

S. Con. Res. 2. Concurrent resolution to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provisions of S. Con. Res. 93 and S. Con. Res. 94 of the One Hundred Eighth Congress.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of government.

H. Con. Res. 2. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the House has agreed to H. Res. 2, resolving that the Senate be informed that a quorum of the House of Representatives has assembled; that J. DENNIS HASTERT, a Representative from the State of Illinois, has been elected Speaker; and Jeffrey J. Trandahl, a citizen of the State of South Dakota, has been elected Clerk of the House of Representatives of the One Hundred Ninth Congress.

The message further announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), the Minority Leader appoints Mr. Michael Wessel of Virginia, for a term of 2 years, to the United States-China Security Review Commission.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), amended by division P of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7), and the order of the House of December 8, 2003, the Speaker reappoints the following member on the part of the House of Representatives to the United States-China Economic and Security Review Commission: Larry Wortzel of Alexandria, Virginia, for a term to expire December 31, 2006.

The message further announced that pursuant to Senate concurrent resolution 2, One Hundred Ninth Congress, the Speaker reappoints as members of the Joint Committee to make the necessary arrangements for the Inauguration of the President-elect and the Vice President-elect of the United States on the 20th day of January 2005, the following Members of the House of Representatives: Mr. HASTERT of Illinois, Mr. DELAY of Texas, and Ms. PELOSI of California.

The message also announced that the House has agreed to H. Res. 11, resolving that the House has heard with profound sorrow of the death of the Honorable Robert T. Matsui, a Representative from the State of California.

Resolving, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolving, That the Sergeant-at-Arms of the House be authorized and

directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolving, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

At 12:56 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill in which it requests the concurrence of the Senate:

H.R. 241. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami.

The message further announced that pursuant to Senate concurrent resolution 1, One Hundred Ninth Congress, and the order of the House of January 4, 2005, the Speaker appoints as tellers on the part of the House to count the electoral votes: Mr. NEY of Ohio, and Mr. LARSON of Connecticut.

At 5:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has rejected the objection submitted by the Representative from Ohio, Mrs. JONES, and the Senator from California, Mrs. BOXER, and is now ready to further proceed with the counting of the electoral votes for President and Vice President of the United States.

#### 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-4. A communication from the President of the United States, transmitting, pursuant to law, the Report to the Congress on Implementation of Public Law 107-228 Authority for Russian Federation Debt Reduction for Nonproliferation; to the Committee on Foreign Relations.

EC-5. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spinosad; Pesticide Tolerance" (FRL7691-4) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerance" (FRL7689-7) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorothalonil; Re-establishment of Tolerance for Emergency Exemptions" (FRL 7691-1) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8. A communication from the Administrator, Rural Utilities Service, Department

of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR 1775, 1777, 1778, 1780, 1942, 3570, and 4274, "Definition Clarification of State Nonmetropolitan Median Household Income"" (RIN0572-AB96) received on December 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFT 1775, Technical Assistance Grants" (RIN0572-AB75) received on December 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Servicing of Delinquent Community and Business Program Loans—Workout Agreements" (RIN0575-AC57) received on December 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11. A communication from the Administrator, Poultry Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Voluntary Shell Egg Grading Regulations—Facilities and Equipment" (RIN0581-AC33) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-12. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2004-2005 Marketing Year" (Doc. No. FV05-982-1 IFR) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-13. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruits, Tangerines, and Tangelos Grown in Florida; Change in the Minimum Maturity Requirements for Fresh Grapefruit." (Doc. No. FV05-905-1 IFR) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-14. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Swine Health Protection" (Doc. No. 04-109-1) received on December 8, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-15. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Clementines, Mandarins, and Tangerines from Chile" (Doc. No. 02-081-3) received on December 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-16. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "User Fees for Agricultural Quarantine and Inspection Services" (Doc. No. 04-042-1) received on December 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-17. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emerald Ash Borer; Quarantined Areas" (Doc. No. 02-125-2) received on January 5, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-18. A communication from the Acting Inspector General, transmitting, pursuant to

law, the report of the Office of the Inspector General concerning alternative Medicare payment methodologies for the costs of training medical residents in nonhospital settings; to the Committee on Finance.

