WITH ADGER S. TURNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 19, 2005.

**IN THE NAVY**

NAVY NOMINATION OF JAMES D. THOMPSON TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JAMES F. BRINKMAN AND ENDING WITH WILLIAM L. YARDE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

**IN THE AIR FORCE**

AIR FORCE NOMINATION OF JOHN S. BAXTER TO BE COLONEL.

**IN THE ARMY**

ARMY NOMINATION OF JOSE R. RAEI TO BE COLONEL. ARMY NOMINATIONS BEGINNING WITH SUZANNE R. AVERY AND ENDING WITH JAMES FIKES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

ARMY NOMINATIONS BEGINNING WITH DONNA J. DOLAN AND ENDING WITH DEBORAH F. SIMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

ARMY NOMINATIONS BEGINNING WITH PAUL F. ABBEY AND ENDING WITH WARREN A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

ARMY NOMINATIONS BEGINNING WITH PAUL S. ASTPHAN AND ENDING WITH BRINDA F. WILLIAMSMORGAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

ARMY NOMINATIONS BEGINNING WITH LYNN S. ALSUP AND ENDING WITH CAROL L. ZIERES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

ARMY NOMINATIONS BEGINNING WITH JAMES W. AGNEW AND ENDING WITH DAVID A. YEROPOLI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

#### FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH DEANNA HANEK ABDEEN AND ENDING WITH JAMES M. LAMBERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2005.

#### IN THE MARINE CORPS

MARINE CORPS NOMINATION OF DARREN W. MILTON TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH CHRISTOPHER J. AABY AND ENDING WITH RICHARD B. YOUNG II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

#### IN THE NAVY

NAVY NOMINATION OF WILLIAM D. FUSON TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH DANIEL ALBRECHT AND ENDING WITH JOHNNY WON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2005.

#### WITHDRAWAL

Executive Message transmitted by the President to the Senate on October 28, 2005 withdrawing from further Senate consideration the following nomination:

HARRIET ELLAN MIERS, OF TEXAS, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, WHICH WAS SENT TO THE SENATE ON OCTOBER 7, 2005.