

live birds only if the fight is to take place in a State where it would be in violation of the laws thereof.

“(e) SHARP INSTRUMENTS.—It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.

“(f) PENALTIES.—Any person who violates subsection (a), (b), (c), or (e) shall be fined under this title or imprisoned for not more than 2 years, or both, for each such violation.

“(g) DEFINITIONS.—For purposes of this section—

“(1) the term ‘animal fighting venture’ means any event which involves a fight between at least two animals and is conducted for purposes of sport, wagering, or entertainment except that the term ‘animal fighting venture’ shall not be deemed to include any activity the primary purpose of which involves the use of one or more animals in hunting another animal or animals, such as waterfowl, bird, raccoon, or fox hunting;

“(2) the term ‘instrumentality of interstate commerce’ means any written, wire, radio, television or other form of communication in, or using a facility of, interstate commerce;

“(3) the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

“(4) the term ‘animal’ means any live bird, or any live dog or other mammal, except man.

“(h) CONFLICT WITH STATE LAW.—The provisions of this section do not supersede or otherwise invalidate any such State, local, or municipal legislation or ordinance relating to animal fighting ventures except in case of a direct and irreconcilable conflict between any requirements thereunder and this section or any rule, regulation, or standard hereunder.”

(b) CLERICAL AMENDMENT.—The table of contents for chapter 3 of title 18, is amended by inserting after the item relating to section 48 the following:

“49. Animal fighting prohibition”.

(c) REPEAL OF CRIMINAL PENALTY IN THE ANIMAL WELFARE ACT.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended by striking subsection (e).

#### IN RECOGNITION OF SECOND CENTURY OF BIG BROTHERS BIG SISTERS

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 41, which we received from the House.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 41) recognizing the second century of Big Brothers Big Sisters, and supporting the mission and goals of that organization.

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

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (H. Con. Res. 41) was agreed to.

The preamble was agreed to.

#### ADDING HEZBOLLAH TO EUROPEAN UNION TERRORIST ORGANIZATIONS

Mr. FRIST. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to S. Res. 82.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 82) urging the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations.

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

Mr. FRIST. Mr. President, I ask unanimous consent the resolution be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The amendment (No. 596) was agreed to, as follows:

The resolution (S. Res. 82) was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

(Purpose: To provide a substitute for the preamble strike the preamble) and insert the following:

Whereas Hezbollah is a Lebanon-based radical organization with terrorist cells based in Europe, Africa, North America, South America, Asia, and elsewhere, receiving financial, training, weapons, and political and organizational aid from Iran and Syria;

Whereas Hezbollah has led a 23-year global campaign of terror targeting United States, German, French, British, Italian, Israeli, Kuwaiti, Saudi Arabian, Argentinean, Thai, Singaporean, and Russian civilians, among others;

Whereas Hezbollah has been suspected of numerous terrorist acts against United States citizens, including the suicide truck bombing of the United States Embassy and Marine Barracks in Beirut, Lebanon, in October 1983, and the Embassy annex in Beirut in September 1984;

Whereas the French unit of the Multinational Force in Beirut was also targeted in the attack of October 1983, in which 241 United States soldiers and 58 French paratroopers were killed;

Whereas Hezbollah has attacked Israeli and Jewish targets in South America in the mid-1990s, including the Israeli Embassy in Buenos Aires, Argentina, in March 1992, and the AMIA Jewish Cultural Center in Buenos Aires in July 1994;

Whereas Hezbollah has claimed responsibility for kidnappings of United States and Israeli civilians and French, British, German, and Russian diplomats, among others;

Whereas even after the Government of Israel's complied with United Nations Security

Council Resolution 425 (March 19, 1978) by withdrawing from Lebanon, Hezbollah has continued to carry out attacks against Israel and its citizens;

Whereas Hezbollah has expanded its operations in the West Bank and Gaza Strip, providing training, financing, and weapons to Palestinian terrorist organizations on the European Union terrorist list, including the Al Aqsa Martyrs Brigade, Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine according to the 2005 State Department Report on Terrorism and other testimony;

