

MEASURES REFERRED

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

H.R. 2391. To amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises; to the Committee on the Judiciary.

H.R. 2714. An act to reauthorize the State Justice Institute; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 15. Concurrent resolution commending India on its celebration of Republic Day; to the Committee on Foreign Relations.

H. Con. Res. 373. Concurrent resolution expressing the sense of Congress that Kids Love a Mystery is a program that promotes literacy and should be encouraged; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1997. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

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-6645. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. individual civilians retained as contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC-6646. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. individual civilians retained as contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC-6647. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2004-24) received on March 8, 2004; to the Committee on Finance.

EC-6648. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Removal From Federal Tax System" (Rev. Rul. 2004-31) received on March 8, 2004; to the Committee on Finance.

EC-6649. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "F frivolous Home-Based Deductions" (Rev. Rul. 2004-32) received on March 8, 2004; to the Committee on Finance.

EC-6650. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Tax Treatment of Benefits Received Under

the Smallpox Emergency Personnel Protection Act of 2003 (SEPPA)" (Notice 2004-17) received on March 8, 2004; to the Committee on Finance.

EC-6651. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Meritless Claims Under Section 861" (Rev. Rul. 2004-30) received on March 8, 2004; to the Committee on Finance.

EC-6652. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Removal from Federal Tax System" (Rev. Rul. 2004-31) received on March 8, 2004; to the Committee on Finance.

EC-6653. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "F frivolous Repairs Tax Credit" (Rev. Rul. 2004-33) received on March 8, 2004; to the Committee on Finance.

EC-6654. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "F frivolous Zero Return" (Rev. Rul. 2004-34) received on March 8, 2004; to the Committee on Finance.

EC-6655. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Meritless Claim of Right" (Rev. Rul. 2004-29) received on March 8, 2004; to the Committee on Finance.

EC-6656. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Meritless Foreign Income Exclusion" (Rev. Rul. 2004-28) received on March 8, 2004; to the Committee on Finance.

EC-6657. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Corporation Sole Entity" (Rev. Rul. 2004-27) received on March 8, 2004; to the Committee on Finance.

EC-6658. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "F frivolous Tax Returns" (Notice 2004-22) received on March 8, 2004; to the Committee on Finance.

EC-6659. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Common Misperceptions About Income Taxes" (Notice 2004-13) received on March 8, 2004; to the Committee on Finance.

EC-6660. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 1.856-4; Rents from Real Property" (Rev. Rul. 2004-24) received on March 8, 2004; to the Committee on Finance.

EC-6661. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "FLEP Cost Share Payments" (Rev. Rul. 2004-8) received on March 8, 2004; to the Committee on Finance.

EC-6662. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 35-Credit for Health Care" (Rev. Proc. 2004-12) received on March 8, 2004; to the Committee on Finance.

EC-6663. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Determination of Interest Rates—April 1, 2004" (Rev. Rule 2004-26) received on March 8, 2004; to the Committee on Finance.

EC-6664. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Temporary and Proposed Regulation: Depreciation Treatment of Property Acquired in a Like-Kind Exchange or Involuntary Conversion" (TD9115) received on March 8, 2004; to the Committee on Finance.

EC-6665. 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—June 2002" (Rev. Rul. 2002-36) received on March 8, 2004; to the Committee on Finance.

EC-6666. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Waiver of 60-Month Bar on Reconsolidation After Disaffiliation" (Rev. Proc. 2002-32) received on March 8, 2004; to the Committee on Finance.

EC-6667. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Annual Report Concerning the Pre-Filing Agreement Program" (Ann. 2002-54) received on March 8, 2004; to the Committee on Finance.

EC-6668. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 911 Waiver Rev. Proc-2003 Update" (Rev. Proc. 2004-17) received on March 8, 2004; to the Committee on Finance.

EC-6669. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "January–March 2004 Bond Factor Amounts" (Rev. Rule 2004-16) received on March 8, 2004; to the Committee on Finance.

EC-6670. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Lease In/Lease Out Transactions" (UIL9307-07-00) received on March 8, 2004; to the Committee on Finance.

EC-6671. A communication from the Commissioner, Social Security Administration, transmitting, a draft of proposed legislation to make an amendment to the Supplemental Security Income program; to the Committee on Finance.

EC-6672. 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 "Asian Longhorned Beetle; Quarantined Areas" (Doc. No. 04-002-1) received on March 9, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6673. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Defense for Networks and Information Integration, Department of Defense, received on December 30, 2003; to the Committee on Armed Services.

EC-6674. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to changes to the Office of Management and Budget Circular; to the Committee on Armed Services.

EC-6675. A communication from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting, pursuant to law, a report relative to the Military Health System; to the Committee on Armed Services.

EC-6676. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, a report relative to those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 as of January 1, 2004; to the Committee on Armed Services.

EC-6677. A communication from the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the Department's Education Activity (DoDEA) 2000-01 Overview of Student Progress; to the Committee on Armed Services.

EC-6678. A communication from the Director, Procurement and Industrial Base Policy, Department of the Army, transmitting, pursuant to law, the report of a rule entitled "48 CFR Part 5125, Foreign Acquisition" (RIN0702-AA38) received on March 8, 2004; to the Committee on Armed Services.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Rhonda Keenum, of Mississippi, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Services.

*Linda Mysliwy Conlin, of New Jersey, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2007.