EC-19. A communication from the Acting Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of the Office of the Inspector General concerning alternative Medicare payment methodologies for the costs of training medical residents in nonhospital settings; to the Committee on Finance.

EC-20. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Report on Fiscal Year 2004 Competitive Sourcing Efforts as required by the Consolidated Appropriations Act of Fiscal Year 2004; to the Committee on Finance.

EC-21. A communication from the Chairman, Medicare Payment Advisory Board, transmitting, pursuant to law, the Report on the Impact of Resource-Based Practice Expense Payment for Physician Services; to the Committee on Finance.

EC-22. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the Report on the Growth in the Volume of Physician Services; to the Committee on Finance.

EC-23. A communication from the Assistant Secretary, Employees Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Final Regulations for Health Coverage Portability for Group Health Plans and Group Health Insurance Issuers under HIPAA Titles I and IV" (RIN1210-AA54) received on December 31, 2004; to the Committee on Finance.

EC-24. A communication from the Regulations Coordinator, Office of Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and State Health Care Programs: Fraud and Abuse: OIG Civil Money Penalties Under the Medicare Prescription Drug Discount Card Program" (RIN0991-AB30) received on January 3, 2005; to the Committee on Finance.

EC-25. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Modifications to Managed Care Rules" (RIN0938-AK71) received on January 3, 2005; to the Committee on Finance.

EC-26. A communication from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Child Support Enforcement Program; Reasonable Quantitative Standard for Review and Adjustment of Child Support Orders" (45 CFR 303) received on January 3, 2005; to the Committee on Finance.

EC-27. A communication from the Regulations Coordinator, Office of Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Health Coverage Portability for Group Health Plans and Group Health Insurance Issuers Under HIPAA Title I and IV" (RIN0938-AL43) received on January 3, 2005; to the Committee on Finance.

EC-28. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Areas in which Rulings in the International Area will not be issued" (Rev. Proc. 2005-7) received on January 5, 2005; to the Committee on Finance.

EC-29. A communication from the Acting Chief, Internal Revenue Service, Department

of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2004-6" (Rev. Proc. 2005-6) received on January 5, 2005; to the Committee on Finance.

EC-30. A communication from the Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Letter Rulings and Determination Letters" (Rev. Proc. 2005-1) received on January 5, 2005; to the Committee on Finance.

EC-31. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fees for Copies of Exempt Organization Material" (RIN1545-BB22) received on January 5, 2005; to the Committee on Finance.

EC-32. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Election to Determine Corporate Tax on Certain International Shipping Activities under Tonnage Tax Regime" (Notice 2005-2) received on January 5, 2005; to the Committee on Finance.

EC-33. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2004-8" (Rev. Proc. 2005-8) received on January 5, 2005; to the Committee on Finance.

EC-34. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Gross Estate; Election to Value on Alternate Valuation Date." (TD 9172) received on January 5, 2005; to the Committee on Finance.

EC-35. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2004-4" (Rev. Proc. 2004-4) received on January 5, 2005; to the Committee on Finance.

EC-36. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2004-5" (Rev. Proc. 2005-5) received on January 5, 2005; to the Committee on Finance.

EC-37. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Areas in which Rulings will not be Issued (domestic areas)—Revised to Remove Restrictions on Sections 107, 1402(a)(8), (c)(4) and (e), 3121(b)(8)(A), and 3401 of the Internal Revenue Code." (Rev. Proc. 2005-3) received on January 5, 2005; to the Committee on Finance.

EC-38. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Procedures for issuing TAMs and TEAMs." (Rev. Proc. 2005-2) received on January 5, 2005; to the Committee on Finance.

EC-39. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Rollover and Section 401(a)(31)(B) of the Code" (Notice 2005-5) received on January 5, 2005; to the Committee on Finance.

EC-40. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Extension of Time to File Certain Information Returns and Exempt Organization Returns" (RIN1545-BB29) received on December 17, 2004; to the Committee on Finance.

EC-41. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier 2 Tax Rates for 2005" (Notice 2005-1) received on December 17, 2004; to the Committee on Finance.

EC-42. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Reduction of Penalty for Understanding Tax by Adequate Disclosure of an Item on Return" (Rev. Proc. 2004-73) received on December 17, 2004; to the Committee on Finance.

EC-43. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004" (Notice 2004-82) received on December 17, 2004; to the Committee on Finance.

