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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, September 21, 2004, at 12:30 p.m.

Senate

MONDAY, SEPTEMBER 20, 2004

The Senate met at 2 p.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.

O Lord our God, restorer of the joy of those who find You, we praise Your holy name. Thank You for giving us lifetime favor and for Your unchanging faithfulness. You turn our mourning into dancing and clothe us with gladness.

Today we pray for our Senators. Shine Your light of wisdom on them and be gracious to them. Remove from them contention and strife as You infuse them with humility. Keep Your arms of protection around them and their loved ones in these challenging times.

Lift Your mighty scepter over our military and bless it with success. Lord, rule in the midst of Your world until the kingdom of Earth will acknowledge Your sovereignty. Let Your mighty name protect us as You give us our heart's desires.

We place our trust in You, the Lord our God. Amen.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. MCCONNELL. Mr. President, today we will have a period for morning business throughout the afternoon. Under a previous unanimous-consent agreement, we will vote on passage of the Military Construction appropriations bill at 5:30 p.m. today. The final 10 minutes prior to the vote is scheduled for closing remarks on the MILCON legislation. As a reminder, we have also reached an agreement for consideration of the Legislative Branch appropriations bill and will be scheduling that matter for tomorrow's session. As always, Members will be notified as additional votes are scheduled.

We have a number of other legislative and executive matters that are possible this week, including additional appropriations bills, the nomination of PORTER GOSS to be Director of the CIA, and an extension of various expiring family tax provisions.

Mr. President, I thank the Senate for its attention. I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, there will now be a period for the transaction of morning business for debate only with Senators permitted to speak therein for up to 10 minutes each.

The Chair inquires, does the Senator from Nevada wish to suggest the absence of a quorum?

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the submission of the resolution are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from Nevada.

THE FEDERAL JUDICIARY

Mr. REID. Mr. President, before I came to the Senate, I practiced law for many years in my home state of Nevada. I was an attorney who went to court all the time, and I often went to Federal court. There is a tremendous difference between State courts and Federal courts. There is more solemnity in the Federal courts. There are more procedures that are important to the establishment of justice and maintaining justice in our Federal court system. The main reason for this is that our Federal judges are appointed for life. They are not subject to the whims of a political issue at any given time. They know that if they rule a

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



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certain way, they are not going to be thrown off the bench in the next election.

I am still a very proud member of the Nevada bar, and I have great respect for the law. I appreciate everyone who is involved in the practice of the law and the judicial process.

In fact, the reason there has been so much debate about Federal judicial nominations is because we care deeply about these lifetime positions. They are vital to our system of Government.

The U.S. Constitution is such an important document. When we come to this body, we swear we will uphold the U.S. Constitution. Framers of this great document were visionary, in my opinion. They understood the importance of the legal process. That is why they made the judiciary one of the three equal branches of Government, separate but equal.

Our judiciary and our legal system are vital to this democracy. Unfortunately, some people only seem to recognize that fact when it is convenient.

I am sad to announce that this administration wants the public to believe nothing is more important than filling vacancies on the Federal bench. Yet, this same administration refuses to fund the judicial branch so it can function properly. This body, because of the numbers we have gotten from the White House, is contemplating a budget resolution that would freeze the judiciary appropriations at last year's levels. The funding for staffing and other expenses was below the level of fiscal year 2001. That is, 2004 was below the level of 2001.

While funding went down over that time, the workload of our Federal judiciary has increased by more than 10 percent. The budget crunch has already forced the judiciary to fire 145 employees. Now if we freeze judiciary funding at these levels, again we will cripple the operations of our Federal courts. It will force early buyouts. They will come up with gimmicks such as these early buyouts. They will have to do some layoffs. They will have to do furlough days. They will limit the number of hours people can work, and there will be a loss of between 2,000 to 5,000 probation officers and court staff alone.

What does this mean? Fewer probation officers means less supervision of Federal offenders and more danger on our streets. Do we want to do that? By withholding the resources of our judiciary, which is so desperately needed, we would threaten the ability of our legal system to function properly.

By next June, payments to court-appointed private attorneys in criminal cases would be halted. Why is this significant? Because our Federal public defender system cannot represent defendants in cases where there are conflicts with other defendants these defendants have to be represented by court-appointed private attorneys. Without adequate funding, they are not going to be able to do that anymore. In

addition, civil jury trials would come to a halt in June because there would be no funds to pay the jurors.

The Constitution is the world's greatest blueprint for democracy, and our justice system is the fairest and the best in all the world. We should not be running a second-class judicial system. The Senate needs to provide our judiciary the resources it needs to fund these functions properly.

While the Senate committee-passed bill does appropriate funding for the judiciary, it is not enough. At the very least, we must appropriate the amount contained in H.R. 4754. Anything less than that will jeopardize the judiciary's fundamental mission of providing justice.

I have spoken at great length with members of the Federal bench about salaries for Federal judges, including U.S. Supreme Court Justices. We have to pay our Federal judges better to continue to attract and retain the "best of the best" in our Federal judiciary, but today we are not even asking for that. We simply want funding that will be better than the 2001 level.

As in so many cases, this administration's rhetoric on judicial nominees is a flip side of reality. The President bemoans the supposed slow pace of the Senate's confirmation of his judicial nominees. Here is reality: The Senate has confirmed more than 95 percent of the President's nominees for the Federal court. I think the number is 203 approved and 9 or 10 turned down.

The pace of our consideration of nominees is faster than that afforded any President in modern times. The vacancy rate on the Federal bench is the lowest in many years. Yet the President argues that the Senate's objection to a small number of his nominees will slow the administration of justice. Again, that is not reality. Here is reality: The President proposes a budget that shortchanges the judiciary, ensuring that the judges who serve today on the Federal bench do not have the resources they need to do the job they were appointed to do. That is the reality.

I ask unanimous consent that the full text of a letter I received from Lloyd D. George, formerly the Chief Judge in Nevada, now on senior status, a man who has the support and approval of all Federal judges, be printed in the RECORD.

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

U.S. DISTRICT COURT,
DISTRICT OF NEVADA,
Las Vegas, NV, August 24, 2004.

Hon. HARRY REID,
U.S. Senator, Senate Hart Building,
Washington, DC.

DEAR SENATOR REID: This is a brief summary outline of critical points contained in Mr. Mecham's report on the urgent judiciary funding needs. I've also attached his full report. We would be most grateful, Senator, if you could help bring Congress to an understanding of how the judiciary's role in sustaining the rule of law will be severely dam-

aged if the current budget impasse on judiciary funding is not resolved, and the judiciary's funding is included in a long-term continuing resolution that would freeze overall appropriations at FY 2004 levels. It is the operation of and respect for the rule of law which sets our country apart from most others.

A minimum current services funding level (sustained by a 6.1 percent increase over FY 2004 appropriations) would maintain the current staffing and operating expenses.

A freeze of the juror appropriation would require the halting of civil jury trials in July 2005.

The modest increase in the FY 2004 budget still required the courts to terminate, buy-out or furlough employees despite the 10% workload growth from the previous year. Courts have also scaled back on technology, reduced improvements and public hours access, and cut back on probation officers' testing and aftercare of offenders.

The judiciary could be forced to fire or furlough the equivalent of 2,000 to 5,000 probation, pretrial services, and clerks' office employees—almost one-fourth of the current staff. It is worth noting that once a skilled employee is released, even if funding is eventually restored, the employee usually does not return, resulting in the loss of a significant investment in human resources.

A freeze of the defender services appropriations would require halting panel attorney payments in June 2005.

Should the appropriations process become stalled, an effort to exempt the judiciary from a long-term continuing resolution at FY 2004 levels should be considered, and an annual appropriation at least to the levels contained in H.R. 4754 should be provided. Such a course is not without precedence, and was taken in 1996 when, at the request of the Chief Justice, the judiciary was exempted, along with other law enforcement agencies from a full year continuing resolution, and an appropriations bill for the judiciary was resolved within months. Although the Chief Justice rarely calls upon the Judicial Conference to pass a resolution, this year he made such a request in view of the critical budgetary situation. The Judicial Conference unanimously passed the resolution which I attach for your review.

As always, I respect your judgment and remain confident in your commitment to the Third Branch and the constitutional rights and privileges that it protects.

Sincerely,

LLOYD D. GEORGE,
District Judge.

Mr. REID. Judge George has served on many committees of the Supreme Court. He is a great judge. I do not know if "revered" is the right word, but people like this man and look up to him. Lloyd George was appointed by a Republican President. He is a Republican, and he is not trying to embarrass the President. He is a person who believes in the three separate but equal branches of Government and he thinks what is happening to the Federal judiciary is causing inequality in the separation of powers doctrine.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed for up to 30 minutes.

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

HONORING OUR ARMED FORCES

SERGEANT STEVEN D. CONOVER

Mr. DEWINE. Mr. President, I rise this afternoon to honor and remember a young man from Wilmington, OH, a man who was taken from us far too soon, a young man who lost his life in service to our country in Iraq, a young man who stands as a shining example of bravery, courage, and who had a profound sense of faith.

Army SGT Steven Conover, a member of the 82nd Airborne Field Artillery, Charlie Battery, was killed on November 2, 2003, along with 16 other brave Americans. When the helicopter they were riding in was shot down near Fallujah, he was on his way home to Ohio, on his way home for a 2-week leave where he was going to surprise his childhood sweetheart, his wife Brooke, for their second wedding anniversary.

Steven was only 21 years of age. While the tragedy of his loss is undeniable, Steven's family and friends take comfort in remembering him as he was, as he always will be, frozen in time as an exuberant young man who tried very hard and succeeded in doing much good in the world.

Steven grew up in Wilmington, OH, and attended Wilmington High School, graduating in the year 2000. His friends remember him as laid back, shy, kind, and caring. He also attended the Laurel Observation Vocational School where he was a member of the Air Force Junior ROTC. One of his ROTC instructors, Howard Vosburgh, described Steven this way:

[Steven was a] very mature, genuinely nice guy [who] automatically, when he spoke, other people listened. His fellow students looked up to him. I admired him. He was just a cut above his peers. He was that kind of person.

Throughout his short life, Steven would gain the admiration of so many people. His hometown of Wilmington honored him with a story in the local paper about his service and the service of three of his relatives who were also serving in Iraq. Not only did several of Steven's relatives dedicate their lives and service to our country, but so did his wife Brooke. While Steven trained at Fort Sill, OK, Brooke enlisted in the Army because she knew how Steven loved his career and figured that they would both end up, as she said, "lifers."

Brooke remembered fondly how Steven would help ease her fears before she started basic training. The two would spend as much time together as they could, fishing and walking the trails at the base. However, Brooke suffered a leg muscle injury during basic training that resulted in her honorable discharge.

Steven was forced to leave his soulmate when his unit was sent to Iraq in April 2003. He always made an effort to write to his wife, as well as his mother and stepfather in Wilmington. Additionally, Steven remained in contact with students from

his alma mater. Wilmington High School created a trophy case that displayed the photos of 22 former students serving overseas in the military and students wrote letters to the soldiers, including Steven. This contact brought Steven great comfort as he dealt with the death of his best friend in combat, as well as the suffering he saw in Iraq.

Steven was a devout Christian. He used his faith as a guide during many difficult times while serving in Operation Iraqi Freedom. As Steven's stepfather, Michael, recalled:

They were ambushed quite often, and Steven just said he knew the hand of God was on him. He saw the hand of God in Iraq.

According to Pastor Elizabeth Looney, who knew Steven since his birth, his time in Iraq changed his beliefs and bolstered his faith. She said of Steven:

The pain and suffering he saw increased his resolve to do good and made him proud to serve his country.

Steven told her of his desire to return home and sit in the church with her. His faith was strong, and he had a profound sense that he was doing what was right—that it was, in fact, necessary.

Upon his death, at a memorial service at Fort Sill in Oklahoma, Steven and five of his fallen comrades were eulogized. The most poignant moment of the service was the final roll call. For those not familiar with the tradition, the Sergeant rises and calls the names of the soldiers present in the audience. Each responds with "here." A deafening silence is the only response to the call for the fallen soldier—the silence that reminds us all of the ultimate sacrifice they each have made.

I had the privilege of meeting Steven's family and friends at his funeral service in Wilmington. During the eulogy, Pastor Looney described him as "a hero . . . mischievous . . . everything he did was funny." Most profoundly, though, she described Steven as a watchman—a watchman who protects all of us—who watches over us. She concluded with these words:

We're going to miss his smile and his face and all the love he gave. I know where Steven is.

We all know where Steven is. His faith guided him through life and into his eternal resting place.

Left to cherish his memory are his wife Brooke; his mother Lorraine; stepfather Michael; brother Aaron; sisters Kaliegh and Corrie, as well as grandparents, nephews, nieces, aunts, and uncles.

I know they miss Steven deeply.

Steven Conover was an exceptional young man, who will never be forgotten.

ARMY SPECIALIST JAMES POWELL II

Mr. President, last October, at one of Saddam Hussein's palaces in Tikrit, Iraq, two fallen United States soldiers were honored by several hundred of their comrades. The mood was somber as troops, in full battle gear, stood in formation for the final roll call. When

the call came, Army SP James Powell II and SP Donald Wheeler did not respond.

With tears streaming down their faces, the troops paid their final respects to these two brave men. As Battalion Commander, LTC Steve Russell told the soldiers:

We will finish their mission. As long as Regulars draw breath, we shall not forget them.

We will not forget them either.

I come to the Senate Floor today to pay tribute to one of these men—fellow Ohioan, SP James Powell. James lost his life on October 12, 2003, when his Bradley Fighting Vehicle struck an anti-tank mine in Baji, Iraq. James was serving as a member of B Company, 1st Battalion, 22nd Infantry Regiment, 4th Infantry Division based out of Fort Hood, TX.

James grew up in Columbus. He graduated from Linden McKinley High School in 1996. Lifelong friend Adam Warrix remembers James as "outgoing and always looking to help someone out."

After graduation, James enlisted in the Navy and served from 1997 to 2000, as a seaman apprentice on the USS *Arctic*. Though he was proud of being in the Navy, James's enlistment provided him with much more than service to his country—it introduced him to his best friend and love of his life, Ruby Mann.

James became friends with Ruby's brother while the two men were serving in the Navy together. They went to Kentucky for a hunting trip in September 1998, and while there, James met Ruby for the first time. Ruby says it was love at first sight. She was so taken by James that she asked him out on a date the first night he was there. James joked that he would have asked her, but he was afraid she would say no because of the four inches she had on him.

The two went out and fell head over heels for each other. Six months later, James proposed. They married in October 2000. Ruby fondly remembers how much they loved doing the little things at their home in Radcliff, KY—sleeping in on the weekends, lying together on the couch, and drinking coffee in the morning.

James and Ruby considered the birth of their daughter, Lauren, as the greatest moment in their lives. James loved his daughter as much as any parent could. Ruby remembers how her husband used to sneak Lauren ice cream and their peek-a-boo matches on the couch.

James cried when Lauren told him "I love you" for the first time.

Determined to make a better life for his wife and daughter, James enlisted in the Army in January 2001. He loved nothing more than being with his family, but his enlistment took him away from them for extended periods of time. James dealt with the separation by throwing himself into his work.

He was sent with his unit to Iraq as part of the 4th Infantry Division; its

base of operations was in Tikrit. James knew the danger—especially of working in Saddam Hussein's hometown. But to James, it didn't matter; he had a job to do. He wanted to make the world a safer place for his wife and his daughter, and for all of us.

SP Tim Moore, who served with James in Iraq, remembered James telling him how much he missed his wife and daughter and how he also missed hunting and fishing. He remembers that James never complained. He did what he had to do.

Another comrade, Captain Matt Weber, recalled that James didn't just put on the uniform and go to work—he knew what it truly meant to be a soldier.

James was killed just 8 days after he received notice that he would be going home. He had called Ruby to tell her the news and how excited he was. James was looking forward to seeing his family and joining the Kentucky State Police.

Despite the news that he would be going home, Army superiors recalled that James still volunteered for a dangerous combat—the very mission that would ultimately take his life. Ruby said that even if James could have known what would happen, he still would have gone on that mission. That is the type of person he was. That is the kind of soldier he was. For his service and bravery, James was awarded the Purple Heart, the Bronze Star, and the Combat Infantry Badge.

James Powell defined bravery, honor, and love of country. Indeed, he was a fine soldier. But more than that, he was a strong, loving, supportive father, husband, and son. I had the privilege of meeting James Powell's family at the memorial service held in his honor. I spoke to Debra Powell, James's mother, who told me how proud she was of her son—how much she loved him.

Our Nation lost a great soldier in SP James Powell. He is an American hero whose memory will forever be cherished in the hearts and minds of all those who were privileged to know him.

CORPORAL ANDREW D. SIMMONS

Mr. President, an ordnance facility at Al Asad Air Base in Iraq is now called Brownfield Station. The significance of this cannot be overstated nor should the meaning behind it be forgotten.

Members of the Marine Wing Support Group 374 renamed the building after one of their fallen comrades—fellow Ohioan Marine Corporal Andrew Simmons, who also went by the name of Andrew Brownfield. Andrew lost his life on March 18, 2004, while serving our Nation in Iraq. He was 24 years old.

Andrew was an ordnance man with the task of hanging bombs on planes and helicopters. Major Steve White, Marine casualty affairs officer in Akron, OH made a poignant statement regarding the new name for the ordnance facility. This is what he said:

[This] is a reminder to the Marines in Iraq and those preparing to go there that freedom

is not free. Marines never forget the sacrifices that were made by those who have gone before us.

I rise today to pay tribute to Andrew, whose life and sacrifice should remind all of us that freedom isn't free.

Andrew Simmons was born on October 13, 1979. Known for his quick wit and sense of humor, family members and friends fondly recall his proficiency at imitating famous movie characters. Among his favorites were Billy Bob Thornton's character in the movie *Slingblade*, Dustin Hoffman's character in *Rainman*, and Tom Hanks character in *Forrest Gump*. Andrew was always the one making everyone around him laugh.

Andrew also had a driving desire to succeed. He grew up in Akron, OH and attended North High School, where he was one of the first students to join a training program that allowed students to divide their time between school and studying a vocation. After graduating from high school in 1999, Andrew held a number of jobs but decided that what he really wanted was to join the military. He wanted to be Marine and was so proud to be one that after boot camp he persuaded three of his friends to join as well.

Andrew's mother Melody remembers how Andrew's attitude changed after he graduated from boot camp. She said that "he walked proud. He had the Marine look, even in civilian clothes."

Following the tragedy of the September 11 attacks, Andrew knew that he wanted to fight against terrorism. He volunteered to go to Iraq. His fiancée, Michell Hackworth, remembered him saying that he wanted a piece of the action—that he wanted to prevent any more terrorist attacks in the United States, and this was his way of doing the most he could.

On the day he left for Iraq, Andrew called his mother from California, where he was stationed. He left a message on her machine. In it, he perfectly imitated Tom Hanks in *Forrest Gump* saying, "I love you Jenny." Andrew also told his mother and fiancée that going to Iraq was something he had to do. He felt it was his duty.

Without question, Andrew was an exemplary Marine. His comrades knew they could trust him—they knew they could depend on him. Navy Lieutenant James A. Bradshaw, chaplain for the Marine Wing Support Squadron, had this to say:

[Andrew] took a personal interest in every Marine who worked with him and spent extra hours mentoring them and helping them earn their rank, as well as just helping them be more motivated.

Andrew and Michell had big plans for the future. Andrew used to say he wanted nine sons. He wanted to relocate to Northeast Ohio. He wanted to become an electrician, or a law enforcement officer. Tragically, those dreams will not be realized.

Since the beginning of the war in Iraq, Ohioans have given their support to families and friends of fallen sol-

diers. They have continually come together to make sure that families know they are not alone in their grief.

More than 2,000 people lined the funeral route in Akron to show their support for Andrew's family. In a moving display, people dressed in red, white, and blue. Some carried flags. Others held signs reading, "Thank you for our freedom." Many could not stop the tears and still others waited for over an hour to pay their respects.

With their hands over their hearts, mourners silently followed the procession to Andrew's final resting place.

Veterans could be seen wearing their uniforms and medals. Tom Bulanda, a Vietnam veteran, stood at the gate of the cemetery with his chest covered in the medals he had earned. He came to honor a fellow Marine—a Marine he considers to be one of his own.

We owe a debt of gratitude to Andrew—a debt we can never fully repay. Today, we honor his memory and remember his life.

I thank the Chair and yield the floor.
THE PRESIDING OFFICER. The Senator from Alabama.

HURRICANE IVAN

Mr. SESSIONS. Mr. President, I want to share a few thoughts at this time with the Senate concerning the damages we received from the hurricane, "Ivan the Terrible."