Whereas according to the same report in March 2004, Hezbollah and Hamas signed an agreement to increase joint terrorist attacks in the West Bank and Gaza Strip and Hezbollah instigated, financed, and played a role in implementing a significant number of Palestinian terrorist attacks against Israeli targets;

Whereas the European Union agreed by consensus to classify Hamas as a terrorist organization for purposes of prohibiting funding from the European Union to Hamas;

Whereas the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note) urges the Government of Lebanon to assert the sovereignty of the Lebanese state over all of its territory and to evict all terrorist and foreign forces from southern Lebanon, including Hezbollah and the Iranian Revolutionary Guards;

Whereas, although the European Union has included Imad Fayiz Mughniyah, a key operations and intelligence officer of Hezbollah, on its terrorist list, it has not included his organization on the list;

Whereas the United States, Canada, and Australia have all classified Hezbollah as a terrorist organization and the United Kingdom has placed the Hezbollah External Security Organization on its terrorist list;

Whereas leaders of Hezbollah have made statements denouncing any distinction between its ‘political and military’ operations, such as Hezbollah's representative in the Lebanese Parliament, Mohammad Raad, who stated in 2001, that ‘Hezbollah is a military resistance party, and it is our task to fight the occupation of our land. . . . There is no separation between politics and resistance.’;

Whereas in a book recently published by the deputy secretary-general of Hezbollah, Sheikh Naim Qassem, entitled ‘Hezbollah—the Approach, the Experience, the Future’, Qassem writes ‘Hezbollah is a jihad organization whose aim, first and foremost, is jihad against the Zionist enemy, while the political, pure and sensible effort can serve as a prop and a means of support for jihad’;

Whereas United Nations Security Council resolution 1559 (September 2, 2004), jointly sponsored by the United States and France, calls upon all remaining foreign forces to withdraw from Lebanon and for the disbanding and disarmament of all Lebanese and non-Lebanese militias;

Whereas in December 2004, the Department of State placed Al-Manar, Hezbollah's satellite television network, on the Terrorist Exclusion List, and in December 2004, the French Council of State banned the broadcasting of Al-Manar in France;

Whereas France, Germany, and Great Britain, with the support of the High Representative of the European Union, have created a working group with Iran to discuss regional security concerns, including the influence of terror perpetuated by Hezbollah and other extremist organizations; and

Whereas cooperation between the United States and the European Union regarding efforts to combat international terrorism is essential to the promotion of global security and peace: Now, therefore, be it

**STRIKING SPECIFIC PRIVATIZATION CRITERIA IN ORBIT**

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 976 introduced earlier today.

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

The legislative clerk read as follows:

A bill (S. 976) striking the specific privatization criteria in ORBIT for Intelsat separated entities (New Skies) and Inmarsat and other technical corrections.

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

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (S. 976) was read the third time and passed, as follows:

S. 976

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

**SEC. SPECIFIC CRITERIA FOR INTEL SAT SEPARATED ENTITIES AND INMARSAT MODIFIED.**

(a) AMENDMENT.—The Communications Satellite Act of 1962 (47 U.S.C. 701 et seq.) is amended—

(1) by striking section 623 (47 U.S.C. 763b), and

(2) in section 624 (47 U.S.C. 763c), by striking “In securing the privatizations” and all that follows, and inserting “In securing the privatization of Inmarsat required by section 621, and thereafter, the United States shall preserve space segment capacity of the GMDSS.”

(3) in section 621(5)(D)(ii) (47 U.S.C. 763), by striking “(I)” and by striking”, or (II) have any direct financial interest” and all that follows through the end of the subparagraph, and inserting “;”.

(4) in section 621(5)(D)(iv) (47 D.S.C. 763), by striking “(I)” and by striking”, or (II) have any direct financial interest” and all that follows through the end of the subparagraph, and inserting”.”.

(b) SATELLITE SERVICE REPORT.—The Commission shall review competitive market conditions with respect to domestic and international satellite communications services and shall include in an annual report an analysis of those conditions. Such analysis shall include an identification of the number and market share of competitors in domestic and international satellite markets, including an analysis of whether there is effective competition in the market for domestic and international satellite services, and shall include a list of any foreign nations in which legal or regulatory practices restrict access to the market for satellite services in such nation in a manner that undermines competition or favors a particular competitor or set of competitors.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of the date of enactment of this section.

