

Mark C. O'Grady, of Maryland

DEPARTMENT OF STATE

Sarah Ahmed, of New York  
 John Stanley Anthony, of Virginia  
 Mara Sunshine Andersen, of Colorado  
 Karen Andrus, of Texas  
 Miriam Laila Awad, of Texas  
 Cynthia Balazs, of the District of Columbia  
 Jared Banks, of Maryland  
 Anne W. Benjaminson, of California  
 John Charles Bergemann, of Virginia  
 Oni Kay Blair, of Texas  
 Douglas E. Blandford, of Maryland  
 Cecily R. Brewster, of California  
 Kelly W. Brimhall, of Utah  
 Russell Kenneth Brooks, of New Jersey  
 Frederick E.N. Brust, of New York  
 Andrew A. Buntrock, of the District of Columbia  
 Ania Burczynska, of Washington  
 Brent Burkman, of Virginia  
 Benjamin Cade Canavan, of Florida  
 Donald Leroy Carroll, of Idaho  
 Marcus Evan Cary, of Washington  
 Anamika Chakravorty, of California  
 Akunna E. Cook, of New Jersey  
 Kimberly Coulter, of the District of Columbia  
 Christopher J. Cova, of Virginia  
 Mario Crifo, of Texas  
 Nigel A. De Coster, of Virginia  
 Jacqueline S. Deley, of California  
 Brian E. Denver, of Virginia  
 Vito DiPaola, of Georgia  
 Robert F. Doughten, of Montana  
 Caroline Grace Dow, of Pennsylvania  
 Timothy W. DuBoff, of Virginia  
 Rochelle C. East, of California  
 Linda A. Fenton, of Kansas  
 Andrea R. Ford, of Virginia  
 Kevin M. Ford, of Virginia  
 Scott Freeman, of Virginia  
 Andrew S. Gralnek, of Virginia  
 Elaine M. French, of New York  
 David Hardt Gamble Jr., of Virginia  
 Alexander C. Gazis, of New York  
 Suzanne L. Gordon, of Michigan  
 Katherine Anne Greeley, of California  
 Mary Katherine Harding, of the District of Columbia  
 Scott M. Harney, of Virginia  
 Christopher James Harris, of Virginia  
 Barbara Ann Harrison, of Arizona  
 Holly M. Harvey, of Virginia  
 Robert H. Helton III, of Virginia  
 Gary A. Herman, of Virginia  
 Marla J. Hexter, of Massachusetts  
 Patrick J. Hickey, of Virginia  
 Brian R. Hillberry, of West Virginia  
 Marcus A. Hirsch, of Virginia  
 Phuong Thao Thanh Hong, of Washington  
 Christopher Drew Hoster, of Oregon  
 Karen W. Hsiao, of Utah  
 Rodney M. Hunter, of Indiana  
 Heather Lynn Jambrosic, of Virginia  
 Donald S. Jones, of Virginia  
 Paul Ivan Jukic, of Ohio  
 Heather E. Kalmbach, of Pennsylvania  
 Sean Peter Kanuck, of Virginia  
 Ashish Katkar, of Virginia  
 Yolanda V. Kerney, of the District of Columbia  
 Sharon S. Ketchum, of Arizona  
 Ann Moonju Kim, of California  
 Kristin Louise Kneeder, of Maryland  
 Daniel David Koski, of Illinois  
 Kenneth A. Kresse, of Virginia  
 Bonnie Dee Langendorff, of Virginia  
 Brian E. Kressin, of the District of Columbia  
 L. Dale Lawton, of Nevada  
 Andrew T. Lee, of California  
 Benjamin A. Le Roy, of California  
 John Lombard, of Virginia  
 Bryan P. Lopez, of Virginia  
 Edward Paul Luchessi, of California  
 Todd Harry Lundgren, of Washington  
 Kimberly A. Ly, of California

