APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN WARNER, a Senator from the State of Virginia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. WARNER thereupon assumed the Chair as Acting President pro tempore.

USA PATRIOT ACT

The ACTING PRESIDENT pro tempore. In my capacity as the senior Senator from Virginia, I ask unanimous consent that the Chair now lay before the Senate the House message to accompany S. 2167.

The legislative clerk read as follows:

S. 2167

Resolved, That the bill from the Senate (S. 2167) entitled “An Act to amend the USA PATRIOT ACT to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to July 1, 2006,” do pass with the following amendment:

(1) Page 2, line 10 of the Senate engrossed bill, strike out [July 1, 2006] and insert: February 1, 2006.

The ACTING PRESIDENT pro tempore. I ask unanimous consent that the Senate concur in the House amendment and the motion to reconsider be laid upon the table.

Without objection, it is so ordered.

EXTENSION OF SIGNING AND APPOINTMENT AUTHORITIES

The ACTING PRESIDENT pro tempore. In my capacity as the senior Senator from Virginia, I ask unanimous consent that all applicable signing and appointment authorities be extended through the adjournment of the Senate, and that the senior Senator from Virginia be authorized to sign duly enrolled bills and joint resolutions.

Without objection, it is so ordered.

PRINTING OF S. 1783

The ACTING PRESIDENT pro tempore. In my capacity as the senior Senator from Virginia, I ask unanimous consent that the text of S. 1783, as passed by the Senate be printed.

Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS CONFERENCE REPORT

Mr. REID. Mr. President, last night we passed the Department of Defense Appropriations Conference Report. We all know how important that bill is to our country and our troops. Prior to passing that bill, we were successful in removing provisions to allow drilling in the Arctic National Wildlife Refuge. Those provisions had no place in that bill.

As was noted on the floor last night, there were other provisions that did not belong in the conference report. They were not included in the House or Senate-passed bills. They were not at all related to the Department of Defense’s appropriations. In fact, conferees had been assured that these provisions would not be included at all.

But Republican leaders swept in and declared that they would be included, in violation of promises and the rules. And that is not the worst part. The provisions themselves bestow on drug companies sweeping immunity from the pressures of iron, less wrongdoing. It was the Republican leadership’s big Christmas present to their friends in the drug industry.

This immunity extends to all aspects of the development and production of drugs or vaccines as long as they are used to prevent, treat, or diagnose what the administration declares an “epidemic.” Republican leaders have insisted that these provisions are about preparing for pandemic flu or bioterrorist attacks. They are exploiting our fears to go well beyond that.

What is an “epidemic”? Secretary Leavitt recently said obesity is an “epidemic.” Many have said diabetes, heart disease, and mental health are epidemics. And it gets worse. The provisions also apply to any product that mitigates the side effects of a drug used to counteract an epidemic. That could include pain or heart blood. This means that drug companies will not be held responsible for the injuries they cause. The provisions in the conference report only allow for an injured patient to hold a drug company liable if he or she can prove using clear and convincing evidence that the company acted with “willful misconduct.”

Even reckless or grossly negligent drug companies will not be held responsible for the injuries they cause. The provisions would not be included at all.

The Emergency Preparedness Act virtually eliminates liability for pharmaceutical companies. Now drug companies have wholesale immunity except in the case of “willful misconduct.” Drug companies will no longer be held responsible for negligence or recklessness. Only if they had actual knowledge that their products were dangerous will they be liable.

The restrictions now provided in the conference report, last minute additions that have no place in a defense bill. I am referring to the Public Readiness and Emergency Preparedness Act. The Emergency Preparedness Act also sets up an unfunded compensation fund. Without any money appropriated to the fund, the fund is inoperable. This could allow drug companies to remove themselves from responsibility without providing the American people with the recourse they deserve.

Although I support the Defense bill we passed, I do not support the Emergency Preparedness Act. This section was added at the last minute. And it only passed because the leaders in the Senate wanted to provide support for our troops.

Mr. President, the inclusion of these policies in the DOD Appropriations bill was not just bad form, it was bad for Americans. I strongly opposed their inclusion. And I am strongly committed to revisiting this damage in the first days of our return.

ADDITIONAL STATEMENTS

DEPARTMENT OF DEFENSE APPROPRIATIONS

Mr. BAUCUS. Mr. President, I wholeheartedly support the provisions of the Department of Defense appropriations bill that provide money for our brave military men and women. I support the much needed 3.1 percent pay increase.

And I support the Blackhawk MEDEVAC and Utility Helicopters, and Wireless Communication Systems for Montana’s National Guard.

But this was not a clean bill. Although I voted for the bill, I take offense to a number of provisions that have nothing to do with our troops. These additions should never have been included in the Defense bill in the first place. They don’t belong here.

