

received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1261 MARINE CORPS nominations (2) beginning JAY A. ROGERS, and ending STANLEY M. WEEKS, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1262 MARINE CORPS nominations (2) beginning SEAN P. HOSTER, and ending TIMOTHY D. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1263 MARINE CORPS nominations (2) beginning NEIL G. ANDERSON, and ending EDWARD M. MOEN JR., which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1264 MARINE CORPS nominations (2) beginning CARL BAILEY JR., and ending JAMES A. JONES, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1265 MARINE CORPS nominations (2) beginning GREGORY M. GOODRICH, and ending MARK W. WASCOM, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1267 MARINE CORPS nominations (3) beginning JACK G. ABATE, and ending JAMES KOLB, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1269 MARINE CORPS nominations (4) beginning PETER G. BAILLIFF, and ending TIMOTHY D. SECHREST, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1270 MARINE CORPS nominations (5) beginning ISRAEL GARCIA, and ending JAMES I. SAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1271 MARINE CORPS nominations (5) beginning BEN A. CACIOPPO JR., and ending WALTER D. ROMINE JR., which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1272 MARINE CORPS nominations (5) beginning PETER M. BARACK JR., and ending JOHN D. SOMICH, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

PN1273-1 MARINE CORPS nominations (593) beginning BENJAMIN J. ABBOTT, and ending RUTH A. ZOLOCK, which nominations were received by the Senate and appeared in the Congressional Record of February 1, 2006.

IN THE NAVY

PN1157 NAVY nominations (19) beginning CHRISTOPHER P. BOBB, and ending VINCENT J. WOOD, which nominations were received by the Senate and appeared in the Congressional Record of December 21, 2005.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of three Senate resolutions which were submitted earlier today.

The PRESIDING OFFICER. The clerk will please report the resolutions by title.

The legislative clerk read as follows:

A resolution (S. Res. 374) to authorize testimony, document production, and legal representation in *United States of America v. David Hossein Safavian*.

A resolution (S. Res. 375) to authorize testimony and legal representation in *State of New Hampshire v. William Thomas, Keta C. Jones, John Francis Bopp, Michael S. Franklin, David Van Strein, Guy Chichester, Jamilla El-Shafei, and Ann Isenberg*.

A resolution (S. Res. 376) to authorize representation by the Senate Legal Counsel in the case of *Keyter v. McCain, et al.*

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. FRIST. Mr. President, S. Res. 375 concerns a request for testimony and representation in related criminal trespass actions in Concord District Court in the State of New Hampshire. In these actions, eight defendants have been charged with criminally trespassing on the premises of Senator JUDD GREGG's Concord, NH, office on December 5, 2005, for refusing repeated requests to leave Senator GREGG's office at the end of the business day in order to allow the office to close. Trials on the charge of trespass are scheduled to commence on or about March 1, 2006. The State has subpoenaed a member of the Senator's staff who witnessed the defendants' conduct. The enclosed resolution would authorize that staff member, and any other employees of Senator GREGG's office from whom evidence may be required, to testify in connection with these actions.

Mr. REID. Mr. President pursuant to Senate Resolution 213, 109th Congress, the Senate authorized the Senate legal counsel to represent Senators JOHN MCCAIN and JON KYL in a pro se civil action in which the plaintiff complained that the Senator defendants violated their duties under the common law and the Federal Criminal Code by failing to investigate or prosecute the alleged commission of 1.6 million crimes. After the Senate legal counsel moved to dismiss the action, the plaintiff sought to amend the complaint to name 29 additional defendants, including Senators BILL FRIST, JOSEPH I. LIEBERMAN, MITCH MCCONNELL, RICK SANTORUM, and TED STEVENS, as well as 14 judges and 10 executive branch officials.

In a January 13, 2006, Memorandum Opinion and Order, the district court accepted the amended complaint for filing and dismissed it. The court held that plaintiff's criminal claims failed on the merits and that plaintiff's civil claims were barred under the Federal Tort Claims Act for plaintiff's failure to exhaust his administrative remedies under the act. The court also prohibited the plaintiff from filing in that court any further claim arising out of

the subject matter of the case against any of the 31 defendants.

Plaintiff appealed the dismissal of his case. Accordingly, this resolution would authorize the Senate legal counsel to represent the five additionally named Senator defendants on appeal in defending the dismissal of the amended complaint against all of the Senator defendants.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, en bloc.

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

The resolution (S. Res. 374) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 374

Whereas, in the case of *United States of America v. David Hossein Safavian*, Crim. No. 05-370, pending in the United States District Court for the District of Columbia, testimony and documents have been requested from Bryan D. Parker, an employee on the staff of the Committee on Indian Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved that Bryan D. Parker, and any other employee of the Committee on Indian Affairs from whom testimony or the production of documents may be required, are authorized to testify and produce documents in the case of *United States of America v. David Hossein Safavian*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Bryan D. Parker, and any other Members, officers, or employees of the Senate, in connection with the testimony and document production authorized in section one of this resolution.

The resolution (S. Res. 375) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 375

Whereas, in the cases of *State of New Hampshire v. William Thomas* (C-05-49153-AR), *Keta C. Jones* (C-05-49153-A-AR), *John Francis Bopp* (C-05-49153-B-AR), *Michael S. Franklin* (C-05-49153-C-AR), *David Van Strein* (C-05-49153-D-AR), *Guy Chichester* (C-05-49153-E-AR), *Jamilla El-Shafei* (C-05-49153-F-AR), and *Ann Isenberg* (C-05-49153-G-

AR), pending in Concord District Court, New Hampshire, testimony has been requested from Carol Carpenter, an employee in the office of Senator Judd Gregg;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent an employee of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Carol Carpenter and other employees of Senator Gregg's office from whom testimony may be required are authorized to testify in the cases of State of New Hampshire v. William Thomas, Keta C. Jones, John Francis Bopp, Michael S. Franklin, David Van Strein, Guy Chichester, Jamilla El-Shafei, and Ann Isenberg, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Carol Carpenter and other employees of Senator Gregg's office in connection with the testimony authorized in section one of this resolution.