Matthew M. Marlowe, of Virginia  
 La Tranda Shontell Martin, of Georgia  
 Lisa R. McCumber, of Texas  
 Stacey Dawn McDonald, of West Virginia  
 Colin C. McDuffie, of Virginia  
 Amy Medeiros, of Virginia  
 Jessica Megill, of California  
 David C. Metzler, of Virginia  
 John C. Moor, of Texas  
 Gregory L. Naarden, of Texas  
 Cheryl L. Neely, of Tennessee  
 Michael Thomas Nestor, of Virginia  
 Long Thuy Nguyen, of California  
 Martha A. Nicholson, of Virginia  
 Liam J. O'Flanagan, of New York  
 Melinda M. Pavek, of Minnesota  
 Raimonds Pavlovskis, of New York  
 John C. Pernick, of Virginia  
 Paul W. Piatkowski, of Pennsylvania  
 Wynn S. Pinkston, of Virginia  
 Francisco Pinol, of Virginia  
 Kristyna L. Rabassa, of Michigan  
 Anna Radivilova, of California  
 Brian A. Raymond, of Maryland  
 Christian W. Redmer, of Tennessee  
 Zeba Reyazuddin, of the District of Columbia  
 Corrie H. Robb, of California  
 Randall Arthur Robinson, of Florida  
 Sabah Roth, of Virginia  
 Laura Kay Rugg, of Virginia  
 Kimberly A. Russell, of Pennsylvania  
 Dovas Algis Saulys, of Illinois  
 Leah F. Schandlbauer, of Virginia  
 Jody K. Schauer, of Texas  
 Susan K. Silvers, of Virginia  
 Mordica M. Simpson, of Virginia  
 Siri Lynn Sitton, of Florida  
 David R. Smith, of Virginia  
 Dee Anna Smith, of the District of Columbia  
 Robin Diane Solomon, of Texas  
 Erica Leigh Stillwell, of Florida  
 M. Victoria Sturdivant, of Georgia  
 Krista D. Tacey, of Texas  
 James D. Teller, of Virginia  
 Yodchiwan Dew Tiantawach, of Oregon  
 Matthew A. Tolliver, of Florida  
 Jessica Marie Torres, of Florida  
 Eric Turner, of Virginia  
 Richard J. Tyler, of Virginia  
 Andrew Vaden, of Texas  
 Jennifer R. Van Trump, of California  
 Rajeev M. Wadhvani, of the District of Columbia  
 Peter G. Warmka, of Florida  
 Carl Thomas Watson, of New York  
 Gina M. Werth, of Nevada  
 Dianne Kaye West, of South Dakota  
 Alexander E. L. Whittington, of Texas  
 Scott R. Williams, of Virginia  
 Allison Yezril, of the District of Columbia  
 Christine M. York, of Virginia  
 Jonathan E. Young, of Virginia  
 Sara Shirley Yun, of Virginia  
 Elisabeth F. Zentos, of Ohio

The following-named Career Member of the Foreign Service of the International Broadcasting Bureau for promotion in the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service, Class of Counselor, in the Diplomatic Service of the United States of America:

Wilford H. Cooper, of Virginia  
 Walter D. Patterson, of South Carolina

DEPARTMENT OF LABOR

Veronica Vargas Stidvent, of Texas, to be an Assistant Secretary of Labor, vice Chris Spear, resigned.

DEPARTMENT OF ENERGY

Karen Alderman Harbert, of the District of Columbia, to be an Assistant Secretary of Energy (International Affairs and Domestic Policy), vice Vickey A. Bailey.

John S. Shaw, of the District of Columbia, to be an Assistant Secretary of Energy (Environment, Safety and Health), vice Beverly Cook, resigned.

NOMINATION OF WILLIAM SANCHEZ

Mr. DURBIN. Today the Senate confirmed William Sanchez to be the Special Counsel for Immigration-Related Unfair Employment Practices in the Civil Rights Division of the U.S. Department of Justice. I do not oppose his confirmation, but I have serious concerns about the Justice Department's decision in September to postpone an important, statutorily-authorized grant program until Mr. Sanchez's confirmation. Now that Mr. Sanchez has been confirmed, I urge the Justice Department to reinstate the grant program at once.