It was a major hurricane. It did tremendous damage to properties and houses, timber, and agricultural crops throughout the State of Alabama and even into our region of the United States.

I had the pleasure yesterday to travel with President Bush as he went down to Orange Beach, AL, and the Gulf Shores areas, and we examined the losses that occurred there. They are quite significant. I had flown over the area earlier, and it already looked a little better to me yesterday than it did before. The tides are still high. The water level in the Gulf of Mexico remained higher than for the highest tide for maybe 24 hours after this storm hit because the hurricane had pushed so much water in. The water went over the beachfront areas into the lagoons and flooded houses on the lagoons. It blew homes down. Some well-constructed homes stood up well. Most of the condominiums that are multistory condominiums seemed to hold up well, but the net effect was a major loss for many people. The homes and buildings will have to be structurally examined—all of them—to make sure there is not some structural damage that is not anticipated today. I am proud of the people there.

The numbers I have received indicate there were 70 deaths in the Caribbean as a result of Hurricane Ivan and that, according to the Associated Press, there were 52 deaths in the United States. We had four deaths in Alabama. That is a very large loss of life. It is something we need to think about, to

see if we can anticipate in the future these kinds of problems and minimize the loss of life.

I want to say how proud I am of the people in Alabama, from the sheriffs, the fire chiefs, the emergency management people, FEMA, and every agency of Government that participated in the preparations leading up to the hurricane for the success we have had to date in Alabama where the storm hit.

Governor Riley, early on, recognized the danger of this storm. He insisted that we have evacuations from the dangerous areas. People do not like to leave their homes. They think they can ride these things out. They may remember one several years ago that was not so bad. But when a major category 3 or category 4 hurricane hits, like Ivan was, nobody is safe on the beaches and the low-lying areas of our State. The Governor pushed hard, and people listened and moved out. For that, we are most grateful and thankful. It could have been so much worse.

First of all, I want to say, President Bush made absolutely clear that the Federal Emergency Management Agency will do whatever it takes, complying with the law, to help our people in the State of Alabama.

Mike Brown, the Administrator at FEMA, was down. He traveled with us. He has been down several days. He is going back today, I believe, to visit some of the smaller towns off the beach that suffered badly also. We have had a good response from the Federal Government. We find there are some problems. Somehow we can't get things done quite as well as we would like. Of course, FEMA is dealing now with its third major hurricane in just a matter of weeks, so they are stretched to the limits, but they are responding well. Most people are pleased with that.

We have to have ice. We need to have the electricity on wherever possible. Some areas need water, and making that available is critical to the health and welfare of these communities.

I want to mention a couple things I believe are worth noting.

Mr. President, our colleague, TRENT LOTT, called me Saturday and told me that he had an individual from Pascagoula, MS, who had two truckloads of ice he was sending over. I tried to figure out how we were going to pay for it, and he said he is not asking to be paid. He said: This is from Mississippi with love. We love you. We are sending this ice to you because we care about you. We know you are hurting. It could have been us. We are thankful for that. We want to give this to you. So I salute Mark Mavar, an individual who cared enough to send a large and valuable amount of ice to the people of Alabama.

Groups have come from around the country to help. I was with the mayor of Atmore on Friday, and he talked about people coming there from around the country. Today, the mayor told me that Volunteers of America had served 6,000 people in his small town, and I

think then 10,000 people yesterday, and that maybe they would feed as many as 15,000 today. As is the case with other towns, the whole town of Atmore for days has had no electricity, zero, anywhere in town.

One farmer told me he had gotten his diesel fuel tank and filled it up with gasoline to go around town to provide gasoline for the power saws. People could not get gasoline for their power saws. The gas stations that were opened had lines sometimes with 100, 200 cars. In Monroeville, where I went through Saturday, people were lined up with probably 100, 200 cars at one of the gas stations there. They are just beginning to get electricity in Monroeville. Just maybe a quarter of the town had it, or less. One of the fast food restaurants had it, and there were probably 100 cars out there.

Electricity is so important to these individuals and communities. All of the food in their refrigerators and freezers is spoiling. It will have to be thrown out. In normal conditions, you would just go down to the grocery store and buy more food or you would go down to the fast food restaurant and get a hamburger. But when the whole town is out, and it may be 30, 40, 50 miles before you can find gasoline or fast food—and the lines are so long you cannot afford to spend the time there—it becomes a pretty serious crisis for the people.

I was able to go with my friend, Bob Sharp, who is a former president of the Alabama Forestry Association, and he showed me and explained to me how our timber stands have been damaged. That is a big deal. We had agricultural loss—cotton, peanuts, pecans—but I do not think anything is going to show the damage and losses as much as in the timber industry. He had a stand of pines. He said he bought the property from a paper company. The trees had been planted, and he had thinned them not long before the hurricane hit. There were substantial losses. Trees were down throughout that area. He was going to manage that timber, as he knew how to do, and hopefully he was going to be able to, over time, make payments on that, and it was going to be his retirement.

He talked about a friend of his, who is the same age, who had driven out and looked at his timber losses and just had to sit there and cry when he saw those trees, so many of them, down. It is a real economic hardship for a lot of good people, but they are responding well.

Mayor Shell, at Atmore, is such a fine leader. He was an engineer at one of the companies there. He is now retired. He gives his time so well to lead that community.

I met Mayor Anne Farrish in Monroeville. She is such a wonderful mayor. Eddie Everett is the fire chief, and Tommy Tate is the sheriff. We sat down and talked about all the trees they had lost. It is not just power lines being down, but a tree on top of a tree

on top of a tree, all on top of a power line. Power poles are broken. It is going to take some time for them to recover.

I have to say another bit of good news. Alabama Power Company today announced they expected to have 99 percent of the power restored in the State of Alabama by Friday. That is better than I would have expected. That is something to be proud of.

As I went through Monroeville, on up the road to where I grew up, to the little family house I grew up in, trees were all across that road. They had been cut and moved off the road to a degree. Sometimes you had to curve around them. This is a State highway, and the sheriff, Tommy Tate, told me one of the people in the timber business there took his own equipment and spent the day going up and down that road clearing that road so traffic could go through there.

It took a day or two to get that done. That is the kind of spirit of which I am proud. As I went through my community, I passed a company working on the power line. I stopped to thank them and asked them where they were from. They were from Indiana. They were a cable TV company. They had a crew that could handle clearing and improving lines. They were down in rural Alabama helping. From all over, Oklahoma, other places, these companies are there.

Nothing is more important to the recovery of a community than getting electricity on. We should salute and thank the people who have come from around the country, as well as the Alabama Power Company employees who are working their hearts out to get that power back on. We have electric cooperatives that are also doing the same thing.

It is not just the Alabama Power Company. So many companies are helping. I salute them. I thank them.

When I was talking to that company from Indiana, way out there in the rural areas of Alabama, I asked them: How long are you going to be working today? They said: There is a substation down the road, and we are going to try to get there by midnight tonight. They are working until midnight.

That is the kind of hours people are putting in. There is no place with electricity for them to spend the night or to get a hot meal, unless somebody in the community provides it. They are performing at an extremely high level which makes us all proud.

We are going to come out of this. We have a long way to go. People's homes are damaged all over. At the home I grew up in, a big oak tree crashed down on the little garage there and smashed it flat and knocked a couple of holes in our house. That was small. If you go out further, you see a huge pine tree cutting off a part of a house, and people are thanking the good Lord they were not injured. You see people there who had 6 inches to 8 inches of water in their house and flooding during the

rain that came with this hurricane. You begin to count your blessings. They were counting theirs. They weren't complaining.

People whose home flooded had a young child there. The tree hit their roof. They were thankful. I saw a person who was working in the yard, and I went up to him to speak and said: Do you live here?

He said: No, this is my friend, and we didn't have any real damage at my house, just lost some shingles, so I am here helping him.

I saw people with power saws cutting trees. A timber company had cherry picker equipment that was lifting one of the logs off a house for no charge, just to help a neighbor be able to seal up the house so the rain won't do damage to it.

Those are the kinds of things that make this a great country. It does not require the direction of somebody from Washington, DC. It does not require direction from Montgomery, AL, or even the counties. But in the very communities and neighborhoods of our country live some of the finest people the world has ever known. They know how to stand up and make decisions, utilize equipment, take care of their neighbors, and help one another who are in need. They do that on a daily basis in this crisis.

I am proud beyond words to represent them. Yes, the Federal Government has a role. We expect them to fulfill that. The State of Alabama has a role, and the county and city governments have a role. They are working hard. I have talked to those mayors. I have talked to the leaders in the communities, and they are working hard. They are intense. They are alert. They are insisting that things be done. They are insisting that if they need some equipment and it is available, they get it. I am proud of that kind of leadership. That is perfectly legitimate.

Fundamentally, the people are responding well. The power will be turned back on. FEMA will come around, under the supervision of the Corps of Engineers, and pick up all the limbs and trees that are there. These are not just small trees. Some of them are huge, representing many loads just to haul off the wood product of one major oak tree or one big pine tree. It is going to take months to get all that done. But the system has been proven. We need to refine it and make it better. But it will work. This relief will apply not just to the people who have houses on the beach but to every town and community in the State.

I was pleased to see Mr. Brown make that comment just today on the national news media. I talked to him about it. It is not just the people on the beaches who were hurt but in Atmore and Brewton and Monroeville, Frisco City, Evergreen, Greenville, and Camden, my hometown where I went to school.

I talked to Mayor Henrietta Blackmon there today. She is strug-

gling to get some electricity. They just got a little bit in town, and they are excited about that. They will be able to have gasoline provided. Some of the restaurants have electricity so people can get a hot meal. That was good news. That is the kind of thing they are doing.

They are worried about the nursing home. Generators are keeping that going right now so far. Her husband is a doctor there, and the hospital is getting by on a generator. Linden, Thomasville, Jackson, all these communities were hard hit. Birmingham, much further up the State, had substantial power outages, and the storm continued on north. We have had flooding in West Virginia and many deaths.

Whatever else a storm such as Ivan teaches us, it teaches us that we don't control our fate. We are just here a short period of time in this life; our lives are but a vapor, the Scriptures say. We can't control the winds and waves, as my daughter e-mailed me. That is controlled by a higher power. We are called upon to love our neighbors, take care of our communities, and help one another. I believe that is happening in my State to a degree that makes me very proud.

We are going to get through it. We are going to stay together. We are going to be a better State when it is over.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Wyoming.

ONE SHOT ANTELOPE HUNT

Mr. ENZI. Madam President, I wish to take a few minutes and talk about a historic event that just reoccurred in Wyoming this last weekend. We just completed another weekend of the One Shot Antelope Hunt. This is one of the earliest competitions in America. It is a continuing one. It has been done annually since 1939. I know about it because my grandfather told me about it. He considered it to be one of the great competitions. They allow 2,400 hunters to be a part of it each year. It is tied in with some conservation efforts.

I would like to thank a few people for putting this on each year in Lander, WY. The president this year was Scott Harnsberger. They are helped by the Shoshone Tribe. Chief Norm St. Clair did the blessing of the bullets. Medicine man Willie LeClair provided the medicine bags. My greeter was Rick Fagmont.

He is a CPA, and I appreciated that since I am the only accountant in the Senate. The sheriff, Skip Horneker, was my guide for the hunt.

As I mentioned, my grandfather had told me about this hunt, and I started hunting with him when I was about 6 years old. We would go out and take this rifle he had and sight it in. At that time, it was his intention for me to some day have that rifle. As we would sight it in, he would take three shots and we would check the target, and

then he would say this is shooting 4 inches high and 4 inches to the right. As long as that is happening, don't change anything. If you change it, it will never be the same again. I am pleased to tell you that 54 years later it has never been changed. It still shoots 4 inches high and 4 inches to the right. That is the rifle I took on this hunt.

When I sighted it in—and they have professionals there to make sure you have it right—I told them it is 4 inches high and 4 inches to the right and that I would not change it. My first shot was 4 inches high and 4 inches to the right. After I compensated that, the second shot was right in the bullseye.

Part of this organization provides water for wildlife. Many people would not know that Wyoming is high desert. Most of it gets less than 16 inches of rainfall a year. Yet we have a lot of wildlife. We have an increase in the amount of wildlife because the hunters of the State have been concerned about it, are working on it, and have provided different methods that improve habitat for wildlife, none of which helps it more than water. There are people who would claim that in some places in Wyoming, if you saw an antelope, it would be carrying a water bottle because it would be so far from water.

They worked very hard during the year to get contributions and planned water projects in places to be particularly helpful to the wildlife. I would be remiss if I didn't mention the Sportsman's Caucus, which is a group of sportsmen in the Senate and in the House that works all year long to watch out for legislation that helps conservation and that provides greater access for hunters and sportsmen. It involves Members of the Senate and House in the outdoor sports. So those who have not had an opportunity to see them will have an opportunity to see what they can do.

A favorite quote of mine is that "it is better to take your child hunting than to be hunting for your child." Fortunately, there are not only parents involved in this activity, but there are a lot of people who adopt kids for this kind of activity. It makes a great difference in Wyoming, and I expect it makes a great difference throughout the country.

It was a great pleasure to take part in this annual event and to see the people who have participated for years. It was a great time for me to remember my grandfather and all of the lessons he gave me as I grew up, not only in the area of hunting or fishing, but the respect that grew out of those activities that allows me to talk about absolutely anything. So while my grandfather passed away a number of years ago, in a sense I just finished having a great weekend with my grandfather.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEDICATION OF THE SOUTH DAKOTA KOREAN WAR MEMORIAL

Mr. DASCHLE. Madam President, over the weekend, South Dakota honored a debt long overdue.

With the dedication of the South Dakota Korean War Memorial on the capitol grounds in Pierre, our State paid tribute to the extraordinary heroism of those men and women who defended freedom and democracy on the Korean peninsula.

More than 1.8 million Americans fought in the Korean war, facing some of the fiercest fighting the world has ever seen.

More than 36,500 soldiers made the ultimate sacrifice in this effort, including nearly 200 South Dakotans. Another 103,000 Americans were wounded.

The cause for which they fought, and the freedom they won, is clear today for all to see.

On the south side of the 38th parallel lives a prosperous, free nation, fully welcomed into the family of nations.

On the north side, 22 million Koreans live under tyranny and in hunger.

The regime is rightly condemned for its abuse of its own citizens and their fundamental rights, and is an international outcast due to its spreading of missile technology and weapons-of-mass-destruction technology throughout the world.

The map shows nothing more than a line separating the two. But in a real sense, what separates North from South Korea is the heroism of the American soldiers who fought there.

Several years ago, under the direction of Sheila Hansen, a teacher in the Spearfish Middle school, the children of South Dakota set out to tell the stories of each of the 2,200 South Dakotans who gave their lives in World War II.

The project is called Fallen Heroes, and the stories of heroism these children uncovered taught all South Dakotans a lesson about the true meaning of patriotism and service.

Recently, Sheila Hansen asked her class to do the same for those South Dakotans who gave their lives in the Korean war.

I commend and thank Sheila and her eighth grade class at Spearfish Middle School, as well as Stanley County Middle School teacher Shirley Swanson, whose seventh grade class joined in the effort.

Together, the students prepared biographical profiles for those South Dakotans who lost their lives in service to their country during the Korean war.

One of the young men and women profiled was Walter Baptist LaPointe, from Moshier, SD.

Walter was the youngest of eight children born to Albert and Elizabeth Ringing Shield LaPointe.

Like so many Native Americans in South Dakota and across our country, Walter felt an obligation to serve his country.

Walter enlisted at the age of 19 and was sent overseas in 1951. Just 4 months after arriving in Korea, Walter was killed in an intense firefight near Homang-ni. He was awarded a posthumous Silver Star for "gallantry in action" and I would like to read from his citation.

It says:

As Company F attacked Hill 347, Private LaPointe moved ahead of the company line, seeking out and firing on enemy emplacements.

Ignoring the intense fire the foe was directing on the area, Private LaPointe displayed superb courage and determination by advancing whenever possible and setting up his weapon in unprotected but commanding positions.

He bravely continued in this manner, providing much needed automatic weapons fire for his comrades, until mortally wounded. Private LaPointe's gallantry reflects the highest credit on himself and the military service.

Walter was buried at the Advent Cemetery near his home in Moshier. His mother Elizabeth was touched by the warmth local veterans displayed at her son's passing.

The following Spring, Elizabeth decided to serve lunch to the local American Legion Post. She decided to make it a tradition, and each year since the Legion Post in Moshier has enjoyed a luncheon served by the LaPointe family.

Even after Elizabeth's passing, the tradition continues, and still today the members of the local Legion Post know the enduring gratitude of the LaPointe family.

Many friendships have been built over the years and a special connection between the family and Moshier's veteran community has grown. Speaking of the tradition, a family member recently said:

In this manner, we will forever preserve [Walter's] memory.

Indeed, they have done much more than that. With their generosity, they have strengthened the ties of friendship between the citizens of South Dakota and the men and women who fight to protect them. They have shown our veterans that their service will never be forgotten.

This, too, is the ultimate contribution of the Fallen Heroes project and the South Dakota Korean War Memorial dedicated this past Saturday.

Because our country was still war-weary from the end of World War II, few returning Korean war veterans were greeted with the ticker-tape parades and community celebrations that were common after World War II. The Korean war became known as the Forgotten War.

For the 12,000 Korean war veterans still living in South Dakota, and all those with whom they served, we have a simple message—you will never be forgotten.

The statue that stands on the capitol grounds in Pierre will be an enduring reminder of your contribution. But even this memorial is just a token of the gratitude and reverence South Dakota feels for you. The true memorial to your heroism is cast not in bronze, but in the hearts of millions of Koreans whose freedom you won, and in the memories of the Americans inspired by your courage.

We thank you for your service, and we salute your valor. And we will always remember.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

CELEBRATING THE CONSTITUTION

Mr. BYRD. Mr. President, every event memorable enough to be recorded becomes a part of history. But some events define and shape history with the force of plate tectonics, moving the world onto a new path. On September 17, 1787, just such an event occurred when the Constitution of the United States was signed.

I hold this Constitution in my hand.

With the adoption of this document, a new and powerful nation was created. That Nation, our Nation, still guided by the powerful hand of God in many ways and certainly still guided by the governmental structure laid out in this Constitution, is the heavyweight champion of world politics and the global economy. Actions of our Government influence world events with a speed and force of a category 5 hurricane.

The Declaration of Independence was historic. And I have it, too, here in my little book which I carry in my shirt pocket—the Declaration of Independence. The signers of that Declaration of Independence committed treason against the king. And those brave men—and they were men—who signed the Declaration of Independence, any one of them, each of them, could have been arrested, thrown into prison, sent to England in chains, and executed.

So we ought to ponder those men, their lives and those documents that they signed. We don't often enough think about the sacrifices they made, the risks they were willing to take as they pledged their lives and their fortunes and their sacred honor.

The Declaration of Independence was historic, for without it and the events that it set in motion there would be no fledgling United States of America.

The surrender at Yorktown on October 19, 1781, was also historic, marking the successful conclusion of the War for Independence. Without that surrender, there would be no United

States. But the early days of our new Republic were difficult ones, burdened with war debts and hampered by the weak and ineffective structure that was the Confederation Government. The Nation was independent but not truly united. The central Government was weak, relative to the State governments, dependent on whatever contribution the States chose to make. The national Government could not speak convincingly as the official voice of the whole Nation. It was not until the Constitutional Convention in Philadelphia completed its work and constructed in less than 100 days a strong yet flexible governmental structure that our young Nation was ready to make a name for itself on the world stage.

Our Constitution is a remarkable document—truly remarkable, this Constitution which I hold in my hand. It is remarkable for its simplicity, and it is remarkable for its astute understanding of human nature. The governmental structure that was devised in Philadelphia did not depend on extraordinary men in order to work but, rather, the system relied upon the ambitions of many ordinary men to check and balance each other, keeping any one man or any one branch of Government from becoming another tyrant like King George.

The Framers of the Constitution put the greatest power where? In the people and in their elected representatives—like you and you and you and me—and made those representatives responsible and responsive to the people. That is why, every 2 years, the entire membership of the House of Representatives and one-third of the membership of the Senate face the people—face the people—in an election. The President, as will happen later this year, faces the people every 4 years. Only judges, who must remain independent and free from such public pressures, are appointed for life.

The Framers also put a premium on civilian control of the military. Now, we ought to remember that. We hear all these sayings about the Commander in Chief—the Commander in Chief. And some speak with awe of the Commander in Chief. But the Commander in Chief is only the Commander in Chief of the Army, the Navy, and the militia, when it is called into service. But who creates an army? The Commander in Chief would not have any army over which to be commander if the Congress—this House and the other body—did not create an army and provide for a navy and provide for the calling up of the militia. It is the Congress, you see.