By Mr. HATCH for the Committee on the Judiciary.

William James Haynes II, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Lawrence F. Stengel, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Diane S. Sykes, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit.

Juan R. Sanchez, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

James L. Robart, of Washington, to be United States District Judge for the Western District of Washington.

*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.)

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LUGAR, from the Committee on Foreign Relations:

[Treaty Doc. 103-39 United Nations Convention on the Law of the Sea (Exec. Rept. No. 108-10)]

Section 1. Senate advice and consent subject to declarations and understandings.

The Senate advises and consents to the accession to the United Nations Convention on the Law of the Sea, with annexes, adopted on December 10, 1982 (hereafter in this resolution referred to as the "Convention"), and to the ratification of the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, with annex, adopted on July 28, 1994 (hereafter in this resolution referred to as the "Agreement") (Treaty Doc. 103-39), subject to the declarations of section 2, to be made under articles 287 and 298 of the Convention, the declarations and understandings of section 3, to be made under article 310 of the Convention, and the conditions of section 4.

Sec. 2. Declarations under articles 287 and 298.

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) The Government of the United States of America declares, in accordance with article 287(1), that it chooses the following means for the settlement of disputes concerning the interpretation or application of the Convention:

(A) a special arbitral tribunal constituted in accordance with Annex VIII for the settlement of disputes concerning the interpretation or application of the articles of the Convention relating to (1) fisheries, (2) protection and preservation of the marine environment, (3) marine scientific research, and (4) navigation, including pollution from vessels and by dumping; and

(B) an arbitral tribunal constituted in accordance with Annex VII for the settlement of disputes not covered by the declaration in subparagraph (A).

(2) The Government of the United States of America declares, in accordance with article 298(1), that it does not accept any of the procedures provided for in section 2 of Part XV (including, inter alia, the Sea-Bed Disputes Chamber procedure referred to in article 287(2)) with respect to the categories of disputes set forth in subparagraphs (a), (b), and (c) of article 298(1). The United States further declares that its consent to accession to the Convention is conditioned upon the understanding that, under article 298(1)(b), each State Party has the exclusive right to determine whether its activities are or were "military activities" and that such determinations are not subject to review.

Sec. 3. Other declarations and understandings under article 310.

The advice and consent of the Senate under section 1 is subject to the following declarations and understandings:

(1) The United States understands that nothing in the Convention, including any provisions referring to "peaceful uses" or "peaceful purposes," impairs the inherent right of individual or collective self-defense or rights during armed conflict.

(2) The United States understands, with respect to the right of innocent passage under the Convention, that—

(A) all ships, including warships, regardless of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose, enjoy the right of innocent passage;

(B) article 19(2) contains an exhaustive list of activities that render passage non-innocent;

(C) any determination of non-innocence of passage by a ship must be made on the basis of acts it commits while in the territorial sea, and not on the basis of, for example,

cargo, armament, means of propulsion, flag, origin, destination, or purpose; and

(D) the Convention does not authorize a coastal State to condition the exercise of the right of innocent passage by any ships, including warships, on the giving of prior notification to or the receipt of prior permission from the coastal State.

(3) The United States understands, concerning Parts III and IV of the Convention, that—

(A) all ships and aircraft, including warships and military aircraft, regardless of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose, are entitled to transit passage and archipelagic sea lanes passage in their "normal mode";

(B) "normal mode" includes, inter alia—

(i) submerged transit of submarines;

(ii) overflight by military aircraft, including in military formation;

(iii) activities necessary for the security of surface warships, such as formation steaming and other force protection measures;

(iv) underway replenishment; and

(v) the launching and recovery of aircraft;

(C) the words "strait" and "straits" are not limited by geographic names or categories and include all waters not subject to Part IV that separate one part of the high seas or exclusive economic zone from another part of the high seas or exclusive economic zone or other areas referred to in article 45;

(D) the term "used for international navigation" includes all straits capable of being used for international navigation; and

(E) the right of archipelagic sea lanes passage is not dependent upon the designation by archipelagic States of specific sea lanes and/or air routes and, in the absence of such designation or if there has been only a partial designation, may be exercised through all routes normally used for international navigation.

(4) The United States understands, with respect to the exclusive economic zone, that—

(A) all States enjoy high seas freedoms of navigation and overflight and all other internationally lawful uses of the sea related to these freedoms, including, inter alia, military activities, such as anchoring, launching and landing of aircraft and other military devices, launching and recovering waterborne craft, operating military devices, intelligence collection, surveillance and reconnaissance activities, exercises, operations, and conducting military surveys; and

(B) coastal State actions pertaining to these freedoms and uses must be in accordance with the Convention.

(5) The United States understands that "marine scientific research" does not include, inter alia—

(A) prospecting and exploration of natural resources;

(B) hydrographic surveys;

(C) military activities, including military surveys;

(D) environmental monitoring and assessment pursuant to section 4 of Part XII; or

(E) activities related to submerged wrecks or objects of an archaeological and historical nature.

(6) The United States understands that any declaration or statement purporting to limit navigation, overflight, or other rights and freedoms of all States in ways not permitted by the Convention contravenes the Convention. Lack of a response by the United States to a particular declaration or statement made under the Convention shall not be interpreted as tacit acceptance by the United States of that declaration or statement.

(7) The United States understands that nothing in the Convention limits the ability