The resolution (S. Res. 376) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 376

Whereas, pursuant to Senate Resolution 213, 109th Congress, the Senate Legal Counsel is currently representing Senators John McCain and Jon Kyl in the case of Keyter v. McCain, et al., filed in the United States District Court for the District of Arizona, Civ. No. 05-1923-PHX-DGC;

Whereas, the plaintiff filed an amended complaint naming Senators Bill Frist, Joseph I. Lieberman, Mitch McConnell, Rick Santorum, and Ted Stevens as additional defendants in the action;

Whereas the District Court dismissed the action for lack of jurisdiction and for failure to state a claim upon which relief may be granted;

Whereas the plaintiff has appealed the dismissal of the action to the United States Court of Appeals for the Ninth Circuit; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators Bill Frist, Joseph I. Lieberman, Mitch McConnell, Rick Santorum, and Ted Stevens in the case of Keyter v. McCain, et al.

HONORING THE LIFE OF DR.
NORMAN SHUMWAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate

now proceed to the consideration of S. Res. 377, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 377) honoring the life of Dr. Norman Shumway and expressing the condolences of the Senate on his passing.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, S. Res. 377 is the resolution honoring the life of Dr. Norman Shumway and expressing condolences on behalf of this body.

I wish to pay tribute to a medical pioneer, a man who inaugurated a new era of medicine, my mentor in surgery and friend. Sadly, Dr. Shumway passed away late last week at the age of 83. He left behind a legacy as an inspirational leader, a healer, a guiding spirit who made my own professional field of heart transplants a reality. When all those around him said it was impossible, said it was a pipe dream, said it couldn't be done, his vision and his determination and his unrelenting commitment and pioneer attitude has saved thousands and thousands of lives.

I had the distinct honor of studying under the tutelage of Dr. Shumway at Stanford University Medical Center in the early 1980s. I witnessed his rare gifts. Those gifts included a blend of long-term thinking, a love of medicine and healing, and a true pioneering spirit that inspired and attracted like-minded individuals from across the country and, indeed, around the world.

He was fond of remarking that his role as a surgeon was comparable to that of being the world's greatest first surgical assistant in the operating room. When you are treating a patient, when you are operating on a patient, the surgeon stands on one side of the table and the first assistant across the way on the other side. It is that image of Dr. Shumway, on the other side, instructing, teaching, cultivating that expertise in the young surgeon, that stands out most vividly in my mind, the constant cajoling and instructing in very gentle, humble ways, the certainty of that guiding hand which would reach over if there was a slightly wrong move or a hesitant move that was made. I think his comment about being the world's greatest first assistant reflects that humility but also that comfort level and that competence that, coupled with his pioneering spirit, has proved to be revolutionary in the field of medicine and surgery. Now his humble, yet visionary, work is reflected in surgical programs all over the world because he was that first assistant, as he instructed and taught and inspired. Those surgeons he trained are now literally populating academic and clinical programs all over this country and indeed throughout the world. He loved his role as healer, and

he cherished the opportunity not only to operate and to innovate but to inspire and to plant seeds, all a part of his mode of inspirational teaching.

I have worked with a lot of cardiac surgeons, heart surgeons, in programs around the world, including Boston, MA, over in England, out on the west coast, down in the South at Vanderbilt and, more than anybody I interacted with over the 20 years I have spent in medicine, Dr. Shumway was the one, was the single one, who had the broadest, as well as the deepest, influence because of his unparalleled commitment to teaching in an inspirational way that encouraged others to go out and teach and to spread the word and to spread the technique and to spread what he indeed pioneered: heart transplantation, lung transplantation, heart-lung transplantation.

He was a brilliant man, a pioneering spirit. Yet he was always accessible. He was always there on rounds. He believed in the team approach, of relying on the technician running the heart-lung machine, relying on the nurses who, with him, made rounds each morning and each evening to see his patients.

His teachings were filled with turns of phrases and catchy one-liners and, in my own mind, as I stand here and recall listening to him, he would say things such as: Never be afraid to double dribble. I think about it a lot because what he was saying was if that first stitch you are about ready to put in isn't perfect, put in another stitch; don't be so bold, don't be so confident, don't be so cocky, where if you have a question you don't make absolutely sure that something is perfect. Never be afraid to double dribble.

Dr. Shumway looked for somebody who had the passion for healing, and he would encourage their active pursuits. It is almost as if he had a sixth sense, both for inspiration but also in recognizing in others an ability or a desire to be innovative, to create, to think outside of the box in order to benefit humanity.

He considered it part of his mission to nurture and cultivate his trainees' ambition and their drive and their desire. It didn't matter what your age was. It didn't matter what schools you had gone to. It didn't matter whether you were a first-year resident, an intern, or a fifth-year resident; if you had a good idea, if you had a creative idea, he would nurture it and he would put an environment around you to allow that idea to grow, to prove itself, to go down in defeat. He would even set up a laboratory around an intern or a first-year resident who had a creative idea that he thought just may work.

It was a very different mentality than most people in his field of surgery in medicine. The traditional medical establishment, as I mentioned earlier, thought heart transplantation could