

## MESSAGES FROM THE PRESIDENT

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

## EXECUTIVE MESSAGES REFERRED

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

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

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-606. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual surplus property report for fiscal year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-607. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on infertility and the prevention of sexually transmitted diseases from 2000 to 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-608. A communication from the Human Resource Specialist, Department of Labor, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Assistant Secretary for Occupational Safety and Health Administration, received on February 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-609. A communication from the Secretary of Education, transmitting, pursuant to law, a report concerning surplus Federal real property disposed of to educational institutions; to the Committee on Health, Education, Labor, and Pensions.

EC-610. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Commissioner of Education and Statistics, received on January 25, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-611. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, Special Education and Rehabilitative Services, received on January 25, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-612. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of the nomination confirmed for the position of Under Secretary, received on January 25, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-613. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Secretary, on January 25, 2005; to the

Committee on Health, Education, Labor, and Pensions.

EC-614. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Cardiovascular and Neurological Devices; Reclassification of Two Embolization Devices" (Doc. No. 20003N-0567) received on February 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-615. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Obstetrical and Gynecological Devices; Classification of the Assisted Reproduction Laser System" (Doc. No. 2004N-0530) received on February 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-616. A communication from Assistant General Counsel for Regulatory Services, Office of Innovation and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Scientifically Based Evaluation Methods—Notice of Final Priority" (RIN1890-ZA00) received on February 7, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-617. A communication from Regulations Coordinator, Centers for Disease Control, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Establishment of Vaccination Clinics; User Fees for Investigational New Drug (IND) Influenza Vaccine Services and Vaccines" (RIN0920-AA11) received on January 25, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-618. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, the six month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-619. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-620. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a report on the Commission's management controls for fiscal year 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-621. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "OCC Guidelines Establishing Standards for National Banks' Residential Mortgage Lending Practices" (RIN1557-AC93) received on February 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-622. A communication from the Secretary of Commerce, transmitting, pursuant to law, the 2005 Report on Foreign Policy Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-623. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of

a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" (Doc. No. FEMA-7774 (44 FR 64)) received on February 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-624. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (44 CFR 67) received on February 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-625. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Doc. No. FEMA-D-7565 (44 CFR 67)) received on February 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-626. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Doc. No. FEMA-7859 (44 CFR 64)) received on February 7, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-627. A communication from Assistant Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Certain Broker-Dealers Deemed Not To Be Investment Advisors" (RIN 3235-AJ78) received on January 25, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-628. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Credit Union Ownership of Fixed Assets" received on February 1, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-629. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Procedure Notice on Surety" (RIN 0575-AC60) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-630. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Direct Single Family Housing Loans and Grants" (RIN0575-AC54) received on February 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-631. A communication from Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Increased Assessment Rate" (Doc. No. FV05-989-1FR) received on February 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-632. A communication from Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California: Redistricting and Reappointment of Producer Membership on the California Olive Committee" (Doc. No. FV04-932-2FR) received on February 7, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-633. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting,

pursuant to law, the report of a rule entitled "Exemption of Organic Handlers from Assessments for Market Promotion Activities under Marketing Order Programs" (Doc. No. FV03-900-1 FR) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-634. A communication from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exempting Organic Handlers from Assessment by Research and Promotion Programs" (RIN0581-AC15) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-635. A communication from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas; Decreased Assessment Rate" (Doc. No. FV05-959-1 IFR) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-636. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Lamb Promotion and Research Program: Procedures for the Conduct of a Referendum" (Doc. No. LS-04-06) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-637. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Appalachian, Florida, and Southeast Marketing Areas—Final Rule" (AO-388-A16, AO-356-A38, and AO-366-A45; DA-04-07) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-638. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Civil Monetary Penalties for Inflation" (RIN3038-AC13) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-639. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Background and Security Investigations in Proceedings Before Immigration Judges and the Board of Immigration Appeals" (RIN1125-AA44) received on February 7, 2005; to the Committee on the Judiciary.