So the Framers put a premium on civilian control of the military. Again, this reflected their desire to prevent a military dictatorship from arising. They did not want a President to act as a king, ordering armies to war in remote lands on his say-so alone. Nor did they want a powerful general to seize political power. In their day, and for

the first century of our history, the United States did not have a large standing army, only a small navy and marine corps. In the event of an invasion, citizens were expected to grab their guns and form a militia, as was done in the Revolution.

The Congress would call up the militia, which only then would be led by the President in his role as Commander in Chief. The President is not the Commander in Chief of industry. He is not the Commander in Chief of the Senate. He is not the Commander in Chief of Congress. The Congress, under the Constitution, provides for the military. Congress is the paymaster, just as the Roman Senate was the paymaster in the days of ancient Rome. No consul could pay his legions of Roman soldiers unless the Roman Senate provided therefore.

So Congress is the paymaster, the armorer, and the rulemaking body for the military—not the President, not the Commander in Chief, nor his generals. The President commands the militia only when the militia is called into action by Congress or when necessary to repel an invasion. The Framers ensured that the people—the first three words in the preamble of this Constitution, which I hold in my hand, are: “We The People.” That is you; that is you; that is you; that is you; that is you, that is you. “We The People.” That is you, the people out there over the broad hills and valleys and mountains of this great Nation who are watching through these electronic eyes and hearing the words that are being spoken on the floor of the Senate—the people. The Framers ensured that the people, through their elected Representatives in Congress would control the military so that it could not become a tool of Government repression against their own people or a way for Presidents to lead the Nation into foreign misadventures.

The Framers created a barebones governmental structure—a barebones governmental structure. All rights not expressly given to the Federal Government were to be left to the States and to the people. In the course of ratifying the Constitution, however, it became clear that many people wanted to have these rights codified. And so from this sentiment came the first 10 amendments to the Constitution. How many words are there in the preamble and the original Constitution? How many words? There are 4,379 words in the preamble and the Constitution, as it was signed by the Framers. And then later came the first 10 amendments, and they are known to us as the Bill of Rights. How many words, then, are there in the preamble and the Constitution and the Bill of Rights? There are 4,861 words. How few are those words, how few.

And so the first 10 amendments, commonly known as the Bill of Rights, include the familiar freedom of speech, freedom of assembly, freedom of worship, the right to a speedy trial, the

right to bear arms, and others. These rights and freedoms, too, had their immediate roots in the prerevolutionary treatment of the colonists by the tyrant king. If the Constitution is the bones of our national body, then the Bill of Rights must be its heart and soul. These rights are what the colonists fought for, the things for which they were willing to risk losing their lives and their property and their fortunes.

These rights are what set the United States above other nations, what make the United States such a shining beacon—such a shining beacon—for the peoples of other nations to aspire to and to establish for themselves. Our ideals of freedom, set forth and realized in our Constitution, are our greatest export to the world. How about that. Those of you who are sharpest on foreign trade, those of you who pride yourselves on being trade experts, what is the greatest export? What is the greatest export of the United States? Well, our ideals of freedom, realized in the Constitution, are our greatest export to the world.

For more than 200 years, our Constitution has demonstrated its unique adaptability. The Nation has grown and changed in ways that the Framers would not have imagined, whatever their greatest hopes and ambitions for the Nation might have been. Our national interests and responsibilities engage us in activities and places that span the globe. We possess a military that is unmatched in size and capability. Our military spending outstrips most of the rest of the world combined. Why? We wonder why. That is food for thought on another day.

Our technology, our culture, our humanitarian goodwill reach out into the most remote areas of the world. But our Constitution, despite all these societal changes, continues to provide a government structure that allows us to manage these great enterprises while protecting the individual rights that each of us is guaranteed in the Constitution and its Bill of Rights. Only we—not somebody out there from Mars, some distant planet, only we can erode those rights or change that structure. Our greatest enemy is not armed with guns, you see; our greatest enemy is our own ignorance and our own inattention to the Constitution, this great legacy.

Last Friday marked the 217th anniversary of the Constitution's signing. I doubt that many Americans celebrated or even took heed to that occasion, and that is a mistake. For September 17 is more important to our everyday lives than Columbus Day, more important to our everyday lives than Thanksgiving, more important to our everyday lives than the Fourth of July. Our flag is precious to us. There it stands, majestic. How inspiring, that flag. Our flag is precious to us—and never more so than in the days after September 11, 2001. Our flag is celebrated every June 14, but our Constitution is more important than that flag by far.

The flag is a potent symbol of our Nation, but this Constitution which I hold in my hand is the soul of the Nation. The Constitution is the foundation upon which each stone of our governmental structure is laid. It is our bedrock. It touches every day of your lives, I say to the pages on both sides of the Chair. This Constitution touches every day, every hour, every minute of your lives. Practically everything you do is made possible by or is guaranteed or is protected by this Constitution. It is the prism through which each act of our Government should be examined and judged. If such an understanding were in place, we would not have to question aspects of the PATRIOT Act that might threaten privacy and due process rights of Americans because those elements would not have been included. But in our fear of terrorism and due to our inattention to the Constitution, we were stampeded into legislation that erodes some of your rights, some of every citizen's rights. Every time the executive assumes powers that are not challenged by the Congress, and every time Congress gives up its powers to the executive, our Constitution is eroded, and we come one step closer to tyranny when that happens, one step closer to the dictatorship of the executive.

I believe the Constitution deserves greater prominence in our national life. A survey conducted by Portrait of America in 2000 found—now think of this; I just couldn't believe it until I read it myself—that only half of Americans, just 51 percent, would vote for the passage of the U.S. Constitution if it were presented in ballot form today. That is incredible. Some 22 percent of respondents would vote against the Constitution. I will tell you, that is about enough to make your hair stand on end. And 27 percent were not sure if they would support it. Those are eye-opening findings. I say they are hair-raising, hair-curling findings. That ought to curl your hair. If you don't have any, it ought to make your hair grow where there is none. Twenty-seven percent were not sure if they would support it. Those are eye-opening findings, to be sure.

While some attribute this outcome to a general disaffection with Government, I believe that the survey findings are the result of ignorance. Too many citizens do not know what the Constitution does. Many citizens revere the Constitution, but they don't know what is in it. Many Members of this body really don't know what is in the Constitution. They have read some portion. If they are lawyers, they might be very familiar with this portion or that portion, this amendment or that one, but to know about the Constitution, what is in it, what it does, many of us are ignorant. Even fewer know why the Constitution was designed the way it was.

Most people do not appreciate all of the safeguards created by the Framers to prevent our new government from

becoming like a colonial government, subject to the whims of a tyrant. They do not understand what the checks and balances in our governmental structure are meant to do, nor the importance of maintaining those checks and balances.

Frankly, there are too many Members of Congress who do not appear to understand or appreciate those checks and balances. When it comes to the Executive, too many Members of this body want to side with the Executive. They are monarchists, I would say. They almost look upon the President as a king. As a result, over the years, the power of the legislative branch has eroded, while the power of the executive branch has grown. Congress has ceded much of its power, and it does so willingly. It has ceded much of its power willingly to the Executive, to the point that we have few tools remaining with which to rein in an autocratic Executive.

When the Constitution was circulated for ratification in 1787, there was active political debate. Pamphlets were written and essays were written. The Constitution was a topic of conversation around dinner tables and at public meeting places. The Federalist Papers were widely printed, widely read, widely discussed. They were the centerpiece of the debate over the form of this new government. I doubt that one could today find many people outside of collegiate American history and politics majors who have read the Federalist Papers. In these days of television, radio, and movies, we no longer have the quiet evenings of discussion that the Founders knew. We are too busy with pseudo "reality" shows to spend time worrying about our own reality, our own government.

Without such a national debate, the results of a similar survey in 1787 might have been the same as in 2000. As a nation, we are fortunate such a debate took place. The 2000 survey shows unequivocally that greater knowledge about our Constitution is needed.

I believe a necessary step in raising the profile of the Constitution involves giving it equal billing with Christopher Columbus, with Flag Day, and with the Fourth of July. September 17, the anniversary of the signing of the Constitution, should be declared a national holiday. And so, Mr. President, on Wednesday of last week I submitted to the desk legislation to do just that. That legislation would declare September 17 "Constitution Day" and would encourage citizens to observe the day with appropriate ceremonies, including a reading of the Constitution. Currently, September 17 is designated "Citizenship Day," recognizing all who, by birth or by naturalization, are citizens of the United States. Citizenship in our great Nation is certainly a worthy topic, and it merits recognition. But more importantly, I believe, this is the document that establishes the duties and rights of citizenship, the document that establishes this Nation

as one in which all people may aspire to become citizens—the Constitution of the United States.

My hope is that observances of Constitution Day would encourage all citizens to learn more about the Constitution and their government. An informed public is our best defense against tyranny.

I know that it is late in the legislative session to introduce legislation, but I hope the calendar will not deter the Congress from taking up and adopting this legislation. It is not a partisan matter. The Constitution is there for all Americans, regardless of their political party, irrespective of whatever political events might be on the calendar. In fact, it might be more important because of the upcoming election.

During election years, it becomes even more vital that all Americans look at the candidates and ask themselves which one will best support and defend the Constitution from all enemies, foreign and domestic. As Americans exercise the fundamental right to choose their representatives, they participate in the enduring system of government set forth in the Constitution. It is fitting and appropriate that we honor the document that established this government, and that we as a nation take steps to ensure that our Constitution and our system of government are known, understood, and cherished by the people they were established to serve.

I yield the floor.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2005

The PRESIDING OFFICER. Under the previous order, the hour of 5:20 p.m. having arrived, the Senate will resume consideration of H.R. 4837, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4837) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

The PRESIDING OFFICER. There will now be 10 minutes of debate, equally divided, prior to the vote on passage of the bill. The 5 minutes on the Democratic side has already been consumed.

The Senator from Texas is recognized.

Mrs. HUTCHISON. How much time is remaining on either side?

The PRESIDING OFFICER. The majority side has 5 minutes. The minority side has exhausted its time.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senator from California get 2½ minutes of the majority time.

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

Mrs. HUTCHISON. Mr. President, this is a bill that is cut and dried. My distinguished colleague, Senator FEINSTEIN, and I have worked very closely on this bill. We are in agreement on its

priorities. I think it is a good bill for the military construction of our country.

I don't need to go over the details of the bill. Here is the bottom line: We are trying to fund the necessary military construction that will give a better quality of life and better facilities to those who are doing the job we are asking them to do. It is a pretty important job. They are protecting the freedom we enjoy today. It is that simple.

Our bill has prioritized housing, facilities where people will be trained, and especially Guard and Reserve units. In the past, I think we have shortchanged our Guard and Reserve. But we now see how important our Guard and Reserve are, how much they are doing for our country. They are being called in record numbers, and they are stepping to the plate and doing their job. So we have focused on a bill that would give more of our Guard and Reserve better facilities, which they so richly deserve.

We have more child development centers because we have more families in the military than before. We have more hospitals and medical facilities because, of course, we want to make sure we have proper medical treatment for our young men and women who are in our Armed Forces and for their families. So I think we have taken our allocation, which is \$10 billion, and we have prioritized it to make a better quality of life for those who are giving their lives for our freedom. I think it is a good bill, and I am proud to ask my colleagues to support it.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished chairman. It is always a great privilege for me to work with her. Her leadership has been superb, and I can easily say I agree with everything she has just so well stated.

The chairman mentioned that this is a \$10 billion bill. It is up 2.5 percent over last year. It funds environmental remediation. There is \$4.5 billion for Active-Duty military construction, \$1 billion for new barracks, and \$814 million for Reserve component facilities. That is 31 percent greater than the President's budget request. It includes \$361 million for BRAC environmental cleanup, including revenue from Navy land sales, and \$188 million for medical and dental clinics and hospitals. The bill also includes \$4.2 billion—more than 40 percent of the total funding—for improved family housing for service members and their families.

Mr. President, this is a good bill. I would be very hopeful that the Senate would accept it unanimously. Again, I thank the chair for her leadership. I thank the majority staff and the minority staff as well.

I yield the floor.

Mr. NICKLES. Mr. President, the pending Military Construction appropriations bill for FY 2005—S. 2674—as reported by the Senate Committee on Appropriations, provides \$10.003 billion

in budget authority and \$9.995 billion outlays in FY 2005. This amount is \$449 million above the President's request. It matches the 302(b) allocations adopted by the Senate Appropriations Committee and is \$159 million more than FY 2004 enacted level. There are no mandatory programs in the bill.

I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

S. 2674, 2005 MILITARY CONSTRUCTION APPROPRIATIONS

Spending comparisons—Senate-reported bill (fiscal year 2005, \$ millions)

Category	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	10,003		10,003
Outlays	9,995		9,995
Senate 302(b) allocation:			
Budget authority	10,003		10,003
Outlays	10,010		10,010
2004 Enacted:			
Budget authority	9,844		9,844
Outlays	10,353		10,353
President's request:			
Budget authority	9,554		9,554
Outlays	9,985		9,985
House-passed bill:			
Budget authority	10,003		10,003
Outlays	10,009		10,009
Senate-reported bill compared to:			
Senate 302(b) allocation:			
Budget authority	—		—
Outlays	—15		—15
2004 Enacted:			
Budget authority	159		159
Outlays	—358		—358
President's request:			
Budget authority	449		449
Outlays	10		10
House-passed bill:			
Budget authority	—		—
Outlays	—14		—14

NOTE: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. McCAIN. Mr. President, I support passage of the fiscal year 2005 Military Construction Appropriations Act. This bill provides \$10 billion in funding for important military construction activities including base housing and the construction and maintenance of base infrastructure. Amazingly, this report contains only 35 earmarks totaling \$44.7 million, which is significantly less than the approximately \$80 million in unauthorized earmarks contained in last year's appropriations bill.

Although 70 percent of these earmarks are directed to the States of appropriators, I applaud the Military Construction Subcommittee for their generally clean bill. I am particularly pleased by the language in the report that specifically states that the committee has provided construction funds only for projects that were included in the Senate-passed version of the fiscal year 2005 Defense Authorization Act, currently pending in conference. This appropriations bill is a good example of how the legislative process is expected to work, wherein the work of the authorizers is fully taken into account by the appropriators. I hope this can be emulated by all appropriations subcommittees and authorizing committees.

As we progress towards the scheduled base closure and realignment round in 2005, I am encouraged to see that my

colleagues have resisted the temptation to add pork to bases in their States in what would be a misguided effort to save their bases base closure. Such efforts would be a waste of taxpayer money and would not prevent their base from being closed.

In an effort to contain the wasteful spending inherent in Member-requested construction projects. I sponsored, and the Senate adopted, merit-based criteria for evaluating member add-ons as a part of the fiscal year 1995 Defense Authorization Act. The criteria are: No. 1, the project is in the service's future years defense plan; No. 2, the project is mission essential; No. 3, the project does not conflict with base realignment proposals; No. 5, the service can offset the proposed expenditure within that year's budget request.

These criteria have been useful in ferreting out programs or projects of questionable merit, and in determining the relative priority of projects that have been requested by Members for strictly parochial reasons, often at the expense of the readiness of our Armed Forces. Unfortunately, in the years that these criteria have been in place, no offsets have been provided for any project.

All of the 35 earmarks, totaling \$44.7 million, are under the minor construction account. Normally, this account is intended to be used for urgent and unforeseen requirements and, therefore, neither the President's budget nor the authorizing committees identify specific projects to be funded. Once the services decide to spend the money, the authorizing and appropriations committees must approve or disapprove of the minor construction project to which the services plan to fund. By earmarking the funds in the minor construction account, the appropriators have usurped the authority of the authorizing committee to approve or reject these projects.

I commend the chairman of the Military Construction Subcommittee, Senator HUTCHISON, and the ranking member, Senator FEINSTEIN, for their work on this bill and their continued support for our military. Their attention and commitment to only supporting high-priority projects for the Navy, Marine Corps, Army and Air Force is once again exemplary and provide for a sound measure to fund military construction in the coming fiscal year.

Mrs. HUTCHISON. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mrs. HUTCHISON. I yield back the remainder of our time.

The PRESIDING OFFICER. All time having expired, the question is, Shall the bill, as amended, pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. McCONNELL), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that if present and voting the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. McCONNELL), and the Senator from Minnesota (Mr. COLEMAN) would each vote "yea."

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Hawaii (Mr. INOUE), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—91

Allard	Dole	McCain
Allen	Domenici	Mikulski
Baucus	Dorgan	Miller
Bayh	Durbin	Murkowski
Bennett	Ensign	Murray
Biden	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Nickles
Boxer	Fitzgerald	Pryor
Breaux	Frist	Reed
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Byrd	Hagel	Santorum
Campbell	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carper	Hollings	Sessions
Chafee	Hutchison	Shelby
Chambliss	Jeffords	Smith
Clinton	Johnson	Snowe
Cochran	Kennedy	Specter
Collins	Kohl	Stabenow
Conrad	Kyl	Stevens
Cornyn	Landrieu	Sununu
Corzine	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Voinovich
Daschle	Lieberman	Warner
Dayton	Lincoln	Wyden
DeWine	Lott	
Dodd	Lugar	

NOT VOTING—9

Akaka	Edwards	Inouye
Alexander	Graham (FL)	Kerry
Coleman	Inhofe	McConnell

The bill (H.R. 4837), as amended, was passed as follows:

H.R. 4837

Resolved, That the bill from the House of Representatives (H.R. 4837) entitled "An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense, for the fiscal year ending September 30, 2005," do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2005, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and

real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$1,977,166,000, to remain available until September 30, 2009: Provided, That of this amount, not to exceed \$187,216,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,016,315,000, to remain available until September 30, 2009: Provided, That of this amount, not to exceed \$110,277,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$841,131,000, to remain available until September 30, 2009: Provided, That of this amount, not to exceed \$180,507,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$696,491,000, to remain available until September 30, 2009: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed \$66,336,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$381,765,000, to remain available until September 30, 2009.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$231,083,000, to remain available until September 30, 2009.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$66,325,000, to remain available until September 30, 2009.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$33,735,000, to remain available until September 30, 2009.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$101,373,000, to remain available until September 30, 2009.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, \$165,800,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, \$636,099,000, to remain available until September 30, 2009.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$928,907,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, \$139,107,000, to remain available until September 30, 2009.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$704,504,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, \$846,959,000, to remain available until September 30, 2009.

**FAMILY HOUSING OPERATION AND MAINTENANCE,
AIR FORCE**

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$856,114,000.

FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, \$49,000, to remain available until September 30, 2009.

**FAMILY HOUSING OPERATION AND MAINTENANCE,
DEFENSE-WIDE**

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$49,575,000.

**DEPARTMENT OF DEFENSE FAMILY HOUSING
IMPROVEMENT FUND**

For the Department of Defense Family Housing Improvement Fund, \$2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

**CHEMICAL DEMILITARIZATION CONSTRUCTION,
DEFENSE**

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, \$81,886,000, to remain available until September 30, 2009: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred.

BASE REALIGNMENT AND CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), \$246,116,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall

be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with

funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

SEC. 119. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund, or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 122. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term, "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

SEC. 123. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 124. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification to the appropriate committees of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 125. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 126. No funds appropriated in this Act under the heading "North Atlantic Treaty Organization Security Investment Program", and no funds appropriated for any fiscal year before fiscal year 2005 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

SEC. 127. Section 128(b)(3)(A) of Public Law 108-132 is amended by striking the words "December 31, 2004" and replacing with "August 15, 2005".

SEC. 128. During the current fiscal year, amounts contained in the Ford Island Improvement Account established under 10 U.S.C. 2814(h) are appropriated and shall be available until expended for the purposes specified in 10 U.S.C. 2814(i)(1) or until transferred pursuant to the provisions of 10 U.S.C. 2814(i)(3).

SEC. 129. (a) TRANSFER OF CERTAIN EXCESS PROPERTY AT FORT HUNTER LIGGETT, CALIFORNIA.—

(1) Notwithstanding any other provision of law, whenever the Secretary of the Army determines that any portion of real property consisting of approximately 165,000 acres at Fort

Hunter Liggett, California, is excess to the military needs of the Army, the Secretary of the Army shall first offer the property to the Secretary of Agriculture.

(2) If the Secretary of Agriculture determines, pursuant to negotiations with the Secretary of the Army, to accept any property offered under paragraph (1), the Secretary of the Army shall transfer administrative jurisdiction of such property to the Secretary of Agriculture.