EC-44. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Public Hearings on the Advance Pricing Agreement Programs" (Ann. 2004-98) received on December 17, 2004; to the Committee on Finance.

EC-45. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 1397E—Allocation of National Limitation for Qualified Zone Academy Bonds for year 2005" (Rev. Proc. 2004-72) received on December 17, 2004; to the Committee on Finance.

EC-46. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Cumulative List of Changes in Plan Qualification Requirements" (Notice 2004-84) received on December 17, 2004; to the Committee on Finance.

EC-47. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—October 2004" (Rev. Rul. 2004-113) received on December 17, 2004; to the Committee on Finance.

EC-48. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Prohibited Allocations of Securities in an S Corporation" (RIN1545-BC33) received on December 17, 2004; to the Committee on Finance.

EC-49. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: IRC sec. 44 Disabled Access Credit" (UIL:0044.60-00) received on December 17, 2004; to the Committee on Finance.

EC-50. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Inflation Indexing Revenue Procedure" (Rev. Proc. 2004-71) received on December 8, 2004; to the Committee on Finance.

EC-51. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Internet Activities of Trade Associations Revenue Ruling" (Rev. Rul. 2004-112) received on December 8, 2004; to the Committee on Finance.

EC-52. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal

Unemployment Tax Deposits—Special Rule” (RIN1545-BB66) received on December 8, 2004; to the Committee on Finance.

EC-53. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Optional 10-Year Writeoff of Certain Tax Preferences” (RIN 1545-BC13) received on January 3, 2005; to the Committee on Finance.

EC-54. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Revision of Rev. Proc. 2001-22” (Rev. Proc. 2005-12) received on January 3, 2005; to the Committee on Finance.

EC-55. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “2005 Per Diem Rates Update” (Rev. Proc. 2005-10) received on January 3, 2005; to the Committee on Finance.

EC-56. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “New Markets Tax Credit” (RINS1545-AY87, 1545-BC03) received on January 3, 2005; to the Committee on Finance.

EC-57. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Section 1374 Effective Dates” (TD9170) received on January 3, 2005; to the Committee on Finance.

EC-58. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Guidance Under 409A of the Internal Revenue Code” (Notice 2005-1) received on January 3, 2005; to the Committee on Finance.

EC-59. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Regulations Governing Practice Before the Internal Revenue Service (Circular 230—Shelter)” (RIN1545-BA70) received on December 31, 2004; to the Committee on Finance.

EC-60. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Automatic Consent to Change an Accounting Method Provided in 1.263(a)-4 or -5” (Rev. Proc. 2005-9) received on December 31, 2004; to the Committee on Finance.

EC-61. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Services by a Student that Qualify for the Exception from Federal Insurance Contributions Act Tax” (Rev. Proc. 2005-11; 2005-2) received on January 3, 2005; to the Committee on Finance.

EC-62. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—January 2005” (Rev. Rul. 2005-102) received on January 3, 2005; to the Committee on Finance.

EC-63. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Notice: Fuel Tax Guidance; Request for Public Comments” (Notice 2005-04) received on January 3, 2005; to the Committee on Finance.

EC-64. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Final Reg-

ulation Providing Guidance on the Student FICA Exception” (RIN1545-BC81) received on January 3, 2005; to the Committee on Finance.

EC-65. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Cash or Deferred Arrangements Under Section 401(k) and Matching Contributions Section 401(m)” (TD9169) received on January 3, 2005; to the Committee on Finance.

EC-66. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “901(j)(5) Presidential Waiver with Respect to Libya” (Rev. Rul. 2005-3) received on January 3, 2005; to the Committee on Finance.

EC-67. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Final Regulations for Health Coverage Portability for Group Health Plans and Group Health Insurance Issuers under HIPAA Titles I and IV” (TD9166) received on January 3, 2005; to the Committee on Finance.

EC-68. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Tier 2 Tax Rates for 2005” received on January 3, 2005; to the Committee on Finance.

EC-69. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a report on the activities of the Department of Justice in Relation to the Prison Rape Elimination Act (PL 108-79); to the Committee on the Judiciary.

EC-70. A communication from the Clerk of Court, Court of Federal Claims, transmitting, pursuant to law, the report of Judgments of the United States Court of Federal Claims during the year ended September 30, 2004; to the Committee on the Judiciary.