This Civil Rights Division grant program plays a critical role in protecting the rights of immigrant workers. Every year since 1991, nonprofit organizations throughout the Nation have received these grants to educate workers about their rights to a workplace free of discrimination and abuse. These organizations play a vital role in educating employers and the public about the civil rights and immigration laws Congress has passed to protect U.S. citizens, lawful permanent residents, refugees, and asylees.

In July, the Justice Department publicly announced that 13 organizations from around the country would receive a grant in 2004. Several of the intended grantees, including Chicago-based Heartland Alliance for Human Needs & Human Rights, acted in good faith reliance on the Justice Department's grant announcement and made hiring and resource allocation decisions accordingly.

In September, however, the Justice Department announced that it had decided to postpone the grant program without explanation. Senator LEAHY, Senator KENNEDY, and I wrote to the Justice Department seeking an explanation for their decision and requesting that they reconsider it.

In October, the Justice Department responded with a letter indicating that the grant program would be reinstated once the Senate confirmed Mr. Sanchez, who would head the Civil Rights Division office that administers the grant program. Although I disagree with this decision to delay the grant program until Mr. Sanchez's confirmation, I was pleased by the Justice Department's assurance that they intended to continue the program once Mr. Sanchez assumes his office.

Today, in the wake of Mr. Sanchez's confirmation, Senator LEAHY, Senator KENNEDY, and I wrote again to the Justice Department, urging Mr. Sanchez and the Civil Rights Division to follow through with the commitment made to the 13 intended grantees in July. We requested that the grants be issued by the end of the calendar year.

I ask unanimous consent to have printed in the RECORD the letter regarding this important grant program that Senator LEAHY, Senator KENNEDY, and I sent to the Justice Department today, as well as the other correspondence to which I have referred.

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

U.S. SENATE,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, December 7, 2004.

Hon. R. ALEXANDER ACOSTA,  
Assistant Attorney General, Civil Rights Division,  
U.S. Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC.

DEAR MR. ACOSTA: We are in receipt of a letter dated October 13, 2004 from Assistant Attorney General William Moschella addressing our concerns about the postponement of the Civil Rights Division's public education grant program administered by the Office of Special Counsel for Immigration-Related Unfair Employment Practices.

We are encouraged by the Justice Department's commitment to this important, statutorily-created grant program and by Mr. Moschella's representation that the close of the fiscal year does not affect the Civil Rights Division's ability to award these grants. Although we disagree with your decision to delay the grant program until confirmation of William Sanchez, we are pleased by your assurance that you intend to continue this program once Mr. Sanchez assumes his office.

We write to urge you and Mr. Sanchez to dispense \$745,000 by the end of this calendar year to the 13 nonprofit organizations who reasonably believed they had been promised this grant money in July. As we indicated in our letter of September 29, 2004, these 13 organizations had strong reason to believe that they would receive a grant by the end of the fiscal year. Many of them made resource allocation decisions in good faith reliance on the Department's July announcement.

Please provide assurance that the 13 organizations promised 2004 grant money will receive their grants by the end of the calendar year, and that the grant program will be administered in 2005 without delay or postponement.

Sincerely,

DICK DURBIN,  
United States Senator.  
PATRICK LEAHY,  
United States Senator.  
TED KENNEDY,  
United States Senator.

U.S. DEPARTMENT OF JUSTICE,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, DC, October 13, 2004.

Hon. RICHARD J. DURBIN,  
Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR DURBIN: This is in response to your letter of September 29, 2004, inquiring into the status of the public education grant program operated by the Civil Rights Division's Office of Special Counsel for Immigration-Related Unfair Employment Practices ("OSC"). We are sending a similar response to the co-signatories of your letter.

The Department shares your view as to the importance of this program. Our outreach and training program is an important component of our overall effort to address the serious problem of immigration-related employment discrimination. We intend to continue this program when the President's nominee for Special Counsel, William Sanchez, assumes his office. Once confirmed, Mr. Sanchez will have discretion with regard to when and whom to award grant monies.