(b) MANAGEMENT OF TRANSFERRED PROPERTY.—

(1) The Secretary of Agriculture shall manage any property transferred under subsection (a) as part of the National Forest System under the Act of March 1, 1911 (commonly known as "Weeks Law") (16 U.S.C. 480 et seq.), and other laws relating to the National Forest System.

(2) Any property managed under paragraph (1) shall be subject to the concurrent jurisdiction of the State of California.

(c) ADJUSTMENT OF BOUNDARIES.—

(1) Effective upon the transfer of property under subsection (a), the boundaries of Los Padres National Forest shall be modified to incorporate such property. The Chief of the United States Forest Service shall file and make available for public inspection in the Office of the Chief of the United States Forest Service in Washington, District of Columbia, a map reflecting any modification of the boundaries of Los Padres National Forest pursuant to the preceding sentence.

(2) Any property incorporated within the boundaries of Los Padres National Forest under this section shall be deemed to have been within the boundaries of Los Padres National Forest as of January 1, 1965, for purposes of section 7(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(a)).

(d) ENVIRONMENTAL MATTERS.—

(1) As part of the transfer of property under subsection (a), the Secretary of the Army shall—

(A) provide the Secretary of Agriculture all documentation and information in the possession of the Secretary of the Army on the environmental condition of such property, including an environmental baseline survey or its equivalent; and

(B) perform all environmental remediation and response necessary to protect human health and the environment on such property to the extent consistent with the use of such property as part of the National Forest System.

(2)(A) The transfer of property under subsection (a) shall not affect the responsibilities of the Secretary of the Army with respect to such property under any applicable environmental law, including Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(B) Pursuant to the transfer of property, the Secretary of the Army shall perform all environmental remediation and response with respect to environmental contamination or injury to natural resources on such property that are attributable to former military activities on such property to the extent consistent with the use of such property as part of the National Forest System.

(C) The Secretary of Agriculture shall have no liability for any environmental remediation and response described in subparagraph (B).

SEC. 130. (a) ASSESSMENT OF BUDGET AUTHORITY LIMITATION ON MILITARY HOUSING PRIVATIZATION INITIATIVE.—(1) The Secretary of Defense shall assess the impacts on the military family housing program of having the total value of contracts and investments undertaken under the Military Housing Privatization Initiative reach the limitation on budget authority for the initiative specified in section 2883(g) of title 10, United States Code.

(2) The assessment shall include: an estimate of the appropriations and period of time necessary to provide the level and quality of housing contemplated under the Military Housing Privatization Initiative in the event that limita-

tion in 10 U.S.C. 2883(g) is not eliminated and the potential impact on military families if the limitation is not eliminated.

(b) The Secretary of Defense shall, no later than December 31, 2004, provide to the congressional defense committees a report of the assessment required by subparagraph (a).

(c) MILITARY HOUSING PRIVATIZATION INITIATIVE DEFINED.—In this section, the term "military housing privatization initiative" means the programs and activities undertaken under the alternative authority for the acquisition and improvement of military housing under subchapter IV of chapter 169 of title 10, United States Code.

SEC. 131. Of the amount appropriated by this Act, \$1,500,000 shall be available to the Commission on Review of Overseas Military Facility Structure of the United States.

This Act may be cited as the "Military Construction Appropriations Act, 2005".

The PRESIDING OFFICER (Mr. FITZGERALD). Under the previous order, the Senate insists on its amendment to H.R. 4837 and requests a conference with the House, and the Chair is authorized to appoint conferees on the part of the Senate.

The Presiding Officer (Mr. FITZGERALD) appointed Mrs. HUTCHISON, Mr. BURNS, Mr. CRAIG, Mr. DEWINE, Mr. BROWNBACK, Mr. STEVENS, Mrs. FEINSTEIN, Mr. INOUE, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD conferees on the part of the Senate.

Mr. CAMPBELL. Mr. President, is it the appropriate time to propound a unanimous consent request?

The PRESIDING OFFICER. The Senator may do so.

UNANIMOUS-CONSENT AGREEMENT

Mr. CAMPBELL. Mr. President, as most of my colleagues know, tomorrow is a very special day because we will be opening the first new museum in 17 years on the Mall, the National Museum of the American Indian. Many of us will be down there, and I will be down there most of the day, literally up to my neck in different commitments.

Also, tomorrow will be the last day before I leave the Senate to manage the legislative branch appropriations which will be sometime in the afternoon. I am concerned, since I will be down on the Mall in traditional tribal dress, that I will not be able to get back here in time to get changed and do all of that. My unanimous-consent request is that if it becomes necessary, I be allowed to appear on the floor to present my bill in traditional tribal dress.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

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

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

Mr. CAMPBELL. Mr. President, I yield the floor.

TRIBUTE TO CONGRESSMAN
DONALD G. BROTZMAN

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of a dear friend, Donald G. Brotzman, distinguished former Colorado Congressman who represented Boulder in the U.S. House of Representatives. Congressman Brotzman passed away on September 15 at the age of 82 in Alexandria, VA.

Don Brotzman was a friend to all who knew him. Highly respected and a man of immense character, he always had time for everyone. His wise counsel was constantly sought by leaders and friends.

Don served in the Colorado State House of Representatives from 1952 to 1954 and in the State Senate from 1954 to 1956. In 1959, President Dwight D. Eisenhower appointed Don as U.S. attorney for Colorado. Congressman Brotzman served in the U.S. House of Representatives from 1963 to 1965 and again from 1967 to 1975. In 1975, President Gerald R. Ford appointed him Assistant Secretary of the Army for Manpower and Reserve Affairs. He served 2 years in that position and was credited with helping lead the way for the implementation of the "all-volunteer army."

Don was born on a farm near Sterling, CO. He served in the U.S. Army in the Pacific theater during World War II. He graduated from the University of Colorado Schools of Business and Law where he had begun his undergraduate work before the war on a football scholarship. He was an All Big Eight middle linebacker for the Colorado Buffaloes.

Don Brotzman was preceded in death by his wife of 51 years, Louise Reed Brotzman, who died in 1995. He leaves behind his wife, Gwendolyn Davis Brotzman of Alexandria, whom he married in 1996; two children from his first marriage, Kathy Caldwell of Longmont, CO, and Donald G. "Chip" Brotzman Jr. of Carbondale, CO; a stepson, Robert Higgins of Philippi, WV; a brother; and six grandchildren.

We will miss this good man, Don Brotzman. I ask my colleagues to join me and all Americans in honoring World War II veteran and Congressman Donald G. Brotzman.

IMPLEMENTATION OF ACCOUNTABILITY PROVISIONS FOR STUDENTS WITH SPECIAL NEEDS

Mrs. CLINTON. Mr. President, I rise to bring an important matter to the attention of my colleagues. As we all know, the No Child Left Behind Act, NCLB, requires an important shift in accountability for our Nation's public schools. It requires our schools to look at the achievement of all students, including students in several traditionally under-performing subgroups such as students with special needs.

Our goal in passing this law was to make sure that no child was left behind

to send a clear message that all American children deserve a world-class education. To do that, we required accountability for results, expanded local control and flexibility, emphasized the importance of valid and reliable educational tools, and expanded parental involvement. We also required schools to show, through transparent processes, sufficient progress for all students, including minorities, low-income students and students with disabilities.

Today I am submitting for the record an August 30, 2004, New York Times article that contains troubling information about how NCLB is being implemented for students with special needs. This article, "School Achievement Reports Often Exclude the Disabled," by Diana Jean Schemo, illustrates that some States are skirting the law in ways that are leaving students with disabilities behind.

According to Schemo and the education officials who corroborated her observations, some States have raised the minimum number of disabled students that must be enrolled before the school has to report on their progress as a separate group. And some States do not break down the test scores for disabled students on school report cards. A number of States even classify special education schools as programs, not schools, therefore exempting them from accountability.

This report is deeply troubling because it makes it impossible for parents to evaluate the effectiveness of their children's schools, and ultimately, could lead to children with special needs being ignored as they too often were in the past.

Over 25 years ago, Congress enacted the Individuals with Disabilities Education Act, a landmark education and civil rights law that ensured that all students—including the 6 million with disabilities—receive quality services in our Nation's public schools. This body has worked hard to reauthorize the IDEA because we continue to believe strongly in the notion that every child with special needs has the right to a free, appropriate, public education. The spirit and the letter of the No Child Left Behind Act builds on that promise, and it is my hope that with better implementation, it will be realized.

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

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

[From the New York Times, Aug. 30, 2004]

SCHOOL ACHIEVEMENT REPORTS OFTEN
EXCLUDE THE DISABLED
(By Diana Jean Schemo)

The first time Tyler Brenneise, a 10-year-old who is autistic and mildly retarded, took the same state achievement tests as California's nondisabled children, his mother, Allison, anxiously awaited the results, along with the state report card on his special education school, the Del Sol Academy, in San Diego. But when the California Department

of Education issued its annual report on school performance several months later, Del Sol Academy was nowhere to be found. Ms. Brenneise wrote state officials asking why. "They wrote back," she said, "that the school doesn't exist."

That is because San Diego labels Del Sol a program, not a school, said Karen Bachoffer, spokeswoman for the San Diego schools. And like most other states, California does not provide report cards for programs that educate disabled children.

"He doesn't count," Ms. Brenneise said. "He's left behind."

The problem is not confined to California. Around the country, states and school districts are sidestepping the spirit, and sometimes the letter, of the federal No Child Left Behind Education Act when it comes to recording their successes and failures in teaching disabled youngsters.

Federal officials have acknowledged permitting a growing number of states to exclude many special education students from reports on school progress, on the grounds that they account for only a small portion of enrollment.

But a review of state education records shows that some states and districts are going far beyond this measure to avoid disclosing the quality of the education they provide to such students.

Some exempt schools for disabled students. Still others simply do not disclose basic information required by the federal law, for example the percentage of disabled education students who graduate from high school, and about 10 states have not been fully reporting how students do on achievement tests tailored to disabled students, federal officials say. New York City's all-special-education district of 20,000 mentally or physically disabled students, District 75, gives only fragments of the information the federal law requires for accountability, reporting schools "in good standing" despite dismal results.

The trend toward avoiding accountability is alarming advocates for the nation's six million disabled students, who see it as an erosion of the education act's disclosure requirements. In them, parents and advocates say, they saw a crucial lever for helping their children meet higher academic standards, and a way of finding out which schools were meeting the challenge.

"The reporting system is a shambles," said James Wendorf, executive director of the National Center for Learning Disabilities. Without full disclosure, Mr. Wendorf said, parents have no handy way of knowing what kinds of services schools are providing each day and how the schools, as a whole, measure up. "It's like flying a plane without instruments," he said. "How does a parent know where the plane is expected to land if they don't have that kind of information?"

Federal officials say that aside from the 10 or so states not fully reporting scores on achievement tests tailored to disabled students, most have made great strides to satisfy the complex new law, but they say they are monitoring to see that states follow through. Under the law, schools must report on the test scores of disabled children to show they are making adequate progress toward proficiency in reading and math by 2014. The states are left to determine what is proficient. Eugene W. Hickok, the under secretary of education, acknowledged that many schools that exclusively serve disabled children were not issuing report cards. But he said that in such cases, the test scores of children in those schools were instead reported at the school district level and, if not there, at the state level.

"Every child is part of an accountability system," Mr. Hickok said. "That doesn't mean there aren't people who are trying to

find ways to get around the law." State officials deny any effort to shortchange disabled students. Rather, many say they were overwhelmed by the new law and could not initially meet some of its more cumbersome reporting provisions.

In some states, like New York, officials said that local and statewide systems did not meet the federal law's demands and that they had not entirely worked out the conflicts. New York officials pledged to correct the problems but also expressed misgivings about the value of report cards for some schools.

Particularly in the city's special education district, said Lori Mei, executive director of the division of accountability for the city's public schools, "you really can't have a cookie-cutter approach." Ms. Mei added, "it may be that we have to have different kinds of outcome measures that are not really tests."

To close the achievement gap, the federal law requires schools to report test scores separately for various groups of students, including African-Americans, Latinos, immigrants and low-income and disabled children.

Schools must show sufficient progress by each of these groups or face steadily tougher consequences that can ultimately include closing.

But states are skirting the law in a range of ways. About a dozen have raised the minimum number of disabled students that must be enrolled before the school has to report on their progress as a separate group. In Maine, school report cards, available on the state's Web site, do not break down test scores for groups like disabled students or report the percentage that took the exams. Nor do they in New Mexico, Colorado or Arkansas, while in Michigan, report cards say only whether particular groups, like disabled students, met targets for proficiency and 95 percent participation in exams.

About 10 states, including Missouri, Utah, Delaware, Colorado and Hawaii, have failed to properly report the scores of disabled children on the special achievement tests and are receiving federal money under "special conditions" obligating them to do so in the future, federal officials say.

Most states are not issuing public report cards on special education schools. Like California, states generally contend that these are not schools, but programs, and thus are exempt from the federal law, an argument largely accepted by officials in Washington. In California, the determination of what is a program and not a school can be made at the local level, but it is often made by states or a consortium of school districts.

As a result, the scores for students attending special education schools are frequently mixed in with the larger pool of scores of disabled students from throughout the districts, making it impossible for parents to get a snapshot of achievement at the institution their children actually attend each day, and for taxpayers to judge their effectiveness.

Dee Alpert, a lawyer who has researched the issue extensively for her newsletter, The Special Education Muckraker, said that parents of children who must attend special education schools, usually those with severe disabilities, must "go through 97 different steps" to get information that is readily available to parents of normal children.

"Being the parent of a kid with a disability is tough enough," said Ms. Alpert, whose son was in special education. "Trying to be an informed involved parent of a kid with a disability is tougher, by far."

But Mitchell Chester, the assistant superintendent for policy and accountability in Ohio, said there were sound reasons for at-

tributing disabled children's performance to their home districts, as Ohio does.

"We think districts have to remain accountable for whether or not those children are served," Dr. Chester said. "So districts can't just make the decisions to farm kids out and wash their hands of their progress."

Officials in Colorado, Maine and New Mexico said they would release the breakdown of scores of disabled students on standardized tests in the coming months. In Colorado, officials said they had just begun reporting scores on the special tests tailored to the disabled, while Delaware said it had been reporting such scores, but not in the way the federal law requires. Both said they were now complying with the requirement.

In Michigan, Ed Roeber, the director for assessment and accountability, said school report cards did not detail performance by particular groups like disabled students because it "would be confusing to people." Michigan grades schools based on 11 indicators, only one of which is test scores for the school as a whole. But reporting on separate groups of students would be "misleading," he said, because test scores were unreliable indicators at that level. "To me, that's a major fault with the No Child Left Behind Act," Mr. Roeber added.

Ms. Brenneise, who is the chairwoman of a special education advisory committee to the San Diego Board of Education, said many schools were reluctant to honestly disclose their record in educating disabled students, believing that these students by definition cannot reach the same academic heights as other students, and thus will always drag down the school as a whole. Aside from discovering that no report card existed for her son's school, she said that she never officially received his test results. Eventually, Ms. Brenneise said, she filed a formal records request and a district employee gave her a slip of paper on which she had written what she said were the son's test scores. Ms. Brenneise is now home schooling her son.

But much sidestepping of the law appears independent of the intellectual disability involved. In Ohio, as in New York, Oregon and many other states, public schools for the deaf and the blind issue no reports on how well their students are performing. Ohio officials acknowledge that deafness and blindness do not typically imply lower intelligence, and said they would release report cards for these schools next year.

In New York, state education officials acknowledged that the city's special education district was not fully reporting on student achievement. Many of the district's schools exclude more than half their students from the state's standardized tests and do not report how they do on the special achievement tests. Nor do they report how many graduate or drop out.

Though Albany issues report cards for many schools, state officials said District 75 preferred to report its performance to the public in a report card of its own design.

"Clearly, it was less than perfect, but I don't think it was intentional," said Martha P. Musser, director of information reporting services for the State Education Department. "New York City never had to deal with these accountability issues for District 75 before." Ms. Musser added that the state had ordered District 75 to improve its public disclosure.

The failure to report leaves parents like Martin Schwartzman of Queens to make decisions in a vacuum. The state recently ordered Mr. Schwartzman's 11-year old son, Robby, who is autistic, to leave the private school he had attended at taxpayer expense since first grade and return to public school, along with 75 classmates.

"How can I get a measure of what's out there when there's so little data available for District 75?" Mr. Schwartzman asked.

Ms. Alpert, the lawyer, contends that the reticence to report school results is too pervasive to be accidental, and said the information being withheld was crucial for parents and advocates.

Several years ago, she represented a boy with attention deficit disorder and learning disabilities whom the city wanted to place in one of the special education district schools. The boy was talented in math, and his parents believed that with extra support, he could earn a Regents diploma at a regular high school, she said.

Using online school report cards that showed its reading scores had fallen 20 percentile points in three years, while math scores stagnated, Ms. Alpert refuted claims that the school offered any "foreseeable benefit" for her client.

"We won the hearing," Ms. Alpert said. Within a year, she added, the cumulative scores disappeared from the city's school report cards.

"That's what score and graduation-dropout information does for parents of kids with disabilities," she said, "and that's why school, district, regional programs and state education officials 'don't want to publish it.'"

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On July 16, a 32-year-old man in Austin, TX, went to Oilcan Harry's, a popular gay bar. Four men accompanied the man home when the bar closed, and once there, broke a glass over the victim's head. The four men then ripped off his clothes, beating and kicking him. They also tried choking him with a cord cut from his vacuum cleaner. The assailants allegedly forced the victim to sodomize himself with an object at knifepoint while they used homosexual slurs. After the attackers left, the police were called and the victim taken to a local hospital.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

Mr. DOMENICI. Mr. President, I want to bring due attention to the Smithsonian Institution's newest museum on the National Mall in Washington. The National Museum of the American Indian celebrates its grand opening tomorrow.

This new museum is a wonderful place, and its collection has been a long time coming. It is a beautiful and suitable home for honoring centuries of American Indian history and their contributions to our Nation today. Never

before has such an American Indian exhibit been done on this scale.

Congress passed the Smithsonian National Museum of the American Indian charter in 1989, but for such a grand endeavor, much planning, coordination, and attention to detail is most appropriate.

All who have collaborated on this project have done so in an effort to promote and celebrate a deeper understanding of the diversity of the American Indian people and to celebrate their rich culture and storied history. The exhibits will include ancient artifacts and will eloquently display the talented work of modern Indian artists in a skillfully assembled setting.

There are numerous tribes in my home State of New Mexico. Those of us who reside in the Southwest are familiar with the tribes and their people, but many are not. While each share many common traditions and customs, it is important to note that each is a distinct entity of individuals who maintain unique identities.

Indian lands in New Mexico are full of fascinating cultures, extraordinary landscapes, captivating ruins, and a broad array of handmade arts and crafts by the Pueblo, Navajo and Apache people who are rightfully proud of their legacies and strong traditions.

Several New Mexicans have been working closely in the project's planning and design. I would like to especially note Santa Fe weaver Ramona Sakiestewa, Donna House of Acalde, and Duane Blue Spruce of Laguna and San Juan pueblos.

Ramona Sakiestewa has been involved with the project development since 1994, collaborating with a team of architects and designers as the lead interior designer for museum. Donna House coordinated much of the landscape, and Duane Blue Spruce served as facilities manager for the entire endeavor. There are others from my home State who had a hand in the museum, but these three deserve special recognition. And as the years go on, New Mexico tribes and pueblos will add to the ongoing exhibits and programs to be offered at the National Museum of the American Indian.

Museum officials spent years consulting with representatives of Indian tribes from throughout the Western hemisphere. Because of their vision and creativity, the museum will forever tell the story of American Indians—their trials, tribulations, triumphs and successes. I laud their countless hours of work and tireless efforts.

I look forward to sharing the pride of the American Indian people as they begin their opening ceremonies with a procession of the Nation's native peoples. I hope all will take time to visit the museum, walk its corridors, and view the priceless treasures that reveal stories filled with the rich history of this diverse group. The museum is a culmination of years of planning and dedication. To those who have worked so hard to make it possible, I give my highest praise for a "job well done."

SUBMITTING CHANGES TO 302(a) ALLOCATIONS

Mr. NICKLES. Mr. President, section 312 of S. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2005, as given effect by section 14007(b)(2) of Public Law 108-287, permits the Chairman of the Senate Budget Committee to make adjustments to the appropriate allocations and other budgetary levels when certain conditions relating to wildland fire suppression are met.

These conditions having been met, I ask unanimous consent to have a table printed in the RECORD which reflects the revised 302(a) allocations to the Senate Appropriations Committee. The revised allocations for discretionary budget authority and outlays are the appropriate levels to be used for enforcement during consideration of the fiscal year 2005 appropriations bills.