We have focused our discussion over the past few days on drilling in Alaska. And I am proud that our defense bill does not include ANWR.

But in objecting to ANWR, we have forgotten other changes in the conference report, last minute additions that have no place in a defense bill. I am referring to the Public Readiness and Emergency Preparedness Act.

Although I support the Defense bill we passed, I do not support the Emergency Preparedness Act. This section was added at the last minute. And it only passed because the leaders in the Senate wanted to provide support for our troops.

MESSAGE FROM THE HOUSE

At 8:03 p.m., a message from the House of Representatives, delivered by
Mr. Hays, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4647. An act to amend the USA PATRIOT ACT to extend the sunset of certain provisions of such Act.

The message also announced that the House has passed the bill (S. 2170) to amend the USA PATRIOT ACT to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to July 1, 2006, with an amendment.

The message further announced that the House has passed the concurrent resolution (S. Con. Res. 74) correcting the enrollment of H.R. 2863, without amendment.

ENROLLED BILL SIGNED

The message also announced that the Speaker pro tempore of the House of Representatives (Mr. Wolf) has signed the following enrolled bill:

S. 1231. An act to authorize the programs of the National Aeronautics and Space Administration.

Under authority of the order of the Senate of December 21, 2005, the enrolled bill was signed subsequently on today, December 22, 2005, by the Acting President pro tempore (Mr. Warner).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 22, 2005, she had presented to the President of the United States the following enrolled bills:

S. 205. An act to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers.

S. 652. An act to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.

S. 1298. An act to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes.

S. 1310. An act to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area, to allow certain commercial vehicles to continue to use Route 209 within the Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.

S. 1486. An act to amend the Indian Land Consolidation Act to provide for probate reform.

S. 1882. An act to amend Public Law 105–153 to modify a certain date.

S. 1988. An act to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea.

ADJOURNMENT SINE DIE

The ACTING PRESIDENT pro tempore, in my capacity as the senior Senator from Virginia, ask unanimous consent that the Senate now stand in adjournment sine die under the provisions of H. Con. Res. 326.

There being no objection, the Senate, at 8:04 p.m. adjourned sine die.

NOMINATIONS RETURNED TO THE PRESIDENT

Returned to the President, Thursday, December 22, 2005:


DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

JAMES H. EBLEY, OF NEVADA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

PHILIP COYLE, OF CALIFORNIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

ADMIRAL HAROLD W. GRIFFIN, JR., UNITED STATES NAVY, RETIRED, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

JAMES V. RANSER, OF UTAH, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

JAMES H. HILL, LIEUTENANT GENERAL, UNITED STATES ARMY, RETIRED, OF TEXAS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

BRIGADIER GENERAL SUSAN COLONEL BENNETT, UNITED STATES ARMY, RETIRED, OF FLORIDA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

ADMIRAL HAROLD W. GRIFFIN, JR., UNITED STATES NAVY, RETIRED, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

BURKE STONE, JR., OF CALIFORNIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

AMOS H. JONES, JR., OF GEORGIA, TO BE A MEM-


JAMES H. HILL, LIEUTENANT GENERAL, UNITED STATES ARMY, RETIRED, OF TEXAS, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

ANTHONY JOSEPH PRINCIPE, OF CALIFORNIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

S. 40. An act to provide for the conduct of a certain act and for other purposes.

GARY W. PIETZ, OF NORTH DAKOTA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

ROBERT J. TUTTLE, OF WASHINGTON, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

GARY W. PIETZ, OF NORTH DAKOTA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

DALE D. WOLTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2005.

RETURN TO THE PRESIDENT

S. 1988. An act to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea.

DEPARTMENT OF JUSTICE

STEVEN C. BRADBURY, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

THE JUDICIARY

BRETT M. KAVANAUGH, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA.

IN THE AIR FORCE


IN THE ARMY

ARMY NOMINATION OF COLONEL FREDDIE R. WAGGONER TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COL. JULIA A. KRAUS TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF MAJ. GEN ERIC T. OLSON TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COL. GILBERTO S. FENA TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COL. ROYDEN J. BARNES TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COL. ANTHONY M. SCHWARTZ TO BE BRIGADIER GENERAL.

ARMY NOMINATION OF COL. OTIS F. MORRIS TO BE BRIGADIER GENERAL.

IN THE NAVY

NAVY NOMINATION OF CAPTAIN DAVID J. MERRICK TO BE BRIGADIER GENERAL.

NAVY NOMINATION OF TITO P. DUKI TO BE CAPTAIN.

NAVY NOMINATION OF LANCE C. ESSWEIN TO BE COMMANDE