Your letter specifically asked whether funding for the grants would be available after September 30, 2004. As you are aware, although OSC's authorizing statute includes an authorization for up to \$10,000,000 per fiscal year to implement and operate the public education program, no appropriation has been made for the program. Nonetheless, the

Department believes that this program is important, and each year has used funds appropriated for salaries and expenses for the Department's legal activities (e.g., Supreme Court proceedings, tax and criminal matters, etc.) to support a public outreach campaign to disseminate information respecting the rights and remedies available to workers under OSC's statutes. As a result, the close of a fiscal year does not affect the Division's ability to award grants.

Your letter notes with just concern that some of the grant recipients may have relied on the Department's July 15, 2004, press release. As is the case with all such decisions, the Department took steps to make sure that no group improperly relied on such a preliminary announcement. Enclosed with this letter please find correspondence directed to each of the groups named in that press release. As you will see, the award announcements at that time were "provisional" only, and remained "conditioned on the successful completion of a general background and financial review to be conducted by the Office of the Comptroller, Office of Justice Programs (OJP)."

If we can be of assistance in other matters, please do not hesitate to contact the Department.

Sincerely,

WILLIAM E. MOSCHELLA,  
Assistant Attorney General.

Enclosure.

U.S. DEPARTMENT OF JUSTICE,  
CIVIL RIGHTS DIVISION,  
Washington, DC, September 16, 2004.

Ms. VANNA SLAUGHTER,  
Catholic Charities of Dallas, Immigration Counseling Services, 5415 Maple Avenue, Suite 200, Dallas, TX.

DEAR MS. SLAUGHTER: I write to inform you that Office of Special Counsel's public education grant program and the grantee training conference scheduled for September 29-30, is being postponed until later in the year.

If your organization was awarded a grant by the Office of Special Counsel in 2003 that has remaining funds, please immediately request from us a "no cost extension through December 31, 2004." This extension will permit your organization to have continued use of those funds through December 31 of this year. Please send your request via e-mail to [krupakar.revanna@usdoj.gov](mailto:krupakar.revanna@usdoj.gov) no later than September 20, 2004.

We appreciate your cooperation and understanding.

Sincerely,

LORETTA KING,  
Deputy Assistant Attorney General.  
U.S. DEPARTMENT OF JUSTICE,  
CIVIL RIGHTS DIVISION,  
Washington, DC 20530, June 30, 2004.

Re Grant Award for Antidiscrimination Outreach Public Education Campaign

Ms. SONIA HARB,  
Director, Arab Community Center for Economic & Social Services, 2651 Saulino Ct., Dearborn, MI.

DEAR MS. SONIA HARB: thank you for your proposal to conduct a public education program on the antidiscrimination provisions of the Immigration and Nationality Act. I am pleased to inform you that your organization has been provisionally selected as a recipient of a grant in the amount of \$60,000. Final acceptance of your proposal will be conditioned on the successful completion of a general background and financial review to be conducted by the Office of the Comptroller, Office of Justice Programs (OJP). You will soon be contacted by officials from that office. The grant award may also be conditioned on your acceptance of any additional modifications of your proposal that prove

necessary. We expect the final processing to be completed promptly. Please respond quickly to any questions that OJP may have.

You will hear from us again shortly with more details about the grant. The training seminar for grantees is tentatively scheduled for September 29-30, 2004, in Washington, D.C. We will get back to you with more information about that as soon as arrangements are finalized.

Grantees play a major role in accomplishing the mission of the Office of Special Counsel. We value our grantee partnerships greatly and look forward to working with you. If you have any immediate questions, please feel free to call Lilia Irizarry, our Acting Public Affairs Specialist, at 202-616-5594 or toll-free at 1-800-255-7688.

Sincerely,

KATHERINE A. BALDWIN,  
Deputy Special Counsel.  
U.S. SENATE,

COMMITTEE ON THE JUDICIARY,  
Washington, DC, September 29, 2004.

Hon. R. ALEXANDER ACOSTA,  
Assistant Attorney General, Civil Rights Division,  
U.S. Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC.

DEAR MR. ACOSTA, we recently learned that the Civil Rights Division has decided to postpone indefinitely the public education grant program administered by the Division's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), which plays a critical role in protecting the rights of immigrant workers. Staff has contacted the Office of Legislative Affairs about this matter in recent days but has not received an explanation for the decision to postpone this important program. We are very concerned about this decision and are writing to urge you to reverse it immediately. If the grants are not provided to the intended recipients before September 30, 2004—the end of fiscal year 2004—the grant funding may no longer be available.