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

ADJUSTMENTS TO FY 2005 302(a) ALLOCATIONS TO THE SENATE APPROPRIATIONS COMMITTEE FOR WILDLAND FIRE SUPPRESSION

(\$ in millions)				
Category		Initial allocation	Adjustment	New allocation
Discretionary	BA	821,419	500	821,919
	OT	905,328	250	905,578
Mandatory	BA	460,008	460,008
	OT	445,525	445,525

APOLOGY TO THE BOSTON GLOBE

Mr. BENNETT. Mr. President, last week, on the floor of the U.S. Senate, I spoke about the forged documents that have recently surfaced regarding the National Guard service of President George W. Bush. In that speech, I linked the Boston Globe with CBS News and described both organizations as having been duped by the forgery.

I was in error as far as the Boston Globe is concerned. Not only were they not duped by the forgery, they have been diligent in reporting the discrepancies in the documents. Accordingly, I apologize to the staff at the Globe for my misstatement.

The responsibility for the error is entirely my own. I relied on stories I heard or read which linked the Globe to CBS on this topic. I did not have my staff check the details before I made my speech. I should have known better, and will do all I can to make sure I do not repeat such an error in the future.

ALZHEIMER'S DISEASE

Mr. FEINGOLD. Mr. President, I would like to call attention to a disease that currently affects the memories and functioning capacity of almost five million Americans, and that is Alzheimer's disease.

In the next 50 years, it is estimated that over 16 million Americans will be diagnosed with Alzheimer's. I believe that we need to do more to understand

this disease so that we can bring about effective treatments and preventive measures, and so that we can provide relief to those who care for individuals with Alzheimer's.

Alzheimer's not only affects our Nation's physical health, it also negatively impacts family resources and our country's overall economic health. According to the Alzheimer's Association, our country spends over \$100 billion annually in direct and indirect costs on caring for those with Alzheimer's.

As our population ages, more and more Americans will suffer from this terrible disease. It is urgent that we bring more resources to bear to find effective treatments and, most of all, to find a cure. In recent years, medical researchers have made critical strides in Alzheimer's research. I believe that we need to continue to make biomedical research into Alzheimer's a national priority, and because of this I support the efforts of Senators MIKULSKI and BOND to provide \$1.4 billion in Federal funding for Alzheimer's research. I have long advocated for more resources both for research into Alzheimer's and to help those who care for loved ones afflicted with the disease. I support S. 2533, the Ronald Reagan Alzheimer's Breakthrough Act, not only because it provides those resources, but because it provides hope to families that someday we will bring an end to this debilitating disease.

The research currently being conducted at the National Institutes of Health holds much promise for identifying potential treatments and eventually, I hope, a cure for Alzheimer's. However we will not make the progress necessary to truly make breakthroughs with Alzheimer's unless we provide sufficient Federal funding for the research underway at NIH.

As a strong proponent of fiscal discipline, I understand the current constraints on the Federal budget. However, I believe that providing resources to increase our Federal investment in Alzheimer's research and to offer caregiver support are critical budget priorities. It is my sincere hope that Congress passes the Ronald Reagan Alzheimer's Breakthrough Act before this session of Congress is over.

ADDITIONAL STATEMENTS

NORTH DAKOTA STOCKMEN'S ASSOCIATION

• Mr. DORGAN. Mr. President, later this month, the North Dakota Stockmen's Association will hold its Diamond Anniversary Convention in Medora, ND. I would like to recognize this organization, which has served our State's ranchers and cattle producers for the past 75 years.

On June 6, 1929, a group of cattle producers gathered in Watford City, ND. The men all grazed cattle on the Fort Berthold Indian Reservation and they

all had a problem with cattle rustling. Andrew Johnson, a Watford area cattleman, was determined to do something about it. He established a reward of \$1,000 for information leading to the arrest and conviction of cattle rustlers. The men at the meeting contributed \$5 each to start that fund.

This group called themselves the Western North Dakota Stock Association. They would later change their name to the Western North Dakota Stockmen's Association, and finally they took the name they hold today; the North Dakota Stockmen's Association.

This year the North Dakota Stockmen's Association is celebrating its 75th year of operation, and that \$1,000 reward still stands.

Today the North Dakota Stockmen's Association has more than 2,700 members from across the State. From education efforts that help new ranchers get a start in the cattle industry to brand registration and enforcement of the State's livestock laws, the Stockmen's Association plays an important role in all aspects of the ranching industry. And, as those of us in elected office know, the North Dakota Stockmen's Association is a strong, effective voice on behalf of its members.

In addition to serving its members, the North Dakota Stockmen's Association plays an important role in the communities in which its members live. The association worked with other members of the beef industry in North Dakota to host a Beef Industry Appreciation Day during the 2004 North Dakota State Fair. The association served free beef dinners to active duty military, Reserve, and National Guard members, and their families. The association offers college scholarships to young people who are interested in studying animal or range science, preveterinary medicine, farm and ranch management, and other subjects that help maintain a healthy farm economy.

I thank the North Dakota Stockmen's Association for their hard work. I wish them continued success and congratulate them on their 75th anniversary.●

HONORING WILMER AMINA CARTER

● Mrs. BOXER. Mr. President, I rise today to recognize the tremendous public service of Wilmer Amina Carter. Mrs. Carter has long served as a leader, mentor and an advocate for children in San Bernardino County. For her long-standing personal commitment to her community and to the academic achievement of young people, the city of Rialto's third high school will be named Wilmer Amina Carter High School in her honor.

The Wilmer Amina Carter High School is the first high school in the Inland Empire to be named after a living African-American woman. Mrs. Carter earned this honor through the

many pioneering and leadership roles she has assumed in her community.

Born in an era when adequate public education for African-American children was not provided, Mrs. Carter was fortunate to receive an education from her grandfather. In her professional and personal pursuits, Mrs. Carter has always worked to provide others with the immensely important and empowering opportunities afforded her through education. She capped this service with 16 years as a member of the Rialto Board of Education.

Mrs. Carter also served for 23 years as district director for the late, much revered United States Congressman George Brown, Jr. There, she carried out Congressman BROWN's directive that everyone receive careful attention and compassionate service.

Mrs. Carter used her scholarship and expertise to guide educational policy and curriculum in her community and beyond. Under her leadership, a school career education venture of the National Council of Negro Women, Inc. and the United States Department of Labor became a nationwide model for high school career development programs.

In her service to the Rialto Unified School District, Mrs. Carter became the first African-American member of the Rialto Board of Education in 1983 and served until 1999. Throughout her tenure on the board of education, Mrs. Carter sought to make education a valued community endeavor, helping both young people and parents navigate the school system to optimize positive outcomes. She has been an inspiring force in ensuring that our Nation's future leaders have the tools they need to achieve their dreams.

The dedication of this school reflects the impact of a woman who has provided an outstanding model of determination and service. I am confident that, true to Mrs. Carter's life work, this school's name will serve as a constant reminder to the students who pass through its doors of their immense potential to achieve and effect positive change in their local and national communities. And knowing Mrs. Carter's penchant for hands on involvement, it would not surprise me to see her at the school, working to instill those values in its students. It is with great pleasure that I congratulate Mrs. Wilmer Amina Carter on this much-deserved recognition.●

OREGON HEALTH CARE HERO

● Mr. SMITH. Mr. President, I wish to rise today to recognize a group of dedicated public servants who are increasing access to mental health care for people in Multnomah County, OR. Because of their willingness to creatively address barriers to care, Cascadia Behavioral HealthCare and its county partners are helping Oregonians lead healthier lives.

Three years ago, Multnomah County's mental health services were in dis-

array. Budget shortfalls and the closure of three major service providers were preventing county residents from accessing care, often with tragic consequences. Because the system's clients are primarily low income, this public crisis became a personal crisis for individuals with no other options.

In response, Cascadia and its partners reorganized the county's mental health care system, bringing quality, efficient services to many citizens in need. Employing new tools such as a mobile response unit, 24-hour walk-in clinic, their creative response dramatically increased options for those in need. As a result, there has been a reduction in the hospitalization rate of adult mentally ill patients in the past year, easing the strain on county and State funds. Further, the new organization has saved more than \$5 million in the last 3 years, while helping some of the neediest residents access care.

Now, the system works. For people like Ann, an Asian-American teenager who began hearing voices in high school, access to services literally saved her life. The daughter of immigrants, Ann's family did not understand her mental illness, which was later diagnosed as schizophrenia. As her condition worsened, Ann's anxiety and suicidal thoughts increased. Eventually, she wound up in the State hospital.

Ann was referred to Cascadia Behavioral Health center where she was treated by a psychiatrist for medication management and a trainer to help her understand her diagnosis and develop coping skills. A Cascadia family therapist, working with a cultural specialist, is helping Ann and her family adjust to her diagnosed paranoid schizophrenia. She will receive additional case management and help so she can graduate high school.

For people like Ann, the availability of mental health care is absolutely crucial. But for the courage of Cascadia and its county partners, Ann and others like her may not have found the care they need to live stable, productive and rewarding lives. Because of the valuable services they provide, I recognize Cascadia Behavioral HealthCare and its partners as true health care heroes. I look forward to following their continued success.●

MARINE CORPS AIR STATION MIRAMAR: TOP MARINE CORPS INSTALLATION

● Mrs. BOXER. Mr. President, I rise today to honor the men and women of the Marine Corps Air Station Miramar which was recently recognized as the 2004 Commander-in-Chief's Top Marine Corps Installation.

Annually, one military installation from each service receives the award for outstanding achievement in areas including mission support, family services, environmental stewardship, and quality-of-life programs.

Marine Corps Air Station Miramar in San Diego consistently excels as a supportive, productive, and contributing member of the community. Miramar hosts and supports many events that integrate the San Diego community into the work of the base. It stages the largest military air show in the United States, has Cockpit Days at the Flying Leatherneck Museum which hosts 16,000 visitors annually, bimonthly tours which give community members a chance to become familiar with the Marine Corps, as well as Educators' Workshops, Community Leaders' Forums, and it provides color guards at local events.

Integral to the most powerful concentration of Navy bases in the Nation, Miramar is responsible for supporting combat-ready expeditionary aviation forces capable of worldwide, short-notice deployment as part of a Marine Corps Air-Ground Task Force. Miramar is the home of Third Marine Aircraft Wing Headquarters, Marine Corps Air Bases Western Area and Reserve Support Unit and more than 10,000 Marines, Sailors, and civilian Marines.

Miramar's Marines continue to significantly contribute to Operations Enduring Freedom and Iraqi Freedom. While friends and family members are serving abroad, Operation Enduring Families, a support network for families of deployed service members, operates on the base. Miramar's dedication to defending our country while enhancing quality of life for its service members and broader community is evident as the Marines contribute to the San Diego community as speakers, teachers, mentors, and sport coaches.

Miramar achieves excellence in environmental standards, innovation, safety, efficiency, and a dedication to teamwork, honesty, and integrity. Their exemplary service continues to lead the Nation and to innovate for the next generation. It is with great pleasure that I congratulate Miramar and the women and men who support it for their receipt of the 2004 Commander-in-Chief's Installation Excellence Award.●

AMERICAN ASSOCIATION ON MENTAL RETARDATION AWARD WINNERS

● Mr. DURBIN. Mr. President, I am pleased today to join the Illinois chapter of the American Association on Mental Retardation, AAMR, in recognizing the recipients of the 2004 Direct Service Professional Award. These individuals are being honored for their outstanding efforts to enrich the lives of people with developmental disabilities in Illinois.

These recipients have displayed a strong sense of humanity and professionalism in their work with persons with disabilities. Their efforts have inspired the lives of those for whom they care, and they are an inspiration to me as well. They have set a fine example of community service for all Americans to follow.

These honorees spend more than 50 percent of their time at work in direct, personal involvement with their clients. They are not primarily managers or supervisors. They are direct service workers at the forefront of America's effort to care for people with special needs. They go to work every day with little recognition, providing much needed and greatly valued care and assistance.

It is my honor and privilege to recognize the Illinois recipients of AAMR's 2004 Direct Service Professional Award: Mary Alimi-Seiwart, Patricia Baldrige, Linda Christianson, Willie Mae Clinton, Avis Ganter, Ruth Just, Linda Koch, Patricia Matuske, Harshida Mody, Barbara Purches, Mark Rodgers, Dwight Sanders, Chris Shell, Marie Sonnan, Linda Sweeney, Marla Tegtmeier, Clarence Woods, and Kim Wren.

I know my fellow Senators will join me in congratulating the winners of the 2004 Direct Service Professional Award. I applaud their dedication and thank them for their service.●

WILLIAMS CHARTER TOWNSHIP

● Mr. LEVIN. Mr. President, I would like to take this opportunity to join in celebrating the 150th anniversary of Williams Charter Township. Located in the heart of Michigan, this rural township is a close-knit community that reflects much of the best America has to offer.

John Gaffney, Charles Bradford, William Spafford, Charles Fitch, George W. Smock, and Lyman Brianard were the first to arrive in 1854 on the land that officially became Williams Charter Township. The area's waterways and roads soon became an essential route of transportation for travelers in the region. The fertile soil led to the establishment of many farms, which are providing harvests over a century later. The earliest settlers saw this land as an ideal place to begin their new lives, and by doing so, built a strong foundation for the generations that have followed.

The sesquicentennial festivities of Williams Charter Township took place this past weekend, and its residents and their families and friends came together to commemorate the land's rich history and to celebrate the continued growth of this wonderful community. The occasion was marked with many memorable activities, including living historical re-enactments and an awards ceremony to honor some of the township's most outstanding citizens.

I know my Senate colleagues will join me in congratulating the residents of Williams Charter Township on this important milestone. I am proud to represent this township and wish them many more years of success and happiness.●

HONORING COLONEL ART WHITE, USMC

● Mr. MILLER. Mr. President, as a veteran Marine and friend, I rise today to pay tribute to COL Art White, who will complete his 3-year tour of duty with the United States Marine Corps' Office of Legislative Affairs on December 1, 2004. I have had the pleasure to work with Colonel White on many occasions. In his role as the director of the Marine Corps' Senate Liaison Office, he has provided tremendous support while acting as the principal conduit for information between the Marine Corps and many Members of this eminent body. His affable personality and attention to duty contributed to a highly successful relationship between the U.S. Senate and the U.S. Marine Corps. His dedication to the Members of the United States Senate will be sorely missed.

Art White was born and raised in Westchester, NY. After high school in New York, he attended Georgetown University, where he also played basketball for the Hoyas, graduating in 1976. In 1977, Colonel White received a commission as a second lieutenant in the U.S. Marine Corps and subsequently reported to Quantico, VA, to take on the challenge of becoming a marine officer. During his subsequent 27-year career in the Marine Corps that included both active and reserve duty, Art served as an infantry officer, aide de camp to the assistant division commander of the 1st Marine Division, a communications officer, a civil affairs officer, a counterintelligence officer, and a reserve mobilization officer.

In 1980, Colonel White left active duty and transitioned to the Marine Corps Reserve. He then attended the Seattle University School of Law, graduating in 1983, and began a long, distinguished career in public service. He served as a professional staff member for the Republican Policy Committee chaired by our former colleague from the great State of Texas, Senator John Tower; as a staff member in the U.S. House of Representatives; as the director of legislative affairs for the U.S. Patent and Trademark Office in the Commerce Department; and as the deputy assistant director for legislative affairs for the Administrative Office of the U.S. Courts.

In December, 2001, Colonel White was ordered to active duty to serve as the director of the Marine Corps' Liaison office in the Senate. Since that time, he has been a key player in maintaining effective relationships between the Marine Corps, my colleagues in the Senate, professional committee staff, and personal staff members. In particular, he responded to thousands of congressional inquiries, ranging from such sensitive issues as notification of combat casualties during Operations Enduring Freedom and Iraqi Freedom, to providing timely information on the operation, organization and budget of the Marine Corps. He also planned and executed approximately 33 international congressional delegations. I

had the pleasure of traveling on several of these congressional delegations with Colonel White and was greatly impressed with his service to the Members of the Senate. His strong acumen for social interaction carried over into Colonel White's ability to represent his service at numerous Marine Corps and Joint Service social events on Capitol Hill. Among others, these events included the Marine Corps Birthday Commemoration, the Joint Services Reception, and several Marine Corps fall and spring receptions—all important events that enabled me and my Senate colleagues to maintain relationships with the Marine Corps' senior leadership. His efforts throughout this period not only communicated the commandant's message to the U.S. Senate, but also upheld the Marine Corps' positive image and professional reputation on Capitol Hill.

On behalf of the Senate, I thank Colonel White for his service to the Nation and the U.S. Marine Corps, and I thank his wife, Katherine Ann, and his daughter, Mary Rose, for their steadfast support while he fulfilled this essential duty. We in the U.S. Senate, and I personally, wish them all the best as Colonel White returns to his civilian career and tackles new challenges.●

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 sundry nominations which were referred to the appropriate committees.

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

EXECUTIVE ORDER THAT TERMINATES THE EMERGENCY DECLARED IN EXECUTIVE ORDER 12543 WITH RESPECT TO THE POLICIES AND ACTIONS OF THE GOVERNMENT OF LIBYA AND REVOKES RELATED EXECUTIVE ORDERS—PM 94

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

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), I hereby report that I have issued an Executive Order (the "order") that terminates the national emergency declared in Executive Order

12543 of January 7, 1986, and revokes that Executive Order, Executive Order 12544 of January 8, 1986, Executive Order 12801 of April 15, 1992, and Executive Order 12538 of November 15, 1985. I have determined that the situation that gave rise to this national emergency has been significantly altered by Libya's commitments and actions to eliminate its weapons of mass destruction programs and its Missile Technology Control Regime (MTCR) -class missiles, and by other developments.

Executive Order 12543 of January 7, 1986, imposed sanctions on Libya in response to policies and actions of the Government of Libya that constituted an unusual and extraordinary threat to the national security and foreign policy of the United States. Those sanctions were modified in Executive Order 12544 of January 8, 1986, Executive Order 12801 of April 15, 1992, and supplemented Executive Order 12548 of November 15, 1985.

Based on Libya's recent commitments and actions to implement its December 19, 2003, commitment to eliminate its weapons of mass destruction programs and its MTCR-class missiles, and other developments, I have determined that the situation that gave rise to the national emergency declared in Executive Order 12543 has been significantly altered. My order, therefore, terminates that national emergency with respect to Libya and revokes Executive Orders 12543, 12544, and 12801, and lifts the trade, commercial, and travel sanctions imposed against Libya based on that national emergency. The order also revokes Executive Order 12538, which blocked the import of petroleum products refined in Libya into the United States.

While the order formally lifts sanctions under the national emergency with respect to Libya, it will not lift a wide variety of other sanctions imposed on Libya due to its designation as a state sponsor of terrorism under section 620A of the Foreign Assistance Act (restriction on arms exports), and section 6(j) of the Export Administration Act of 1979 (restriction on exports of certain items on the Commodity Control List), as well as other statutory restrictions applicable to Libya.

I have enclosed a copy of the order, which is effective at 12:01 a.m. eastern daylight time on September 21, 2004.

GEORGE W. BUSH.

THE WHITE HOUSE, September 20, 2004.

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under authority of the order of the Senate of January 7, 2003, the Secretary of the Senate, on September 17, 2004, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 2634. An act to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized ac-

tivities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental and behavioral health problems, and for other purposes.

ENROLLED BILLS SIGNED DURING ADJOURNMENT

The following enrolled bills, previously signed by the Speaker of the House, were signed on September 16, 2004, by the President pro tempore (Mr. STEVENS).

S. 1576. An act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

H.R. 361. An act to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission.

H.R. 3908. An act to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio.

H.R. 5008. An act to provide an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through September 30, 2004, and for other purposes.

ENROLLED BILL PRESENTED DURING ADJOURNMENT

The Secretary of the Senate reported that on September 16, 2004, she had presented to the President of the United States the following enrolled bill:

S. 1576. An Act to revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

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-9282. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Additions to Quarantined Areas" (Doc. No. 04-036-2) received on September 14, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9283. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Reporting Requirements for Fresh Nectarines and Peaches" (Doc. No. FV04-916/917-03) received on September 14, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9284. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Livestock Mandatory Reporting: Amendment to Revise Lamb Reporting Definitions" (RIN0581-AB98) received on September 14, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9285. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal

Bunt; Regulated Areas" (Doc. No. 03-047-2) received on September 14, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9286. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly; Removal of Quarantined Areas" (Doc. No. 02-120-3) received on September 14, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9287. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "DCPA; Pesticide Tolerance" (FRL#7673-6) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9288. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flumioxazin; Pesticide Tolerances" (FRL#7369-9) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9289. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Folpet, Pesticide Tolerance" (FRL#7369-1) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9290. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dinotefuran; Pesticide Tolerance" (FRL#7368-1) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9291. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerances for Emergency Exemptions" (FRL#7675-1) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9292. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thifensulfuron Methyl; Pesticide Tolerance" (FRL#7679-4) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9293. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tribenuron Methyl; Pesticide Tolerance" (FRL#7679-5) received on September 6, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9294. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period of October 1, 2003 through March 31, 2004 from moneys appropriated to the Architect; to the Committee on Appropriations.