EC-71. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Second Year Report of the Corporate Fraud Task Force; to the Committee on the Judiciary.

EC-72. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report on the Continuing Need for Existing Bankruptcy Judgeships; to the Committee on the Judiciary.

EC-73. A communication from the Deputy Assistant Administrator, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Exemption from Control of Certain Industrial Products and Materials derived from the Cannabis Plant” (RIN1117-AA55) received on December 7, 2004; to the Committee on the Judiciary.

EC-74. A communication from the Acting Assistant Secretary, Department of State, transmitting, pursuant to law, the report of a rule entitled “Documentation of Non-immigrants Under the Immigration and Nationality Act, as Amended—Student and Exchange Visitor Information System (SEVIS)” received on December 8, 2004; to the Committee on the Judiciary.

EC-75. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled “Materials and Processes Authorized for the Treatment of Wine and Juice (2004R-517P)” (TD17) received on December 8, 2004; to the Committee on Finance.

EC-76. A communication from the Assistant Attorney General for Administration,

Criminal Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Final Rule Exempting a Privacy Act System of Records of the Criminal Division (CRM) from Certain Subsections of the Privacy Act (5 U.S.C. 552a): Organized Crime Drug Enforcement Task Force” received on December 17, 2004; to the Committee on the Judiciary.

EC-77. A communication from the Assistant Secretary, Department of State, transmitting, pursuant to law, the report of a rule entitled “Visas: Documentation of Non-immigrants Under the Immigration and Nationality Act, as Amended: Electronic Petition for Diversity Immigrant Status” (RIN1400-AB84) received on January 3, 2005; to the Committee on the Judiciary.

EC-78. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to law, a report on FAIR Act inventories for Fiscal Year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-79. A communication from the Secretary to the Board, Railroad Retirement Board, transmitting, pursuant to law, a report on competitive sourcing activities in Fiscal Year 2004 and 2004 Commercial Activities Inventory Under the Federal Activities Inventory Reform (FAIR) Act of 1998; to the Committee on Health, Education, Labor, and Pensions.

EC-80. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Public Affairs, received on January 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-81. A communication from the Acting Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Standards Improvement Project—Phase II” (RIN1218-AB81) received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-82. A communication from the Senior Regulatory Officer, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Child Labor Regulations, Orders and Statements of Interpretation (29 CFR Part 570); Child Labor Violations—Civil Money Penalties (29 CFR Part 579); Civil Money Penalties—Procedures for Assessing and Contesting Penalties (29 CFR Part 580)” (RIN1215-AA09) received on December 17, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-83. A communication from the Assistant Secretary, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Labor Certification for the Permanent Employment of Aliens in the United States; Implementation of New System” (RIN1205-AA66) received on January 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-84. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Current Good Tissue Practice for Human Cell, Tissue, and Cellular and Tissue-Based Product Establishments; Inspection and Enforcement” (Doc. No. 1997N-484P) received on December 17, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-85. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Establishment and

Maintenance of Records Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002" (RIN0910-AC30) received on December 17, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-86. A communication from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Advisory Committee: Change of Name and Function; Technical Amendment" received on November 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-87. A communication from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted in Food on an Interim Basis or in Contact with Food Pending Additional Study; Mannitol" (Doc. No. 2004F-0066) received on December 8, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-88. A communication from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Clinical Chemistry and Clinical Toxicology devices; Classification of Newborn Screening Test Systems for Amino Acids, Free Carnitine, and Acylcarnitines Using Mass Spectrometry" (Doc. No. 2004N-0482) received on December 31, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-89. A communication from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Drug Labeling; Sodium Labeling for Over-the-Counter Drugs" (RIN0910-AF50) received on January 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-90. A communication from the Administrator, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Unemployment Insurance Program Letter: SUTA Dumping—Amendments to Federal Law Affecting the Federal-State Unemployment Compensation Program—Additional Guidance" received on January 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-91. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Mental Health Parity; Interim Final amendment to Regulation" (RIN1210-AA62) received on January 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-92. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety zone Regulations (Including 4 regulations): [CGD05-04-224], [COTP Western Alaska 04-001], [CGD13-04-043], [COTP Western Alaska 04-002]" (RIN1625-AA00) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-93. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation (Including 2 regulations): [CGD05-04-223], [CGD08-04-040]" (RIN1625-AA09) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-94. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Oper-

