

working to bring arts and culture to her community, or improving the quality of healthcare, Junko always showed uncommon passion and determination in her efforts. She discovered very young that the key to a fulfilling life is a life of helping others. Junko's community may be weaker for her loss, but is no doubt stronger for her service. It is my privilege to honor her on the Senate floor today.

The resolution follows:

Whereas, the passing, at 60, of a distinguished California resident, Junko Cushman, whose good deeds earned her the respect and admiration of her colleagues and the countless individuals whose lives she touched, brought immense sorrow and loss to people throughout the state; and

Whereas, although she never sought attention, Junko Cushman's natural sense of style and hands-on commitment to charitable causes were impossible to overlook; and

Whereas, a Japanese-born San Diegan, she entertained with international flair, excelled at multicultural floral arrangements, and took a leadership role in the Union of Pan Asian Communities; and

Whereas, Mrs. Cushman served as chairwoman of events benefiting the San Diego Museum of Art and the Arthritis Foundation and had been on the boards of the Old Globe Theatre, San Diego Foundation, and Burnham Cancer Institute; and

Whereas, Mrs. Cushman dedicated her time and service to San Diego State University's Japanese Cultural Fair in Balboa Park; and

Whereas, in 1987, Mrs. Cushman served as Chairwoman of a Union of Pan Asian Communities dinner dance on Harbor Island and, in 1989, she played a similar role for the Arthritis Foundation; and

Whereas, Over the years, Mrs. Cushman has shown her strong support for California's political system through her affiliation with the Democratic Party; and

Whereas, in 1989, Mrs. Cushman and her husband, Larry, were honored for their community service at a Meals on Wheels dinner dance; and

Whereas, born in Nagano, Japan, and raised in Tokyo, Mrs. Cushman graduated from the prominent Tamagawa High School and, at age 19, she moved to Los Angeles, California, where she studied English for two years before returning to Japan; and

Whereas, she leaves to mourn her passing and celebrate her legacy her husband; Larry; her brother, Hisato Hara; her stepdaughters, Diane Cushman and Janice Ziegler; her grandson, Zachary; her two granddaughters, Ashley and Sarah; her niece Mari; and her nephew Yasuto; now, therefore, be it

*Resolved by Assembly Member Juan Vargas,* That he expresses his deepest regret at the passing of Junko Cushman, and extends his heartfelt sympathy to her bereaved family and friends.●

#### 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.)

#### MESSAGE FROM THE HOUSE

At 7:28 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 571. An act to designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the "Congresswoman Shirley A. Chisholm Post Office Building".

S. 775. An act to designate the facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, as the "Boone Pickens Post Office".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3070. An act to reauthorize the human space flight, aeronautics, and science programs of the National Aeronautics and Space Administration, and for other purposes.

H.R. 3199. An act to extend and modify authorities needed to combat terrorism, and for other purposes.

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

H. Con. Res. 128. Concurrent resolution expressing the sense of Congress that the Government of the Russian Federation should issue a clear and unambiguous statement of admission and condemnation of the illegal occupation and annexation by the Soviet Union from 1940 to 1991 of the Baltic countries of Estonia, Latvia, and Lithuania.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3070. An act to reauthorize the human space flight, aeronautics, and science programs of the National Aeronautics and Space Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 128. Concurrent resolution expressing the sense of Congress that the Government of the Russian Federation should issue a clear and unambiguous statement of admission and condemnation of the illegal occupation and annexation by the Soviet Union from 1940 to 1991 of the Baltic countries of Estonia, Latvia, and Lithuania; to the Committee on Foreign Relations.

#### 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-3137. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Assistant Administrator, received on July

21, 2005; to the Committee on Foreign Relations.

EC-3138. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of USAID, Office of the General Counsel, received on July 21, 2005; to the Committee on Foreign Relations.

EC-3139. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-3140. A communication from the Chief, Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Presumptions of Service Connection for Diseases Associated with Service Involving Detention or Internment as a Prisoner of War" (RIN2900-AM09) received on July 21, 2005; to the Committee on Veterans' Affairs.

EC-3141. A communication from the Acting Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Changes in Health Benefits Enrollment" (RIN3206-AK04) received on July 21, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-3142. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "The Feasibility of Using Preferred Provider Organization (PPO) Networks to Reduce the Costs of Acquiring Eyeglasses for Medicare Beneficiaries Following Cataract Surgery" to the Committee on Finance.