EC-9295. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report on the utilization of the Laboratory Revitalization Demonstration Program; to the Committee on Armed Services.

EC-9296. A communication from the Principal Deputy Under Secretary of Defense for Policy, Department of Defense, transmitting, pursuant to law, a report relative to Progress in Kosovo toward achieving militarily significant benchmarks during the period January 1 to June 30, 2004; to the Committee on Armed Services.

EC-9297. A communication from the Deputy Secretary of the Treasury, Department of the Treasury, transmitting, pursuant to law, a semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department specific licenses; to the Committee on Banking, Housing, and Urban Affairs.

EC-9298. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation Z (Truth in Lending)" (Doc. No. 1208) received on August 26, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9299. A communication from the Director, Legislative and Regulatory Activities Division, transmitting, pursuant to law, the report of a rule entitled "Lending Limits Pilot Program" (RIN1557-AC83) received on August 26, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9300. A communication from the Chief Counsel, Bureau of the Public Debt, Office of the Under Secretary for Domestic Finance, transmitting, pursuant to law, the report of a rule entitled "Call for Large Position Reports" received on August 26, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9301. A communication from the Assistant Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Disclosure Regarding Portfolio Managers of Registered Management Investment Companies" (RIN3235-AJ16) received on August 26, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-9302. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Final Rule: Fuel Tank Safety Compliance Extension and Aging Airplane Program Update (Request for Comments) FAA Doc. No. 2004-17681" (RIN2120-AI20) received on August 26, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9303. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Work Zone Safety and Mobility" (RIN2125-AE29) received on September 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9304. A communication from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials Regulations; Comparability with the Regulations of the International Atomic Energy Agency; Correction; Final Rule" (RIN2137-AD40) received on September 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9305. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Clarification of Export Controls on Military Vehicles and Parts" (RIN0694-AC91) received on September 14, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9306. A communication from the Executive Director, Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the Commission's commercial and inherently governmental activities; to the Committee on Commerce, Science, and Transportation.

EC-9307. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting,

pursuant to law, the report of a rule entitled "In the Matter of Amendment of the Commission's Space Station Licensing Rules and Policies" (FCC04-147) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9308. A communication from the Attorney, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Section 51.319(a)(3) Fiber-to-the-home Loops" (FCC04-191) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9309. A communication from the Acting Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Schools and Libraries Universal Service Support Mechanism" (FCC04-190) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9310. A communication from the Attorney, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Payphone Compensation Obligation" (FCC04-182) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9311. A communication from the Legal Advisor to the Bureau Chief, Broadband Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 1, 21, 73, 74, and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 KHz" (FCC04-135) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9312. A communication from the Regulatory Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FMCSA Regulations; Waivers, Exemptions, and Pilot Programs" (RIN2126-AA41) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9313. A communication from the Regulatory Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Limitations on the Issuance of Commercial Driver's Licenses with a Hazardous Materials Endorsement; Interim Final Rule; Delay of Compliance Date" (RIN2126-AA70) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9314. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (79) Amendment No. 3102" (RIN2120-AA65) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9315. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications" (RIN2137-AD99) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9316. A communication from the Attorney-Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Trading Restrictions on Vessels Transferred to a Foreign Registry: Amendment of

List of Prohibited Countries" (RIN2133-AB55) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9317. A communication from the Attorney-Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Electronic Options for Transmitting Certain Information Collection Responses to MARAD" (RIN2133-AB64) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9318. A communication from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Availability of Information for Hazardous Materials Transported by Aircraft" (RIN2137-AD29) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9319. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622, Table of Allocations, DTV Broadcast Stations; Anchorage, AK" (MB Doc. No. 04-189) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9320. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622, Table of Allocations, DTV Broadcast Stations; Rutland, VT" (MB Doc. No. 02-66) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9321. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202, Table of Allocations, FM Broadcast Stations; Crisfield, MD; Belle Haven, Exmore, Nassawadox, and Poquoson, Virginia" (MM Doc. No. 02-76) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9322. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202, Table of Allocations, FM Broadcast Stations; Augusta, WI; Barnwell, SC; Burnet, TX; Denver City, TX; Fountain Green, UT; Hayward, WI; Liberty, PA; Shenandoah, VA; St. Mary's, WV; Susquehanna, PA; and Van Alstyne, TX" (MB Doc. Nos. 04-127 through 138) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9323. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202, Table of Allocations, FM Broadcast Stations; Goldsboro, Smithfield, Louisburg, and Rolesville, NC" (MM Doc. No. 02-40) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9324. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202, Table of Allocations, FM Broadcast Stations; Seymour and Sellersburg, IN" (MB Doc. No. 03-98) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9325. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting,

pursuant to law, the report of a rule entitled "Amendment of Section 73.202, Table of Allocations, FM Broadcast Stations; Amherst, NY; Berthold, ND; Cordell, OK; Dillsboro, NC; Hubbardston, MI; Laurie, MO; Madras, OR; Weatherford, OK; West Tisbury, MA; and Wynnewood, OK" (MB Doc. Nos. 04-113, 114, 116, 118, 119, 120, 121, 122, 123, 125) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9326. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202, Table of Allocations, FM Broadcast Stations; Jasper, Florida, and Tigerton, Wisconsin" (MB Doc. Nos. 02-274 and 02-275) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9327. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202, Table of Allocations, FM Broadcast Stations; Crawfordville, GA" (MB Doc. No. 02-225) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9328. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202, Table of Allocations, FM Broadcast Stations; Keesville, NY; Hartford and White River Junction, VT" (MM Doc. No. 02-23) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9329. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202, Table of Allocations, FM Broadcast Stations; Hilton Head Island, Hollywood, and Port Royal, SC" (MB Doc. No. 02-198) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9330. A communication from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Implementation of Section 25 of the Cable Television Consumer Protection and Competition Act of 1992: Direct Broadcast Satellite Public Interest Obligations; Sua Sponte Reconsideration" (FCC04-44) received on September 13, 2004; to the Committee on Commerce, Science, and Transportation.

EC-9331. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Las Vegas, Nevada Non-attainment Area" (FRL#7815-3) received on September 14, 2004; to the Committee on Environment and Public Works.

EC-9332. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revised Major Stationary Source Applicability for Reasonably Available Control Technology and Permitting and Revised Offset Ratios for the Washington Area" (FRL#7813-1) received on September 14, 2004; to the Committee on Environment and Public Works.

EC-9333. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ap-

proval and Promulgation of Air Quality Implementation Plans; State of Colorado; Denver Revised Carbon Monoxide Maintenance Plan" (FRL#7813-3) received on September 14, 2004; to the Committee on Environment and Public Works.

EC-9334. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky; 1-Hour Ozone Maintenance Plan Update for Lexington Area" (FRL#7813-9) received on September 14, 2004; to the Committee on Environment and Public Works.

EC-9335. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Section 112(1) Authority for Hazardous Air Pollutants; Maryland Equivalency by Permit Provisions; NESHAP for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills" (FRL#7813-6) received on September 14, 2004; to the Committee on Environment and Public Works.

EC-9336. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to enhancing the security of Commission-regulated nuclear facilities and radioactive materials; to the Committee on Environment and Public Works.

EC-9337. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Policy Statement on the Treatment of Environmental Justice Matters in the NRC Regulatory and Licensing Actions" received on August 25, 2004; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1211. A bill to further the purposes of title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, the "Reclamation Wastewater and Groundwater Study and Facilities Act", by directing the Secretary of the Interior to undertake a demonstration program for water reclamation in the Tularosa Basin of New Mexico, and for other purposes (Rept. No. 108-347).

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1230. A bill to provide for additional responsibilities for the Chief Information Officer of the Department of Homeland Security relating to geospatial information (Rept. No. 108-348).

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment:

S. 2347. A bill to amend the District of Columbia College Access Act of 1999 to permanently authorize the public school and private school tuition assistance programs established under the Act (Rept. No. 108-349).

S. 2536. A bill to enumerate the responsibilities of the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security, to require the Inspector General of the Department of Homeland Security to designate a senior official to investigate civil rights complaints, and for other purposes (Rept. No. 108-350).

By Mr. SPECTER, from the Committee on Veterans' Affairs, without amendment:

S. 2483. A bill to increase, effective as of December 1, 2004, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans (Rept. No. 108-351).

By Mr. SPECTER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2486. A bill to amend title 38, United States Code, to improve and enhance education, housing, employment, medical, and other benefits for veterans and to improve and extend certain authorities relating to the administration or benefits for veterans, and for other purposes (Rept. No. 108-352).

DISCHARGED NOMINATIONS

The Senate Committee on Governmental Affairs was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar pursuant to an order of the Senate:

Patrick P. O'Carroll, Jr., of Maryland, to be Inspector General, Social Security Administration.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

Stuart W. Holliday, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

Patrick J. Leahy, of Vermont, to be a Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

John E. Sununu, of New Hampshire, to be a Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

Foreign Service nomination beginning with Jacqueline Bell and ending with Jim Zix.

The Senate Committee on Governmental Affairs was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar pursuant to an order of the Senate:

Neil McPhie, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2009.

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. SCHUMER:

S. 2813. A bill to designate the facility of the United States Postal Service located at 19504 Linden Boulevard in St. Albans, New York, as the "Archie Spigner Post Office Building"; to the Committee on Governmental Affairs.

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

S. 2814. A bill to impose a 1-year cooling off period before a senior Federal financial institutions examiner may be employed by the fi-

nancial institution examined by that person; to the Committee on the Judiciary.

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

S. 2815. A bill to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 2816. A bill to provide for adjustment of immigration status for certain aliens granted temporary protected status in the United States because of conditions in Montserrat; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. STEVENS (for himself, Mr. LOTT, and Mr. REID):

S. Con. Res. 138. A concurrent resolution commending John W. Kluge for his dedication and commitment to the United States on the occasion of his 90th birthday; considered and agreed to.

ADDITIONAL COSPONSORS

S. 157

At the request of Mr. CORZINE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 157, a bill to help protect the public against the threat of chemical attacks.

S. 333

At the request of Mr. BREAUX, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 493

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 493, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 540

At the request of Mr. INHOFE, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 540, a bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served

as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of the service of those Native Americans to the United States.

S. 874

At the request of Mr. TALENT, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 875

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow an income tax credit for the provision of homeownership and community development, and for other purposes.

S. 1200

At the request of Ms. CANTWELL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1200, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from California (Mrs. BOXER), the Senator from Maine (Ms. SNOWE) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1381

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1381, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1549

At the request of Mrs. DOLE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1549, a bill to amend the Richard B. Russell National School Lunch Act to phase out reduced price lunches and breakfasts by phasing in an increase in the income eligibility guidelines for free lunches and breakfasts.

S. 1963

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1963, a bill to amend the Communications Act of 1934 to protect the privacy right of subscribers to wireless communication services.

S. 2275

At the request of Ms. MIKULSKI, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2275, a bill to amend the

Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to provide for homeland security assistance for high-risk non-profit organizations, and for other purposes.

S. 2283

At the request of Mr. GREGG, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2283, a bill to extend Federal funding for operation of State high risk health insurance pools.

S. 2425

At the request of Mr. COCHRAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2602

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2602, a bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

S. 2603

At the request of Mr. SMITH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2603, a bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

S. 2609

At the request of Mr. COLEMAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2609, a bill to amend the Farm Security and Rural Investment Act of 2002 to extend and improve national dairy market loss payments.

S. 2623

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2623, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2005 through 2007 for refugees, asylees, and certain other humanitarian immigrants.

S. 2647

At the request of Mr. HOLLINGS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2647, a bill to establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, and for other purposes.

S. 2706

At the request of Mrs. CLINTON, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2706, a bill to

establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes.

S. 2718

At the request of Mr. DEWINE, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2718, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 2759

At the request of Mr. ROCKEFELLER, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Ohio (Mr. DEWINE), the Senator from Kansas (Mr. ROBERTS), the Senator from Maryland (Mr. SARBANES) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 2759, a bill to amend title XXI of the Social Security Act to modify the rules relating to the availability and method of redistribution of unexpended SCHIP allotments, and for other purposes.

S. 2764

At the request of Mr. DODD, the name of the Senator from Louisiana (Mr. BREAU) was added as a cosponsor of S. 2764, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 2781

At the request of Mr. LUGAR, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Oregon (Mr. SMITH), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 2781, a bill to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes.

S. 2807

At the request of Mr. CRAPO, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2807, a bill to amend the Internal Revenue Code of 1986 to exempt containers used primarily in potato farming from the excise tax on heavy trucks and trailers.

S. CON. RES. 134

At the request of Mr. FITZGERALD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Con. Res. 134, a concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece.

S. CON. RES. 136

At the request of Mr. CONRAD, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. Con. Res. 136, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 345

At the request of Mrs. CLINTON, the name of the Senator from California

(Mrs. BOXER) was added as a cosponsor of S. Res. 345, a resolution expressing the Sense of the Senate that Congress should expand the supports and services available to grandparents and other relatives who are raising children when their biological parents have died or can no longer take care of them.

S. RES. 387

At the request of Mr. FEINGOLD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 387, a resolution commemorating the 40th Anniversary of the Wilderness Act.

S. RES. 420

At the request of Mr. PRYOR, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Louisiana (Mr. BREAU), the Senator from Ohio (Mr. DEWINE), the Senator from Illinois (Mr. FITZGERALD) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. Res. 420, a resolution recommending expenditures for an appropriate visitors center at Little Rock Central High School National Historic Site to commemorate the desegregation of Little Rock Central High School.

S. RES. 424

At the request of Mr. CRAIG, the names of the Senator from Louisiana (Mr. BREAU), the Senator from Illinois (Mr. FITZGERALD), the Senator from Michigan (Mr. LEVIN), the Senator from Oregon (Mr. WYDEN), the Senator from Ohio (Mr. DEWINE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 424, a resolution designating October 2004 as "Protecting Older Americans From Fraud Month".

S. RES. 427

At the request of Mr. SARBANES, the names of the Senator from Utah (Mr. BENNETT), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from Michigan (Ms. STABENOW), the Senator from Ohio (Mr. DEWINE), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 427, a resolution congratulating the citizens of Greece, the members of the Athens 2004 Organizing Committee for the Olympic and Paralympic Games, the International Olympic Committee, the United States Olympic Committee, the 2004 United States Olympic Team, athletes from around the world, and all the personnel who participated in the 2004 Olympic Summer Games in Athens, Greece.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2815. A bill to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma

or anaphylaxis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I come to the floor today to introduce the Asthmatic Schoolchildren's Treatment and Health Management Act of 2004. I would like to thank my colleague, Senator KENNEDY, for cosponsoring this important piece of legislation.

I have come to the floor now many times to talk about asthma, a condition that affects more than 20 million people, including 6.3 million children. As a parent of eight and a grandparent of eight, I am particularly concerned with the disproportionately high number of children who suffer from pediatric asthma—the worst chronic health problem among our Nation's youth.

I suffer from asthma, as have some of my children, so I know how frightening and dangerous this disease can be. The statistics on pediatric asthma, especially, highlight the need to do more to combat this disease. An average of one out of every 13 school-age children has asthma and the disease is the leading cause of missed school days due to chronic illness. In 2002, the Centers for Disease Control reported that 14 million school days were missed annually because of asthma.

More than missed school days, however, are the tragic consequences of the condition. The number of deaths related to pediatric asthma nearly tripled between 1979 and 1996. In 2000, asthma attacks were the cause of 728,000 visits to the emergency room, 214,000 hospitalizations, and 223 deaths.

We know that the severity of asthma attacks can be decreased primarily through the control of the disease. Physicians instruct patients to carry their inhalers with them at all times, as they know asthma can strike a child anytime, anywhere—in the classroom, on the playground, or in the lunchroom. Therefore, it is imperative that students have immediate access to their inhalers. However, many schools do not allow students to carry their prescribed lifesaving asthma medication. To date, only 30 States, including my home State of Ohio, have laws or developed policies protecting children's right to carry an inhaler at school.

The bill I am introducing today would encourage more States to allow their children to carry their needed asthma medication while they are at school, on the school bus, on the playground, at school sporting events, or on school field trips. It would do so by giving States preference when applying for asthma-related grants.

This bill would help protect our Nation's children from the dangers of a sudden asthma attack—an attack that could result in hospitalization or even death. It also would help prevent the consequences of more severe allergic reactions. Many children suffer from asthma attacks and allergy reactions so severe that they need to carry an epinephrine injector with them at all times in the event of sudden, life-

threatening attacks. Severe attacks can cause anaphylactic shock which can kill within minutes. This bill would encourage States to adopt laws and policies allowing children to carry their anaphylaxis medication, including epinephrine injectors, while they are at school.

Currently, 18 States have developed legislation protecting the rights of children to carry and self-administer epinephrine-injectors. We applaud these States and hope that this bill will encourage more States to follow suit.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Asthmatic Schoolchildren's Treatment and Health Management Act of 2004".

SEC. 2. FINDINGS.

Congress finds the following:

- (1) Asthma is a chronic condition requiring lifetime, ongoing medical intervention.
- (2) In 1980, 6,700,000 Americans had asthma.
- (3) In 2001, 20,300,000 Americans had asthma and 6,300,000 children under age 18 had asthma.
- (4) The prevalence of asthma among African-American children was 40 percent greater than among Caucasian children, and more than 26 percent of all asthma deaths are in the African-American population.
- (5) In 2000, there were 1,800,000 asthma-related visits to emergency departments (more than 728,000 of these involved children under 18 years of age).
- (6) In 2000, there were 465,000 asthma-related hospitalizations (214,000 of these involved children under 18 years of age).
- (7) In 2000, 4,487 people died from asthma, and of these 223 were children.
- (8) According to the Centers for Disease Control and Prevention, asthma is a common cause of missed school days, accounting for approximately 14,000,000 missed school days annually.
- (9) According to the New England Journal of Medicine, working parents of children with asthma lose an estimated \$ 1,000,000,000 a year in productivity.

(10) At least 30 States have legislation protecting the rights of children to carry and self-administer asthma metered-dose inhalers, and at least 18 States expand this protection to epinephrine auto-injectors.

(11) Tragic refusals of schools to permit students to carry their inhalers and auto-injectable epinephrine have occurred, some resulting in death and spawning litigation.

(12) School district medication policies must be developed with the safety of all students in mind. The immediate and correct use of asthma inhalers and auto-injectable epinephrine are necessary to avoid serious respiratory complications and improve health care outcomes.

(13) No school should interfere with the patient-physician relationship.

(14) Anaphylaxis, or anaphylactic shock, is a systemic allergic reaction that can kill within minutes. Anaphylaxis occurs in some asthma patients. According to the American Academy of Allergy, Asthma, and Immunology, people who have experienced symp-

toms of anaphylaxis previously are at risk for subsequent reactions and should carry an epinephrine auto-injector with them at all times, if prescribed.

(15) An increasing number of students and school staff have life-threatening allergies. Exposure to the affecting allergen can trigger anaphylaxis. Anaphylaxis requires prompt medical intervention with an injection of epinephrine.

SEC. 3. PREFERENCE FOR STATES THAT ALLOW STUDENTS TO SELF-ADMINISTER MEDICATION TO TREAT ASTHMA AND ANAPHYLAXIS.

(a) AMENDMENTS.—Section 399L of the Public Health Service Act (42 U.S.C. 280g) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) PREFERENCE FOR STATES THAT ALLOW STUDENTS TO SELF-ADMINISTER MEDICATION TO TREAT ASTHMA AND ANAPHYLAXIS.—

“(1) PREFERENCE.—The Secretary, in awarding any grant under this section or any other grant that is asthma-related (as determined by the Secretary) to a State, shall give preference to any State that satisfies the following:

“(A) IN GENERAL.—The State must require that each public elementary school and secondary school in that State will grant to any student in the school an authorization for the self-administration of medication to treat that student's asthma or anaphylaxis, if—

“(i) a health care practitioner prescribed the medication for use by the student during school hours and instructed the student in the correct and responsible use of the medication;

“(ii) the student has demonstrated to the health care practitioner (or such practitioner's designee) and the school nurse (if available) the skill level necessary to use the medication and any device that is necessary to administer such medication as prescribed;

“(iii) the health care practitioner formulates a written treatment plan for managing asthma or anaphylaxis episodes of the student and for medication use by the student during school hours; and

“(iv) the student's parent or guardian has completed and submitted to the school any written documentation required by the school, including the treatment plan formulated under clause (iii) and other documents related to liability.