ation Regulations (Including 2 Regulations): [CGD01-04-148], [CGD01-04-151]" (RIN1625-AA09) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-95. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety Zone (Including 2 Regulations): [CGD13-04-044], [CGD09-04-149]" (RIN1625-AA00) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-96. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island, New York [CGD01-04-152]" (RIN1625-AA11) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC-97. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Warrensburg, MO" (RIN2120-AA66) received on December 31, 2004; to the Committee on Commerce, Science, and Transportation.

EC-98. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Lexington, MO" (RIN2120-AA66) received on December 31, 2004; to the Committee on Commerce, Science, and Transportation.

EC-99. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fremont, NE" (RIN2120-AA66) received on December 31, 2004; to the Committee on Commerce, Science, and Transportation.

EC-100. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Burwell, NE" (RIN2120-AA66) received on December 31, 2004; to the Committee on Commerce, Science, and Transportation.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CHAMBLISS for the Committee on Agriculture, Nutrition, and Forestry.

\*Mike Johanns, of Nebraska, to be Secretary of Agriculture.

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

Carlos M. Gutierrez, of Michigan, to be Secretary of Commerce.

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

\*Margaret Spellings, of Texas, to be Secretary of Education, Labor, and Pensions.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FRIST:

S. Res. 5. A resolution making majority party appointments to certain Senate committees for the 109th Congress; considered and agreed to.

By Mr. REID:

S. Res. 6. A resolution making minority party appointments to certain Senate committees for the 109th Congress; considered and agreed to.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 5—MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 109TH CONGRESS

Mr. FRIST submitted the following resolution; which was considered and agreed to:

*Resolved*, That notwithstanding the provisions of Rule XXV, the following shall constitute the majority party's membership on the following standing committees for the One Hundred Ninth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Chambliss (Chairman), Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Talent, Mr. Thomas, Mr. Santorum, Mr. Coleman, Mr. Crapo, Mr. Grassley.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran (Chairman), Mr. Stevens, Mr. Specter, Mr. Domenici, Mr. Bond, Mr. McConnell, Mr. Burns, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mr. Craig, Mrs. Hutchison, Mr. DeWine, Mr. Brownback, Mr. Allard.

COMMITTEE ON ARMED SERVICES: Mr. Warner (Chairman), Mr. McCain, Mr. Inhofe, Mr. Roberts, Mr. Sessions, Ms. Collins, Mr. Ensign, Mr. Talent, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Shelby (Chairman), Mr. Bennett, Mr. Allard, Mr. Enzi, Mr. Hagel, Mr. Santorum, Mr. Bunning, Mr. Crapo, Mr. Sununu, Mrs. Dole, Mr. Martinez.

COMMITTEE ON COMMERCE, SCIENCE, AND TECHNOLOGY: Mr. Stevens (Chairman), Mr. McCain, Mr. Burns, Mr. Lott, Mrs. Hutchison, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Allen, Mr. Sununu, Mr. DeMint, Mr. Vitter.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Domenici (Chairman), Mr. Craig, Mr. Thomas, Mr. Alexander, Ms. Murkowski, Mr. Burr, Mr. Martinez, Mr. Talent, Mr. Burns, Mr. Allen, Mr. Smith, Mr. Bunning.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe (Chairman), Mr. Warner, Mr. Bond, Mr. Voinovich, Mr. Chafee, Ms. Murkowski, Mr. Thune, Mr. DeMint, Mr. Isakson, Mr. Vitter.

COMMITTEE ON FINANCE: Mr. Grassley (Chairman), Mr. Hatch, Mr. Lott, Ms. Snowe, Mr. Kyl, Mr. Thomas, Mr. Santorum, Mr. Frist, Mr. Smith, Mr. Bunning, Mr. Crapo.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar (Chairman), Mr. Hagel, Mr. Chafee, Mr. Allen, Mr. Coleman, Mr. Voinovich, Mr. Alexander, Mr. Sununu, Ms. Murkowski, Mr. Martinez.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Enzi (Chairman), Mr. Gregg, Mr. Frist, Mr. Alexander,