The OSC grant program is statutorily created, and we understand that Congress has appropriated funding for the grant program since 1991. To our knowledge, this is the first time the grant program has ever been postponed. Furthermore, we are not aware that the Justice Department advised Congress about its intention to postpone this important grant program, prior to its recent decision to do so. Accordingly, we request that you advise us about the authority you relied upon to postpone this statutorily authorized and Congressionally appropriated grant program.

As the attached press release indicates, the Civil Rights Division announced on July 15, 2004 that 13 nonprofit organizations in regions throughout the country would receive a total of \$745,000 in OSC grants. These 13 selected grant recipients—ranging from Catholic Charities of St. Petersburg, Florida, to the Arab Community Center for Economic and Social Services in Dearborn, Michigan, to the Central American Resource Center in Los Angeles, to Legal Aid Services of Oregon—have acted in good faith reliance on this announcement and made hiring and resource allocation decisions accordingly.

For example, one selected grant recipient based in Chicago—Heartland Alliance for Human Needs & Human Rights (in partnership with the Chicago Interfaith Committee on Workers Issues)—has indicated that it may have to lay off an employee who was hired in reliance on your grant announcement.

Not only would the 13 organizations be harmed by the loss of this promised grant money, so too would the immigrant communities and employers they serve. Every year for the past decade and a half, nonprofit

groups throughout the nation have received OSC grants to educate workers about their rights to a workplace free of discrimination and abuse. These groups have a vital role in educating employers and the public about the civil rights and immigration laws Congress has passed to protect U.S. citizens, lawful permanent residents, refugees, and asylees. Postponement of the OSC grant program will jeopardize the public's knowledge of their rights, remedies, and responsibilities.

Moreover, it is vital to OSC's mission to continue the grant program. As stated in a June 30, 2004 letter from OSC to intended grant recipients: "Grantees play a major role in accomplishing the mission of the Office of Special Counsel." OSC cannot be as effective if the public does not know about its existence and its role in combating national origin and citizenship discrimination, as well as document abuse and retaliation.

Please respond to our concerns as soon as possible.

Sincerely,

DICK DURBIN,  
*United States Senator.*  
PATRICK LEAHY,  
*United States Senator.*  
TED KENNEDY  
*United States Senator.*

U.S. DEPARTMENT OF JUSTICE,  
CIVIL RIGHTS DIVISION,  
July 15, 2004.

JUSTICE DEPARTMENT ANNOUNCES GRANTS  
FOR TRAINING ON THE PREVENTION OF IMMIGRATION-RELATED EMPLOYMENT DISCRIMINATION

WASHINGTON, DC.—The Justice Department today announced the award of \$745,000 in grants to 13 nonprofit groups throughout the country for the purpose of conducting public education programs for workers and employers on the topic of immigration-related job discrimination.

The grants, which range from \$35,000 to \$80,000, are being awarded by the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) of the Civil Rights Division. Recipients will assist discrimination victims; conduct seminars for workers, employers and immigration service providers; distribute educational materials in various languages; and place advertisements in local communities through both mainstream and ethnic media.

The grant recipients are: Asian Pacific American Legal Center of Southern California in partnership with the Asian Law Caucus, Central American Resource Center (CARECEN), James Madison University, Catholic Charities of St. Petersburg, Florida, Heartland Alliance for Human Needs and Human Rights, in partnership with the Chicago Interfaith Committee on Workers Issues, New York City Commission on Human Rights, in partnership with the New York Immigration Coalition, Legal Aid Society of Mid-New York, Legal Aid Services of Oregon, in partnership with the Oregon Legal Center, Catholic Charities of Dallas, Catholic Charities of Houston, Arab Community Center for Economic and Social Services (ACCESS), AFL-CIO Working for America Institute, National Immigration Legal Support Center.