“(B) SCOPE.—An authorization granted under subparagraph (A) must allow the student involved to possess and use his or her medication—

“(i) while in school;

“(ii) while at a school-sponsored activity, such as a sporting event; and

“(iii) in transit to or from school or school-sponsored activities.

“(C) DURATION OF AUTHORIZATION.—An authorization granted under subparagraph (A)—

“(i) must be effective only for the same school and school year for which it is granted; and

“(ii) must be renewed by the parent or guardian each subsequent school year in accordance with this subsection.

“(D) BACKUP MEDICATION.—The State must require that backup medication, if provided by a student's parent or guardian, be kept at a student's school in a location to which the student has immediate access in the event of an asthma or anaphylaxis emergency.

“(E) MAINTENANCE OF INFORMATION.—The State must require that information described in clauses (iii) and (iv) of subparagraph (A) be kept on file at the student's school in a location easily accessible in the

event of an asthma or anaphylaxis emergency.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection creates a cause of action or in any other way increases or diminishes the liability of any person under any other law.

“(3) DEFINITIONS.—For purposes of this subsection:

“(A) ELEMENTARY SCHOOL AND SECONDARY SCHOOL.—The terms ‘elementary school’ and ‘secondary school’ have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965.

“(B) HEALTH CARE PRACTITIONER.—The term ‘health care practitioner’ means a person authorized under law to prescribe drugs subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act.

“(C) MEDICATION.—The term ‘medication’ means a drug as that term is defined in section 201 of the Federal Food, Drug, and Cosmetic Act and includes inhaled bronchodilators and auto-injectable epinephrine.

“(D) SELF-ADMINISTRATION.—The term ‘self-administration’ means a student’s discretionary use of his or her prescribed asthma or anaphylaxis medication, pursuant to a prescription or written direction from a health care practitioner.”.

(b) APPLICABILITY.—The amendments made by this section shall apply only with respect to grants made on or after the date that is 9 months after the date of the enactment of this Act.

SEC. 4. SENSE OF CONGRESS COMMENDING CDC FOR ITS STRATEGIES FOR ADDRESSING ASTHMA WITHIN A COORDINATED SCHOOL HEALTH PROGRAM.

It is the sense of Congress—

(1) to commend the Centers for Disease Control and Prevention for identifying and creating “Strategies for Addressing Asthma Within a Coordinated School Program” for schools to address asthma; and

(2) to encourage all schools to review these strategies and adopt policies that will best meet the needs of their student population.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator DEWINE in introducing the Asthmatic School-Children’s Treatment and Health Management Act. This legislation will save lives by enabling children to carry their medications with them and quickly treat their asthma attacks or allergic reactions.

Asthma continues to be a major, and often preventable cause of needless suffering and death among children in the United States. Over 6 million children under 18 have asthma, and it is significantly more prevalent in minority groups. Tragically, over 200 children die from this disease every year. Asthma affects more than health. It accounts for 14 million missed school days annually, and affects grades and personality. The estimated cost of asthma-related health care in our society is over \$14 billion a year.

The key to preventing deaths and severe health effects caused by asthma and allergic reactions is prompt treatment. Inhalers work within minutes to end acute asthma attacks in children. Children experiencing severe allergic reactions must receive life-saving injections of epinephrine immediately, in order to avoid serious complications or even death.

Children need quick access to these medications when they are at school. Yet, in many States, these medications

are locked up. Twenty States do not have legislation allowing students to carry and use their asthma inhalers, and 32 states have not yet passed legislation permitting students to carry and use epinephrine.

Some say that school nurses should control access to these lifesaving medications. But in America today, we have only 56,000 school nurses serving 47 million students in public schools. The ratio is only one school nurse for every 840 students. If access to these needed medications is controlled by nurses, the safety of asthma and allergy sufferers may often be compromised, and needless deaths may occur. Students without immediate access to needed medications could be at increased risk of harm while in a classroom far away from a nurse’s office or other school facility. Allowing children to take their own medicine during asthma attacks and severe allergic reactions can prevent many life-threatening situations.

Our bill will help to see that children with asthma or allergic reactions will get their medications when they need it. Under this Act, States that allow students to carry and self-administer asthma or allergy medications will receive preferences for asthma-related grants. It requires that a health care practitioner must prescribe the medication and instruct students on its proper use. The student must demonstrate to the practitioner that they have the skills to administer the medication correctly. This bill also requires the student’s parent or guardian to provide written consent for the student to take their medication according to the treatment plan.

When they face a life-threatening asthma attack or allergic reaction, children deserve an effective way to avoid severe health consequences. Schools should give our children the right to carry their medications with them in order to minimize the time lost between the onset of symptoms and the needed treatment. The “Asthmatic School-Children’s Treatment and Health Management Act” will save children’s lives and minimize suffering during these attacks. I commend Senator DEWINE for his leadership on this important health issue, and I encourage Congress to act quickly to improve every child’s access in school of life-saving medications.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 138—COMMENDING JOHN W. KLUGE FOR HIS DEDICATION AND COMMITMENT TO THE UNITED STATES ON THE OCCASION OF HIS 90TH BIRTHDAY

Mr. STEVENS (for himself, Mr. LOTT and Mr. REID) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES 138

Whereas John W. Kluge has combined a unique history of American entrepreneurship

with pioneering contributions to philanthropy, electronic education, and television and radio broadcasting;

Whereas John W. Kluge is a dedicated patriot who served his country well as an Army intelligence officer during World War II;

Whereas John W. Kluge’s commitment to public service has made him one of the most esteemed and generous benefactors of education, and has brought him the admiration and gratitude of the people of the United States;

Whereas John W. Kluge’s deep belief in human potential and creativity has quietly helped extend educational opportunity through scholarships and other support of important civic causes;

Whereas John W. Kluge’s wise counsel and leadership as the founding chairman of the Library of Congress’s first private sector philanthropic organization, the James Madison Council, have inspired many others to join in support of the Library of Congress’s programs and initiatives;

Whereas John W. Kluge has established an endowed program at the Library of Congress to bring leading senior scholars and junior fellows from around the world to the Library to use its great collections and to interact with the members and staff of Congress;

Whereas John W. Kluge has generously supported the first Nobel-level award for lifetime scholarly achievement in the study of the human sciences;

Whereas John W. Kluge has generously supported the creation of advanced training for library leaders of the 21st century through a Leadership Development Program at the Library of Congress; and

Whereas John W. Kluge has inspired the people of the United States by his example of support for programs that educate and equip individuals for responsible and productive citizenship: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends John W. Kluge for his dedication and commitment to the United States;

(2) expresses, on the occasion of John W. Kluge’s 90th birthday, its sincere appreciation and admiration for his example of philanthropy and public service to the people of the United States; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to John W. Kluge.

Mr. STEVENS. Mr. President, I have come to the Senate to submit a resolution honoring the great philanthropist John Kluge whose 90th birthday is tomorrow. He is a personal friend.

John Kluge is a self-made man. He came to this country as a young boy from Germany with virtually nothing but a china Dresden horse—which he still has. From these humble origins and through hard work he received a scholarship to Columbia University.

After distinguished service as an army intelligence officer during WW II—and I say parenthetically he served in Alaska during that period—he went on in the business world to create a vast media empire which he converted into a great engine of philanthropy, supporting many educational programs, aimed in particular toward helping minorities.

John Kluge’s quiet commitment to public service and generosity of spirit will live on for generations. For years to come, individuals will be able to attend college on a Kluge scholarship

who might otherwise be unable to afford it. Countless future national leaders will benefit from the intellectual stimulation he has made possible through his work at the Library of Congress.

Mr. Kluge is the founding chairman of the James Madison Council, the Library of Congress's private sector philanthropic organization, where he has inspired many others to join in support of the library and its programs.

Through his generosity, John Kluge helped the Library of Congress bridge the gap into the digital world by enabling it to invest heavily in technologies that bring the vast collections of the Library of Congress to people all over the world.

As chairman of the Joint Committee on the Library, I was pleased to announce at a ceremony in the Capitol in 2000 with the Librarian of Congress, Jim Billington, Mr. Kluge's generous gift of \$60 million to establish the John W. Kluge center in the Library of Congress. Thanks to this endowment, the Kluge Center brings some of the world's best minds—the Kluge Scholars—into residence to use the rich resources of the library and interact with national policy makers.

John Kluge has also generously supported the creation of advanced training for a new generation of library leaders through the leadership development program at the Library of Congress.

John Kluge is a man who has made a difference. He has touched countless lives and truly deserves the recognition of this body.

I ask unanimous consent to submit this resolution and ask that it be held at the desk so others might join in cosponsoring this resolution. It is my intention to ask the leadership to try to clear it for adoption this afternoon.

The PRESIDING OFFICER. Is there objection to the measure being submitted and held at the desk? Without objection, it is so ordered.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing regarding the current status of the Hard Rock Mining Industry in America previously scheduled for Thursday, September 23, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building has been cancelled.

For further information, please contact Dick Bouts at 202-224-7545 or Amy Millet at 202-224-8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Com-

mittee on Finance be authorized to meet in open Executive Session during the session on September 20, 2004, at 5:30 p.m., to consider favorably reporting S. 333, the John Breaux Elder Justice Act of 2004, and the nomination of Joey Russell George, to be Treasury Inspector General for Tax Administration, U.S. Department of Treasury.

SELECT SUBCOMMITTEE ON INTELLIGENCE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 20, 2004 at 9:30 a.m. to hold a hearing on the nomination of PORTER J. GOSS to be Director of Central Intelligence.

SPECIAL COMMITTEE ON AGING

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Monday, September 20, 2004 from 2 p.m.-5 p.m. in Dirksen 628 for the purpose of conducting a hearing.

EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22 LAND CONVEYANCE ACT

On Wednesday, September 15, 2004, the Senate passed S. 1521, as follows:

S. 1521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Edward H. McDaniel American Legion Post No. 22 Land Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) POST NO. 22.—The term "Post No. 22" means the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 3. CONVEYANCE OF LAND TO EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22.

(a) CONVEYANCE ON CONDITION SUBSEQUENT.—Not later than 180 days after the date of enactment of this Act, subject to valid existing rights and the condition stated in subsection (c) and in accordance with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.), the Secretary shall convey to Post No. 22, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of Bureau of Land Management land that—

(1) is bounded by Route 160, Bride Street, and Dandelion Road in Nye County, Nevada;

(2) consists of approximately 4.5 acres of land; and

(3) is more particularly described as a portion of the S $\frac{1}{4}$ of section 29, T. 20 S., R. 54 E., Mount Diablo and Base Meridian.

(c) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—Post No. 22 and any successors of Post No. 22 shall use the parcel of land described in section (b) for the construction and operation of a post building and memorial park for use by Post No. 22, other veterans groups, and the local community for events and activities.

(2) REVERSION.—Except as provided in paragraph (3), if the Secretary, after notice to Post No. 22 and an opportunity for a hearing, makes a finding that Post No. 22 has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1) and Post No. 22 fails to discontinue that use, title to the parcel shall revert to the United States, to be administered by the Secretary.

(3) WAIVER.—The Secretary may waive the requirements of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

LEWIS AND CLARK NATIONAL PARK ACT OF 2004

On Wednesday, September 15, 2004, the Senate passed S. 2167, as follows:

S. 2167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lewis and Clark National Historical Park Act of 2004".

SEC. 2. PURPOSE.

The purpose of this Act is to establish the Lewis and Clark National Historical Park to—

(1) preserve for the benefit of the people of the United States the historic, cultural, scenic, and natural resources associated with the arrival of the Lewis and Clark Expedition in the lower Columbia River area; and

(2) commemorate the winter encampment of the Lewis and Clark Expedition in the winter of 1805–1806 following the successful crossing of the North American Continent.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term "map" means the map entitled "Lewis and Clark National Historical Park, Boundary Map", numbered 405/80027, and dated December, 2003.

(2) MEMORIAL.—The term "Memorial" means the Fort Clatsop National Memorial established under section 1 of Public Law 85-435 (16 U.S.C. 450mm).

(3) PARK.—The term "Park" means the Lewis and Clark National Historical Park established by section 4(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. LEWIS AND CLARK NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established as a unit of the National Park System the Lewis and Clark National Historical Park in the States of Washington and Oregon, as depicted on the map.

(b) COMPONENTS.—The Park shall consist of—

(1) the Memorial, including—

(A) the site of the salt cairn (lot number 18, block 1, Cartwright Park Addition of Seaside, Oregon) used by the Lewis and Clark Expedition; and

(B) portions of the trail used by the Lewis and Clark Expedition that led overland from Fort Clatsop to the Pacific Ocean;

(2) the parcels of land identified on the map as "Fort Clatsop 2002 Addition Lands"; and

(3) the parcels of land located along the lower Columbia River in the State of Washington that are associated with the arrival of the Lewis and Clark Expedition at the Pacific Ocean in 1805 and that are identified on the map as—

(A) "Station Camp";

(B) "Clark's Dismal Nitch"; and

(C) "Cape Disappointment".

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection

in the appropriate offices of the National Park Service.

(d) **ACQUISITION OF LAND.**—

(1) **IN GENERAL.**—The Secretary may acquire land, an interest in land, and any improvements to land located within the boundary of the Park.

(2) **MEANS.**—Subject to paragraph (3), an acquisition of land under paragraph (1) may be made by donation, purchase with donated or appropriated funds, exchange, transfer from any Federal agency, or by any other means that the Secretary determines to be in the public interest.

(3) **CONSENT OF OWNER.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), no land, interest in land, or improvement to land to may be acquired under paragraph (1) without the consent of the owner.

(B) **EXCEPTION.**—The corporately-owned timberland in the area described in subsection (b)(2) may be acquired without the consent of the owner.

(4) **MEMORANDUM OF UNDERSTANDING.**—If the owner of the timberland described in paragraph (2)(B) agrees to sell the timberland to the Secretary either as a result of a condemnation proceeding or without any condemnation proceeding, the Secretary shall enter into a memorandum of understanding with the owner with respect to the manner in which the timberland is to be managed after acquisition of the timberland by the Secretary.

(5) **CAPE DISAPPOINTMENT.**—

(A) **TRANSFER.**—

(i) **IN GENERAL.**—Subject to valid rights (including withdrawals), the Secretary shall transfer to the Director of the National Park Service management of any Federal land at Cape Disappointment, Washington, that is within the boundary of the Park.

(ii) **WITHDRAWN LAND.**—

(I) **NOTICE.**—The head of any Federal agency that has administrative jurisdiction over withdrawn land at Cape Disappointment, Washington, within the boundary of the Park shall notify the Secretary in writing if the head of the Federal agency does not need the withdrawn land.

(II) **TRANSFER.**—On receipt of a notice under subclause (I), the withdrawn land shall be transferred to the administrative jurisdiction of the Secretary, to be administered as part of the Park.

(B) **MEMORIAL TO THOMAS JEFFERSON.**—

(i) **IN GENERAL.**—All withdrawals of the 20-acre parcel depicted on the map as “Memorial to Thomas Jefferson” are revoked.

(ii) **ESTABLISHMENT.**—The Secretary shall establish a memorial to Thomas Jefferson on the parcel referred to in clause (i).

(C) **MANAGEMENT OF CAPE DISAPPOINTMENT STATE PARK LAND.**—The Secretary may enter into an agreement with the State of Washington providing for the administration by the State of the land within the boundary of the Park known as “Cape Disappointment State Park”.

SEC. 5. ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary shall administer the Park in accordance with—

(1) this Act; and

(2) the laws generally applicable to units of the National Park System, including—

(A) the Act of August 25, 1916 (16 U.S.C. 1 et seq.); and

(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(b) **MANAGEMENT PLAN.**—Not later than 3 years after funds are made available to carry out this Act, the Secretary shall prepare an amendment to the general management plan for the Memorial to address the management of the Park.

(c) **COOPERATIVE MANAGEMENT AGREEMENTS.**—To facilitate the presentation of a

comprehensive picture of the experiences of the Lewis and Clark Expedition in the lower Columbia River area and to promote more efficient administration of the sites associated with those experiences, the Secretary may, in accordance with section 3(1) of Public Law 91-383 (16 U.S.C. 1a-2(1)), enter into cooperative management agreements with appropriate officials in the States of Washington and Oregon.

SEC. 6. REPEALS; REFERENCES.

(a) **IN GENERAL.**—Public Law 85-435 (72 Stat. 153; 16 U.S.C. 450mm et seq.) is repealed.

(b) **REFERENCES.**—Any reference to Fort Clatsop National Memorial in a law (including regulations), map, document, paper, or other record shall be considered to be a reference to the Lewis and Clark National Historical Park.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT ACT OF 2004

On Wednesday, September 15, 2004, the Senate passed S. 2287, as follows:

S. 2287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2004”.

SEC. 2. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) **IN GENERAL.**—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking “twenty thousand acres generally depicted on the map entitled ‘Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve’ numbered 90,000B and dated April 1978,” and inserting “23,000 acres generally depicted on the map entitled ‘Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve’, numbered 467/80100, and dated August 2002,”.

(b) **ACQUISITION OF LAND.**—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking “(a) Within the” and all that follows through the first sentence and inserting the following:

“(a) **IN GENERAL.**—

“(1) **BARATARIA PRESERVE UNIT.**—

“(A) **IN GENERAL.**—The Secretary may acquire any land, water, and interests in land and water within the boundary of the Barataria Preserve Unit, as depicted on the map described in section 901, by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

“(B) **LIMITATIONS.**—

“(i) **IN GENERAL.**—With respect to the areas on the map identified as ‘Bayou aux Carpes Addition’ and ‘CIT Tract Addition’—

“(I) any Federal land acquired in the areas shall be transferred without consideration to the administrative jurisdiction of the National Park Service; and

“(II) any private land in the areas may be acquired by the Secretary only with the consent of the owner of the land.

“(ii) **EASEMENTS.**—Any Federal land in the area identified on the map as ‘CIT Tract Ad-

dition’ that is transferred under clause (i)(I) shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.”;

(B) in the second sentence, by striking “The Secretary may also” and inserting the following:

“(2) **FRENCH QUARTER.**—The Secretary may”;

(C) in the third sentence, by striking “Lands, waters, and interests therein” and inserting the following:

“(3) **ACQUISITION OF STATE LAND.**—Land, water, and interests in land and water”;

“(4) **ACQUISITION OF OIL AND GAS RIGHTS.**—In acquiring”;

(2) by striking subsections (b) through (f) and inserting the following:

“(b) **RESOURCE PROTECTION.**—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

“(1) fresh water drainage patterns;

“(2) vegetative cover;

“(3) the integrity of ecological and biological systems; and

“(4) water and air quality.”;

(3) by redesignating subsection (g) as subsection (c).

(c) **HUNTING, FISHING, AND TRAPPING.**—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking “within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he” and inserting “the Secretary”.

(d) **ADMINISTRATION.**—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking “Pending such establishment and thereafter the” and inserting “The”.

SEC. 3. REFERENCES IN LAW.

(a) **IN GENERAL.**—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(1) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(2) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(b) **CONFORMING AMENDMENTS.**—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(1) by striking “Barataria Marsh Unit” each place it appears and inserting “Barataria Preserve Unit”; and

(2) by striking “Jean Lafitte National Historical Park” each place it appears and inserting “Jean Lafitte National Historical Park and Preserve”.

The PRESIDING OFFICER. The Senator from Alaska.

ORDER TO REQUEST FOR RETURN OF PAPERS—H.R. 4567

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate request the House to return the papers with respect to H.R. 4567.

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

COMMENDING JOHN W. KLUGE

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 138 which was submitted earlier today by Senator STEVENS.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 138) commending John W. Kluge for his dedication and commitment to the United States on the occasion of his 90th birthday.

Mr. REID. Reserving the right to object—and I will not object—I ask unanimous consent to be added as a cosponsor of the concurrent resolution.

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

Mr. REID. I served for some time as chairman of the Appropriations Subcommittee on the Legislative branch. During those years, there was an effort made to cut funding for the Library of Congress. I became an expert on funding for the Library of Congress. We were able to overcome the objections of those who thought the Library of Congress should be made different than it now is. But during that period of time, I met John Kluge. John Kluge is a man who has made lots of money in the free enterprise system of our country. But he has dedicated large amounts of his fortune to the Library of Congress.