EC-3143. A communication from the Regulations Officer, Office of Disability and Income Security Programs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Technical Revisions to the Supplemental Security Income (SSI) Regulations on Income and Resources" (RIN0960-AE79) received on July 21, 2005; to the Committee on Finance.

EC-3144. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Continuation of Benefit Payments to Certain Individuals Who Are Participating in a Program of Vocational Rehabilitation Services, Employment Services, or Other Support Services" (RIN0960-AF86) received on July 21, 2005; to the Committee on Finance.

EC-3145. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Evaluating Genitourinary Impairments" (RIN0906-AF30) received on July 21, 2005; to the Committee on Finance.

EC-3146. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "July-September 2005 Bond Factor Amounts" (Rev. Rul. 2005-44) received on July 21, 2005; to the Committee on Finance.

EC-3147. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Student/Teacher Claims for Exemption from Withholding Tax" (Rev. Proc. 2005-44) received on July 21, 2005; to the Committee on Finance.

EC-3148. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled

“Applicable Federal Rates—August 2005” (Rev. Rul. 2005-54) received on July 21, 2005; to the Committee on Finance.

EC-3149. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled “Modification of Notice 2005-51” (Notice 2005-57) received on July 21, 2005; to the Committee on Finance.

EC-3150. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled “Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits” (29 CFR Parts 4022 and 4044) received on July 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3151. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D3” (Docket No. 2003F-0370) received on July 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3152. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Electronic Products; Performance Standard for Diagnostic X-Ray Systems and Their Major Components” ((RIN0910-AC34) (Docket No. 2001N-0275)) received on July 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3153. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medical Devices; Medical Device Reporting; Confirmation of Effective Date” (Docket No. 2004N-0527) received on July 21, 2005; to the Committee on Health Education, Labor, and Pensions.

EC-3154. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D3” (Docket No. 2002F-0160) received on July 21, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-3155. A communication from the Secretary of Energy, transmitting, pursuant to law, a report concerning storage at the Department’s Savannah River Site, located near Aiken, South Carolina; to the Committee on Energy and Natural Resources.

EC-3156. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled “U.S. Department of Energy Fleet Alternative Fuel Vehicle Acquisition Report”; to the Committee on Energy and Natural Resources.

EC-3157. A communication from the Attorney, Office of Legislation and Regulatory Law, Strategic Petroleum Reserve, Department of Energy, transmitting, pursuant to

law, the report of a rule entitled “Price Competitive Sale of Strategic Petroleum Reserve Petroleum; Standard Sales Provisions” (RIN1901-AB15) received on July 21, 2005; to the Committee on Energy and Natural Resources.

EC-3158. A communication from the Attorney, Office of Legislation and Regulatory Law, Office of Science, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Policy on Research Misconduct” (RIN1901-AA89) received on July 21, 2005; to the Committee on Energy and Natural Resources.

EC-3159. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Revision of FERC Form No. 73, Oil Pipeline Data Filing Instructions RM05-14-000” received on July 21, 2005; to the Committee on Energy and Natural Resources.

EC-3160. A communication from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Emerging Markets Program” (RIN0551-AA62) received on July 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3161. 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 “Highly Pathogenic Avian Influenza; Additional Restrictions” (APHIS Docket No. 04-011-3) received on July 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3162. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Common Crop Insurance Regulations; Nursery Crop Insurance Provisions” (RIN0563-AB80) received on July 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3163. A communication from the Acting Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Termination of Designation of the State of North Dakota with Respect to the Inspection of Poultry Products” (RIN0583-AD13) received on July 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3164. A communication from the Acting Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, the Department’s Fleet Alternative Fuel Vehicle Acquisition Report for Fiscal Year 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-3165. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report of transactions involving exports to New Zealand; to the Committee on Banking, Housing, and Urban Affairs.