**ADJOURNMENT AUTHORITY**

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority

leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

**AUTHORIZATION TO SIGN ENROLLED BILLS**

Mr. FRIST. Mr. President, I ask unanimous consent that the majority leader, assistant majority leader, and senior Senator from Virginia be authorized to sign duly enrolled bills.

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

**MEASURE READ THE FIRST TIME—S. 975**

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

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

The legislative clerk read as follows:

A bill (S. 975) to provide incentives to increase research by private sector entities to develop medical countermeasures to prevent, detect, identify, contain, and treat illnesses, including those associated with a biological, chemical, nuclear, or radiological weapons attack or an infectious disease outbreak, and for other purposes.

Mr. FRIST. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will be read a second time on the next legislative day.

**ORDERS FOR MONDAY, MAY 9, 2005**

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 2 p.m. on Monday, May 9. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 3, the highway bill.

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

**PROGRAM**

Mr. FRIST. Mr. President, on Monday, May 9, the Senate will resume consideration of the highway bill. We have made some progress on the bill this week, and we will continue our work when we return. I encourage Senators who wish to offer amendments to contact the bill managers over the next week so they can schedule time for floor consideration. Senators should expect one or more rollcall votes in relation to amendments to begin at 5:30 p.m. on Monday, May 9.

In addition to the highway bill, it is my hope that the conference report to

accompany the Iraq-Afghanistan supplemental appropriations bill will be available upon our return. It is my intention to move to this conference report as soon as it becomes ready.

I would also like to congratulate the chairman of the Budget Committee once again on completing work on the fiscal year 2006 budget resolution. It was just a few minutes ago that we were able to adopt the conference report, and Senator GREGG should be complimented for his hard work and his diligence.

**ADJOURNMENT UNTIL MONDAY, MAY 9, 2005, AT 2 P.M.**

Mr. FRIST. 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 provisions of S. Con. Res. 29.

There being no objection, the Senate, at 1:26 a.m., adjourned until Monday, May 9, 2005, at 2 p.m.

**NOMINATIONS**

Executive nominations received by the Senate April 28, 2005:

**DEPARTMENT OF STATE**

DONALD E. BOOTH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LIBERIA.

MOLLY HERING BORDONARO, OF OREGON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

JULIE FINLEY, OF THE DISTRICT OF COLUMBIA, TO BE U.S. REPRESENTATIVE TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, WITH THE RANK OF AMBASSADOR.

RICHARD J. GRIFFIN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (DIPLOMATIC SECURITY), VICE FRANCIS X. TAYLOR, RESIGNED.

RICHARD J. GRIFFIN, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE, VICE FRANCIS X. TAYLOR, RESIGNED.

JOSEPH A. MUSSOMELLI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

**DEPARTMENT OF HOMELAND SECURITY**

RICHARD L. SKINNER, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY, VICE CLARK KENT ERVIN.

**DEPARTMENT OF EDUCATION**

KEVIN F. SULLIVAN, OF NEW YORK, TO BE ASSISTANT SECRETARY FOR COMMUNICATIONS AND OUTREACH, DEPARTMENT OF EDUCATION, VICE LAURIE RICH, RESIGNED.

**DEPARTMENT OF JUSTICE**

CATHERINE LUCILLE HANAWAY, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE RAYMOND W. GRUENDER, RESIGNED.

**DEPARTMENT OF STATE**

DINA HABIB POWELL, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS), VICE PATRICIA DE STACY HARRISON.

**CONFIRMATIONS**

Executive nominations confirmed by the Senate Thursday, April 28, 2005:

**ENVIRONMENTAL PROTECTION AGENCY**

STEPHEN L. JOHNSON, OF MARYLAND, TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

**EXECUTIVE OFFICE OF THE PRESIDENT**

ROBERT J. PORTMAN, OF OHIO, TO BE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

**DEPARTMENT OF VETERANS AFFAIRS**

JONATHAN BRIAN PERLIN, OF MARYLAND, TO BE UNDER SECRETARY FOR HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS FOR A TERM OF FOUR YEARS.