I am so glad Senator STEVENS submitted a resolution commemorating the birthday of this great American. Because of his being such a fine man and recognizing the importance of the Library of Congress, the greatest library in the history of the world, many people will benefit from his efforts.

I withdraw my reservation of objection.

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

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 138) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 138

Whereas John W. Kluge has combined a unique history of American entrepreneurship with pioneering contributions to philanthropy, electronic education, and television and radio broadcasting;

Whereas John W. Kluge is a dedicated patriot who served his country well as an Army intelligence officer during World War II;

Whereas John W. Kluge's commitment to public service has made him one of the most esteemed and generous benefactors of education, and has brought him the admiration and gratitude of the people of the United States;

Whereas John W. Kluge's deep belief in human potential and creativity has quietly helped extend educational opportunity through scholarships and other support of important civic causes;

Whereas John W. Kluge's wise counsel and leadership as the founding chairman of the Library of Congress's first private sector philanthropic organization, the James Madison Council, have inspired many others to join in support of the Library of Congress's programs and initiatives;

Whereas John W. Kluge has established an endowed program at the Library of Congress to bring leading senior scholars and junior fellows from around the world to the Library to use its great collections and to interact with the members and staff of Congress;

Whereas John W. Kluge has generously supported the first Nobel-level award for lifetime scholarly achievement in the study of the human sciences;

Whereas John W. Kluge has generously supported the creation of advanced training for library leaders of the 21st century through a Leadership Development Program at the Library of Congress; and

Whereas John W. Kluge has inspired the people of the United States by his example of support for programs that educate and equip individuals for responsible and productive citizenship: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends John W. Kluge for his dedication and commitment to the United States;

(2) expresses, on the occasion of John W. Kluge's 90th birthday, its sincere appreciation and admiration for his example of philanthropy and public service to the people of the United States; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to John W. Kluge.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 108-132, Section 128, appoints the following individual to the Commission on Review of Overseas Military Facility Structure of the United States: Admiral Anthony A. Less of Virginia.

The Chair, on behalf of the Democratic Leader, after consultation with the Ranking Member of the Senate Committee on Finance, pursuant to Public Law 106-170, appoints the following individual, Andrew J. Imparato, of Maryland, to serve as a member of the Ticket to Work and Work Incentive Advisory Panel.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Ms. MURKOWSKI. Mr. President, as in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations: JOHN SUNUNU, PN 1951; PATRICK LEAHY, PN 1950; Stuart Holliday, PN 1131; and the foreign service nominations list, PN 1828, which is at the desk. I further ask unanimous consent that the Senate proceed to their consideration, the nominations be confirmed, the motions to reconsider be laid upon

the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I guard the nomination process as well as anybody. I have had difficulty with someone who we have tried to put on the Nuclear Regulatory Commission for a year and a half. I have recognized that by making sure that certain people the administration wants do not go through. But I have not held up what I think are nominations important to the national defense and welfare of our country, generally speaking.

We have a number of people, as indicated by the acting leader at this time, Senator MURKOWSKI, being discharged from the Foreign Relations Committee. There is one person, though, on the list by the name of James B. Cunningham, a career member of the senior foreign service, to be appointed to the Atomic Energy Agency with the rank of Ambassador. There is a hold on this. This man would represent the United States on this most important entity.

The news in the last months has been dealing with Iran and what they are doing and not doing with their nuclear program. We need this man on a daily basis doing what he needs to do to protect the interests of not only the United States but the world with this burgeoning problem we have with nuclear materials.

There is a hold by the majority on this nomination. I think it is wrong. I will not mention the name of the Senator who has a hold, but it should be taken off. It is not good for the country or for the world.

Having said that, I have no objection to the request of the Senator from Alaska.

The PRESIDING OFFICER. Without objection, the request is agreed to.

The nominations, considered and confirmed, are as follows:

DEPARTMENT OF STATE

Stuart W. Holliday, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

Patrick J. Leahy, of Vermont, to be a Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

John E. Sununu, New Hampshire, to be a Representative of the United States of America to the Fifty-ninth Session of the General Assembly of the United Nations.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Jacqueline Bell, of Maryland

For appointment as Foreign Service Officers of Class Three, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Zac T. Bao, of Florida

George H. Buzby, of Florida

Thomas L. McClanahan, of Colorado

John P. Nicholson, of Florida
John D. Vernon, of Virginia
Terry G. Youngblood, of Texas

DEPARTMENT OF COMMERCE

Christopher R. Quinlivan, of Washington

DEPARTMENT OF STATE

Katelyn Choe, of Florida
Lynn M. Ferenc, of Florida

For appointment as Foreign Service Officers of Class Four, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Alicia P. Allison, of the District of Columbia
Joseph Ray Babb, of California
Juliana Kinal Ballard, of the District of Columbia

Dana Lynn Banks, of Pennsylvania
Alexander Lucian Barrasso, of the District of Columbia

Rois Meghan Beal, of Georgia
Scott A. Blomquist, of Florida
Tomekah L. Burl, of Arkansas
Yan Chang, of Georgia
John Reid Crosby, of Texas
Mary Eileen Daschback, of New Hampshire
Gene J. Del Bianco, of Massachusetts
Bradley Richard Evans, of Texas
Fiona Scholand Evans, of Texas
Dan O. Fulwiler, of Washington
Ann Elise Gabrielson, of Minnesota
Michelle Marie Gidaspova, of New York
David Lindgren Gehrenbeck, of Rhode Island
Stephen P. Goldrup, of California
John Gorkowski, of Virginia
Christopher Lee Green, of Texas
Daniel O'Connell Hamilton, of Missouri
Patrick N. Hanish, of Washington
Margaret Reiko Hartley, of California
Ida Eve Heckenbach, of Louisiana
Janelle S. Hironimus, of California
Joey Robert Hood, of New Hampshire
Patrick Wynters Hornbuckle, of New York
Darragh Jones, of Oregon
Dennis T.P. Keene, of Florida
Robert L. Kingman, of Washington
Laura Hope Kirkpatrick, of Virginia
James Gordon Land, of Florida
Kamal Imhotep Latham, of New York
Claire Le Claire, of Minnesota
Jason Ross Mack, of New York
Bettina Anne Malone, of Virginia
Tyler L. Mason, of New York
Gregory Charles May, of Texas
Kara Cherise McDonald, of Virginia
John W. McIntyre, of Missouri
Emily Ann Mestetsky, of New Jersey
Shante J. Moore, of Michigan
Carla J. Mudgett, of Vermont
Adrienne B. Nutzman, of Texas
Nicholas Papp III, of Florida
Susan Parker-Burns, of Massachusetts
Jonathan P. Post, of California
Gabrielle M. Price, of Pennsylvania
Marco Glen Prouty, of Washington
Daniel J. Ricci, of California
John G. Robinson, of Mississippi
Peter A. Schroeder, of Washington
Marc London Shaw, of Missouri
Andrew Kenneth Sherr, of Colorado
Jefferson David Smith, of Texas
Timothy Lyle Smith, of Michigan
Timothy M. Standaert, of Florida
Daniel Alexander Stewart, of Virginia
Tom S. Targos, of Wisconsin
Timothy P. Trenkle, of Kansas
Joseph Finch Trimble Jr., of Texas
David Nathaniel Gartland Whiting, of South Dakota
Dana Renee Williams, of Texas
Michelle Elizabeth Wollam, of California
Ebony York, of Michigan

The following-named Members of the Foreign Service to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated: Con-

sular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Geoffrey S. Bogart, of California
Val E. Huston, of Indiana
Justin D. Mylroie, of Washington
Christopher D. Woosley, of Virginia

DEPARTMENT OF STATE

Jason Andrew Abell, of Illinois
Angela C. Alexander, of Virginia
Anthony Alexander, of California
Christopher C. Allison, of Missouri
Faris Y. Asad, of Ohio
Benjamin S. Bailey, of Washington
Anne Elizabeth Baker, of Pennsylvania
Erin C. Barcus, of Maryland
Alistair C. Baskey, of the District of Columbia

Matthew Harold Blong, of Maryland
Scott Charles Bolz, of Washington
Pauline N. Borderies, of Virginia
Jennifer F. Bosworth, of the District of Columbia

Ryan E. Bowles, of Minnesota
Tobias Alyn Bradford, of Texas
Robin S. Brooks, of Colorado
Justin Patrick Brown, of California
Timothy Patrick Buckley, of New York
Todd A. Campbell, of Illinois
Cheryl Barnes Carson, of Virginia
Christopher James Chaisson, of Virginia

Min Chang, of California
Alice Ruth Chu, of Virginia
Theodore H. Clark, of Virginia
Elise C. Cocke, of the District of Columbia
John D. Culp, of Virginia
Kim D'Auria-Vazira, of California
Mark G. Davenport, of Virginia
Erfana S. Dar, of Washington
Timmy T. Davis, of Mississippi
Gregory W. Deputy, of Virginia
David Dolaher, of Virginia

Andrea Susana Martinez Donnally, of Texas
Jed Taro Dornburg, of the District of Columbia

Julie A. Eadeh, of Michigan
Michael G. Edwards, of Washington
Richard J. Faillace, of New Jersey
Maha Gamal Farid, of the District of Columbia

Sita M. Farrell, of Virginia
Yuriy R. Fedkiw, of Ohio
Julia C. Fendrick, of Maryland
Mary Ann Freeman, of California
Enrique Rodrigo Gallego, of Illinois
Julie C. Gibson, of Virginia
Alexander Paul Gogulski, of Virginia
Matthew B. Golden, of California
Lynnette Lynn Gordon, of Texas
John Harrison Gregg, of Alabama
Linda A. Gregus, of Virginia
John Arthur Haid, of Virginia
Matthew S. Hand, of Virginia
Alexander Keith Hardin, of Ohio
Gayle R. Harnest, of Virginia
Anbereen Hasan, of Virginia
Priscilla Ann Hernandez, of Texas
Tracy E. Hill, of the District of Columbia
Julius E. Hoffman Jr., of the District of Columbia

Michael John Hougaard, of Virginia
Kevin E. Hulbert, of the District of Columbia
Aaron L. Hummendorf, of Virginia
Jerry Ismail, of New York
Robert A. Ivey, of Virginia
Joseph Samuel Jacanin, of Virginia
Dayle Rebecca Johns, of Texas
Matthew P. Johnson, of Virginia
Todd M. Katschke, of the District of Columbia

Pamela R. Kazi, of Minnesota
Charles J. Kelly, of Virginia
Stephen Gyula Kovacsics, of Florida
Eric J. Kramp, of Florida
Coby Dawne Lastuka, of Washington
Thaddeus C. Law, of Virginia

Jeffrey Michael Loree, of the District of Columbia

Adham Zibas Loutfi, of California
Katherine M.F. Lowndes, of Virginia
Rose A. Manor, of Virginia
John A. Marcinek, of Virginia
Michael H. Margolies, of Louisiana
Ann L. Mason, of Michigan
Josiah D. Mayne, of Virginia
John William McClure, of Virginia
James P. McDonald, of Massachusetts
Bernadette M. Meehan, of New York
Laura P. Merkle, of Virginia
Gregory C. Morris, of Virginia
James M. Morris, of Massachusetts
Heather Mulvenna, of Virginia
Junaid Munir, of Michigan
Fahez A. Nadi, of New York
David C. Ng, of Arizona
Sadia Niazi, of Virginia
Marlene E. Olsen, of Florida
Trevor R. Olson, of Idaho
Adam Packer, of the District of Columbia
Christine D. Parker, of Illinois
Vanessa M. Paulos, of Texas
Dexter C. Payne, of Virginia
Elizabeth Lynne Perry, of Massachusetts
Michael E. Pignatello, of Nevada
Matthew P. Politte, of Virginia
Mauricio H. Puerto, of Virginia
Helaena W. Rathore, of Tennessee
Nazima H. Razick, of Virginia
Kelsey Thomas Rideout, of Virginia
Ryan J. Roberts, of Texas
Jeff Roterger, of Kansas
Lenore Marie Santone, of Virginia
Julie Michelle Schohn, of North Carolina
Mahvash Siddiqui, of California
Daniel E. Slaven, of Texas
Patrick T. Slowinski, of Utah
Alyssa Smith, of the District of Columbia
William H. Steele Jr., of Florida
William B. Stevens, of Virginia
Brian K. Stimmler, of New Jersey
Amy L. Storrow, of Texas
Rachel Elizabeth Subler, of Virginia
Karan Elizabeth Swaner, of Virginia
B. Richard Switzer, of Virginia
Dmitri Tarakhovsky, of Michigan
Shawn Harris Tribe, of California
Karen K. Tsai, of New York
Frank F. Tu, of California
Dillon R. Twombly, of Virginia
Kevin D. Vail, of Virginia
Kevin A. Vaillancourt, of Virginia
Perry M. Venturini, of Virginia
Scott Lee Whitmore, of Massachusetts
Brendan R. Whitworth, of Virginia
Patrick C. Williams III, of West Virginia
Mamie Willis, of Virginia
Woods, Jody L., of Virginia
Elizabeth L. Woudenberg, of Maryland
Carson H. Wu, of Michigan
Baimba M. Yilla, of Virginia
Michael H. Young, of California
Alexander Yuan, of New York
Jim Zix, of Oregon

The PRESIDING OFFICER. The President will be notified of the Senate's action.

NOMINATION PLACED ON CALENDAR—PN-1267

Ms. MURKOWSKI. Mr. President, as in executive session, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of the nomination of Neil McPhie, PN-1267, and further that the nomination be placed on the Executive Calendar.

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

LEGISLATIVE SESSION

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

ORDERS FOR TUESDAY,
SEPTEMBER 21, 2004

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, September 21. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period of morning business, for statements only, for up to 60 minutes, with the first half hour of time under the control of the Democratic leader or his designee, and the remaining time under the control of the majority leader or his designee.

I further ask unanimous consent that following the aforementioned 60 minutes, the period of morning business for debate only then be extended for an additional 120 minutes, with the next 60 minutes under the control of the Democratic leader or his designee, and the final 60 minutes under the control of the majority leader or his designee.

I further ask that following the time assigned for morning business, the Senate recess until 2:15 p.m. for the weekly party lunches.

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

PROGRAM

Ms. MURKOWSKI. Mr. President, for the information of all Senators, the Senate will be in morning business until the weekly party lunches.

Tomorrow afternoon, the Senate will take up the Legislative Branch appropriations bill. Under the previous agreement, there will be 1 hour of debate on the bill, followed by a vote on passage. Therefore, Senators should expect the first vote of tomorrow's session to occur sometime tomorrow afternoon.

ADJOURNMENT UNTIL 9:45 A.M.
TOMORROW

Ms. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Tuesday, September 21, 2004, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate September 20, 2004:

DEPARTMENT OF THE TREASURY

JESUS H. DELGADO-JENKINS, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE TERESA M. RESSEL, RESIGNED.

DEPARTMENT OF STATE

SUSAN L. MOORE, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

BERYL A. HOWELL, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES SENTENCING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 31, 2005, VICE DIANA E. MURPHY, RESIGNED.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be captain

JONATHAN W. BAILEY
TIMOTHY B. WRIGHT
GARNER R. YATES JR.
STEVEN R. BARNUM
RICHARD S. BROWN
CRAIG N. MCLEAN
PHILIP M. KENUL
JON E. RIX
STEPHEN A. KOZAK
SEAN R. WHITE
STEVEN A. THOMPSON
KENNETH W. BARTON
JOHN E. LOWELL JR.
EMILY B. CHRISTMAN

To be commander

ANDREW L. BEAVER
RAYMOND C. SLAGLE
JOHN E. HERRING
CHRISTOPHER S. MOORE
WILLIAM B. KEARSE
THOMAS G. CALLAHAN
STACY L. BIRK-RISHEIM
PHILIP S. HILL
MATTHEW H. PICKETT
GUY T. NOLL
JAMES S. VERLAQUE
JAMES R. MEIOS
THOMAS E. STRONG
CHRISTOPHER A. BEAVERSON
CARL R. GROENEVELD
DAVID O. NEANDER
MICHAEL S. DEVANY
ANDREA M. HRUSOVSKY
JULIA N. NEANDER
DONALD W. HAINES
MICHELE A. FINN

To be lieutenant commander

JAMES A. BUNN II
ANNE K. LYNCH
KARL F. MANGELS
STEPHEN J. THUMM
ANITA L. LOPEZ
MARK J. BOLAND
JEFFREY C. HAGAN
JOHN K. LONGENECKER
DEBORAH R. BARR
MICHAEL L. HOPKINS
ERIC W. BERKOWITZ
JON D. SWALLOW
JOSEPH A. PICA
MICHAEL J. HOSHYLYK
RICARDO RAMOS
GREGORY G. GLOVER
KEITH W. ROBERTS
PHILIP G. HALL
WILLIAM R. ODELL
BRIAN W. PARKER
JOHN T. CASKEY
TODD A. HAUPT
CECILE R. DANIELS
LAWRENCE T. KREPP
JAMES M. CROCKER
CARL E. NEWMAN
SHEPARD M. SMITH
TODD A. BRIDGEMAN
EDWARD J. VAN DEN AMEELE

To be lieutenant

THOMAS J. PELTZER
MARK S. MOSER
JASON M. SEIFERT
KEVIN J. SLOVER
HOLLY A. DEHART
JASON A. APPLER
KRISTIE J. TWINING
FRANK K. DREFLAK
BENJAMIN K. EVANS
JEREMY B. WEIRICH
WILLIAM P. MOWITT
DOUGLAS J. KRAUSE
NICOLE M. CABANA
RUSSELL G. HANER
JONATHAN B. NEUHAUS
NICHOLAS J. TOTH
ANDREW A. HALL
CATHERINE A. MARTIN
JEFFREY R. JUDAS
STEPHANIE A. KOES
DANIEL M. SIMON
JOHN A. CROFTS

MARK VAN WAES
WILLIAM W. PIERCE III
RICHARD E. HESTER JR.
JEFFREY C. TAYLOR
NOAH LAWRENCE-SLAVAS
NICHOLAS J. CHROBAK
ERIK M. EILERS

To be lieutenant (junior grade)

WILLIAM D. WHITMORE
DOUGLAS E. MACINTYRE
SARAH L. DUNSFORD
SARAH K. MROZEK
JOSHUA D. BAUMAN
KATHREINE R. PEET
MICHAEL G. LEVINE
BRYAN R. WAGONSELLER
NICOLE M. MANNING
ALLISON B. MELICHAREK
JESSICA M. FUTCH
EARL M. SPENCER
JEFFREY D. SHOUP
HECTOR L. CASANOVA
AMANDA M. BITTINGER
ERIC T. JOHNSON
JASPER D. SCHAEER
JESSICA E. DAUM
AMANDA M. MIDDLEMISS
NATASHA R. DAVIS
LUKE J. SPENCE
JOHN J. LOMNICKY
LUNDY E. PIXTON
MATTHEW R. RINGEL
ERICH J. BOHABOY
LINDSAY R. KURELJA
PATRICK D. DIDIER
AMY M. DANIEL
MISTY M. WATSON
KELLY E. STROUD
RICHARD A. EDMUNDSON

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be lieutenant

TIMOTHY J. GALLAGHER
MATTHEW J. WINGATE

To be ensign

LEAH A. HARMAN
MICHAEL C. DAVIDSON
JASON R. MANSOUR
DAVID E. FISCHMAN
MICHAEL J. STEVENSON
BRIANA J. WELTON
ABIGAIL S. HIGGINS
SILAS M. AYERS
PAUL A. HOUSEHOLDER
BRENT J. POUNDS
AMANDA L. GOELLER
SARAH E. JACKSON
TRI M. NGUYEN
TIMOTHY D. SALISBURY
NICOLA SAMUELSON
BENJAMIN S. SNIFFEN
MARK A. BLANKENSHIP
FIONNA J. MATHESON
JONATHAN E. TAYLOR
ANDREW P. HALBACH
NATHAN S. PRIESTER
WILLIAM I. WELLS
SARAH K. JONES
PATRICK L. MURPHY
STEPHEN P. BARRY
COLIN D. LITTLE
BERNERD R. ARCHER

CONFIRMATIONS

Executive nominations confirmed by the Senate September 20, 2004:

DEPARTMENT OF STATE

STUART W. HOLLIDAY, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS.

PATRICK J. LEAHY, OF VERMONT, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JOHN E. SUNUNU, OF NEW HAMPSHIRE, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

FOREIGN SERVICE NOMINATIONS BEGINNING JACQUELINE BELL AND ENDING JIM ZIX, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 19, 2004.