For more information about protections against employment discrimination based upon citizenship, immigration status, and national origin: call the Office of Special Counsel toll-free at 1-800-255-8155 (employers), 1-800-362-2735 (TDD for hearing impaired); 1-800-255-7688 (workers), 1-800-237-2515 (TDD for hearing impaired); visit the Office of Special Counsel's web site at [www.usdoj.gov/crt/osc](http://www.usdoj.gov/crt/osc); or write to:

Office of Special Counsel for Immigration, Related Unfair Employment Practices, Civil

Rights Division, U.S. Department of Justice, 950 Pennsylvania Ave. NW, Washington, DC 20038-7728.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

RELATIVE TO THE DEATH OF J.  
STANLEY KIMMITT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 486, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 486) relative to the death of J. Stanley Kimmitt, Former Secretary of the Senate.

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

STAN KIMMITT

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAU. Mr. President, I rise to inform our Senate colleagues of the very unfortunate, untimely, and unexpected death of a person last evening who was truly a part of the family of the Senate. Although he was never elected to this body, he served this body with great distinction over a very long period of time and truly was part of the family of this distinguished body. I speak of Joseph Stanley Kimmit, Stan Kimmit, who served this body as Secretary of the Senate with great distinction from 1977 to 1981. Members who served during that period of time know how much he meant to the family of the Senate through his services, through his respect for this institution, for his understanding of the history of how important this institution is to our Nation and to the world.

Prior to that, Stan Kimmit served as Secretary for the majority, as principal floor assistant to Majority Leader Senator Mike Mansfield from the State of Montana from 1966 to 1977. Prior to that, he was the administrative assistant or chief of staff to Senator Mike Mansfield.

Before he served the Senate, he served his country with great distinction in the U.S. Army during World War II. As a captain in the U.S. Army, he was selected to receive the Silver Star medal, the Legion of Merit, the Bronze Star medal and a number of other awards recognizing his service to our great Nation.

It was unfortunate that this man, who had seven wonderful children and a beautiful wife, passed away in a very untimely fashion, and I would just share it with the Senate family this afternoon. He was at a function where I happened to be receiving an acknowl-

edgment of my service to the Senate, and Stan wanted to be there. He wanted to participate. After the principal person who was responsible for the function, the chairman of the Democratic Leadership Council, Al From, made his remarks, Stan stood up and said: May I say something? Of course, the answer was: Absolutely.

He said some very kind things about me, and he said some very kind things about the Senate and this institution and how important it had been in his life. He quoted my predecessor in this body, Russell Long, as saying: When I have a friend, I have a friend, and I will fight for him or her until hell freezes over, and then I will fight on the ice.

That was the kind of friend that Stan Kimmit was. He pointed out that he had to correct Russell Long because Russell Long, when he originally made that quote, I say to my colleagues, did not have the words "or her." It was just "I will fight for him until hell freezes over," and Stan had the duty of saying to Senator Long, You should say him or her, and Russell Long certainly followed his advice.

What I will mention in closing is that last night he spent almost a half hour talking to a young staff person who worked for me, a young lady by the name of Jodi Bannerman, and he sat there and talked about his days in the Senate and what this institution had meant to him and some of the things he has seen in this institution and how it has changed over the years.

He said last night that when he was here, the Senate was truly one big family. It was not segregated. When I say segregated, he was referring to the interaction between the two parties, that it was not two armed camps he was talking about last night, that it was one big family. We had our differences. We fought hard. We stood up for the principles of the party, but it was one big family that he was honored to have been able to serve in the capacity of Secretary of the Senate.

He was telling my young staff person he was very concerned about how he has seen things change, and that was unfortunate, in his mind. He told her there were three principles, three truths he knew to be true, and she wrote this down after she spoke to him: Never sacrifice your principles, never ask for more than you deserve, and never quit one thing until you have something better.

He said that twice in her conversation with him last night. Stan quoted to her the Hamlet quote, "To thine own self be true," as advice that he was giving this young person about her own life.

He did not mention any regrets, only great memories of this great institution, and I think anyone who has had the privilege of either working here or serving here and working as a Member, as I have and as we all have, understands what a great honor this has been. Stan Kimmit personalized that last night.