EC-3166. A communication from the Acting Under Secretary for Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the annual report on the Resolution Funding Corporation for the calendar year 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-3167. A communication from the Deputy General Counsel for Equal Opportunity

and Administrative Law, Department of Housing and Urban Development, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Secretary for Housing/Federal Housing Commissioner, received on July 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-3168. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Director, Office of Federal Housing Enterprise Oversight, received on July 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-3169. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Up-Front Mortgage Insurance Premiums for Loans Insured Under Sections 203(k) and 234(c) of the National Housing Act” ((RIN2502-AH82) (FR-4749-F-02)) received July 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-3170. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Changes in Flood Elevation Determinations” (Docket No. FEMA-D-7573; 44 CFR 65) received on July 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-3171. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Changes in Flood Elevation Determinations 70 FR 35540” (44 CFR 65) received on July 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-3172. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Changes in Flood Elevation Determinations” (Docket No. FEMA-B-7452; 44 CFR 65) received on July 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-3173. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Changes in Flood Elevation Determinations” (Docket No. FEMA-P-7644; 44 CFR 65) received on July 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-3174. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations” (70 FR 35542) received on July 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-3175. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations” (70 FR 37054) received on July 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-3176. A communication from the Acting Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR Chapter V, Appendix A" received on July 21, 2005; to the Committee on Banking, Housing, and Urban Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1420. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to medical device user fees (Rept. No. 109-107).

#### 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. MARTINEZ:

S. 1477. A bill to make funds generated from the Caribbean National Forest in the Commonwealth of Puerto Rico available to the Secretary of Agriculture for land acquisition intended to protect the integrity of the buffer zone surrounding the Caribbean National Forest, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI:

S. 1478. A bill to amend the Higher Education Act of 1965 regarding the definition of a high need local educational agency, the definition of a Hispanic-serving institution, and the 2-year wait out period for certain grant recipients; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Mr. SANTORUM):

S. 1479. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. HATCH, Mr. REID, Mrs. CLINTON, Mr. DEWINE, Mr. JEFFORDS, Mr. MCCAIN, Mr. CHAFEE, Mr. LAUTENBERG, Mr. SMITH, Ms. MIKULSKI, Mrs. DOLE, Mr. DURBIN, Mr. LEVIN, Mr. LIEBERMAN, Mrs. BOXER, Ms. COLLINS, Ms. STABENOW, Mr. OBAMA, Mr. AKAKA, Mr. SALAZAR, Mr. DAYTON, Mr. BINGAMAN, Mr. WYDEN, Mr. PRYOR, Mr. BIDEN, Mr. FEINGOLD, Mr. REED, Mr. ISAKSON, Mr. JOHNSON, Mr. NELSON of Florida, Mr. BROWNBACK, Mr. BURR, Ms. SNOWE, Mr. MARTINEZ, Ms. CANTWELL, Mr. VOINOVICH, Mr. HAGEL, and Mr. COLEMAN):

S. Res. 207. A resolution recognizing and honoring the 15th anniversary of the enactment of the Americans with Disabilities Act of 1990; considered and agreed to.

By Mr. SPECTER (for himself and Mr. LEAHY):

S. Res. 208. A resolution commemorating the 25th anniversary of the National Citizens' Crime Prevention Campaign; to the Committee on the Judiciary.

By Mr. CONRAD (for himself and Mr. MCCAIN):

S. Res. 209. A resolution to strengthen fiscal responsibility by improving Senate consideration of conference reports; to the Committee on Rules and Administration.

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

S. Res. 210. A resolution expressing sympathy for the people of Egypt in the aftermath of the deadly terrorist attacks on Sharm el-Sheik, Egypt on July 23, 2005; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 7

At the request of Mr. KYL, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 7, a bill to increase American jobs and economic growth by making permanent the individual income tax rate reductions, the reduction in the capital gains and dividend tax rates, and the repeal of the estate, gift, and generation-skipping transfer taxes.

S. 151

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 246

At the request of Mr. BUNNING, the names of the Senator from Utah (Mr. HATCH) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 246, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 319

At the request of Mr. DOMENICI, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 319, a bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program.

S. 372

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 372, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literacy, musical, artistic, or scholarly compositions created by the donor.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of

their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 397

At the request of Mr. CRAIG, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 397, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.

S. 457

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 457, a bill to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, and for other purposes.

S. 470

At the request of Mr. DODD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 470, a bill to amend the Public Health Service Act to expand the clinical trials drug data bank.

S. 512

At the request of Mr. SANTORUM, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 512, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 558

At the request of Mr. REID, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 828

At the request of Mr. HARKIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 914

At the request of Mr. ALLARD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 914, a bill to amend the Public