EC-640. A communication from the Assistant Chief, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Production of Dried Fruit and Honey Wines" (RIN1513-AC21) received on February 7, 2005; to the Committee on the Judiciary.

EC-641. A communication from the Director, Regulatory Management Division, Immigration and Customs Enforcement, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Execution of Removal Orders: Countries to Which Aliens May Be Removed" (RIN1653-AA41) received on January 25, 2005; to the Committee on the Judiciary.

EC-642. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (WV-102-FOR) received on February 7, 2005; to the Committee on Energy and Natural Resources.

EC-643. A communication from the Secretary of Energy, transmitting, pursuant to law, the Fiscal Year 2004 Competitive Sourcing Activity Report; to the Committee on Energy and Natural Resources.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 308. A bill to require that Homeland Security grants related to terrorism preparedness and prevention be awarded based strictly on an assessment of risk, threat, and vulnerabilities; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DEMINT (for himself, Mr. SALAZAR, and Mr. ENSIGN):

S. 309. A bill to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Finance.

By Mr. ENSIGN (for himself and Mr. REID):

S. 310. A bill to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada; to the Committee on Energy and Natural Resources.

By Mr. SMITH (for himself, Mrs. CLINTON, Ms. COLLINS, Mr. BINGAMAN, Ms. CANTWELL, Mr. COLEMAN, Mr. CORZINE, Ms. SNOWE, Mrs. FEINSTEIN, Ms. LANDRIEU, Mrs. MURRAY, Mr. DEWINE, Mr. BAYH, Mr. REED, Mr. KERRY, Mr. SCHUMER, Mr. DAYTON, Mr. WYDEN, Mrs. LINCOLN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. NELSON of Florida, Ms. STABENOW, Mr. JOHNSON, Mr. LEAHY, Mr. KENNEDY, Mr. FEINGOLD, and Mr. SARBANES):

S. 311. A bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV; to the Committee on Finance.

By Mr. MCCAIN (for himself, Ms. CANTWELL, and Mr. LEAHY):

S. 312. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR (for himself, Mr. DOMENICI, Mr. HAGEL, Mr. REED, Mr. BIDEN, Mr. LEVIN, Ms. COLLINS, Mr. MCCAIN, and Mr. OBAMA):

S. 313. A bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations; to the Committee on Armed Services.

By Mr. CORNYN:

S. 314. A bill to protect consumers, creditors, workers, pensioners, shareholders, and small businesses, by reforming the rules governing venue in bankruptcy cases to combat forum shopping by corporate debtors; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 315. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and

for other purposes; to the Committee on Finance.

By Mr. FEINGOLD:

S. 316. A bill to limit authority to delay notice of search warrants; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. AKAKA, Mr. BINGAMAN, Ms. CANTWELL, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. JEFFORDS, Mr. KENNEDY, and Mr. WYDEN):

S. 317. A bill to protect privacy by limiting the access of the Government to library, bookseller, and other personal records for foreign intelligence and counterintelligence purposes; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 318. A bill to clarify conditions for the interceptions of computer trespass communications under the USA-PATRIOT Act; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mr. KENNEDY):

S. 319. A bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLARD:

S. 320. A bill to require the Secretary of the Army to carry out a pilot project on compatible use buffers on real property bordering Fort Carson, Colorado, and for other purposes; to the Committee on Armed Services.

By Ms. SNOWE (for herself, Mr. KOHL, Mr. ROCKEFELLER, and Ms. LANDRIEU):

S. 321. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. LEAHY, Mrs. CLINTON, and Mr. SCHUMER):

S. 322. A bill to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TALENT:

S. 323. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 43. A resolution designating the first day of April 2005 as "National Asbestos Awareness Day"; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself and Mr. COLEMAN):

S. Res. 44. A resolution celebrating Black History Month; to the Committee on the Judiciary.

By Mr. ALLEN (for himself, Mr. WARNER, and Mr. SCHUMER):

S. Res. 45. A resolution commending the James Madison University Dukes football