

EC-9371. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality Classifications for the 8-Hour Ozone National Ambient Air Quality Standards" (FRL#7816-2) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-9372. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky and Indiana: Approval of Revisions to 1-Hour Ozone Maintenance Plan for Louisville Area" (FRL#7812-4) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-9373. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Raleigh/Durham Area and Greensboro/Winston-Salem/High Point Area Maintenance Plan Updates" (FRL#7815-9) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-9374. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Nevada; Las Vegas Valley Carbon Monoxide Nonattainment Area" (FRL#7801-8) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-9375. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion" (FRL#7816-9) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-9376. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Missouri; Final Approval of Missouri Underground Storage Tank Program" (FRL#7816-1) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-9377. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, Antelope Valley Air Quality Management District" (FRL#7812-2) received on September 17, 2004; to the Committee on Environment and Public Works.

EC-9378. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Treatment of Certain Settlement Funds as Pertaining to Purchase Price Allocations in Deemed and Actual Asset Acquisitions" (RIN 1545-BD59) received on September 17, 2004; to the Committee on Finance.

EC-9379. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Place for Filing Returns or Other Documents" (TD9156) received on September 17, 2004; to the Committee on Finance.

EC-9380. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—October 2004" (Rev. Rul.

2004-96) received on September 17, 2004; to the Committee on Finance.

EC-9381. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Returns Relating to Interest Payments on Qualified Education Loans" (Notice 2004-63) received on September 17, 2004; to the Committee on Finance.

EC-9382. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Guidance Concerning Use of 2001 CSO Tables Under Section 7702" (Notice 2004-61) received on September 17, 2004; to the Committee on Finance.

EC-9383. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2004-70) received on September 17, 2004; to the Committee on Finance.

EC-9384. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Request for Comments on Staggered Remedial Amendment Period Revenue Procedure" (Ann. 2004-71) received on September 17, 2004; to the Committee on Finance.

EC-9385. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Electronic Filing of Duplicate Form 5472" (TD 9161) received on September 17, 2004; to the Committee on Finance.

EC-9386. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Manufacturer's Submission of Average Sales Price Data for Medicare Part B Drugs and Biologicals (ASP)" (RIN 0938-AN05) received on September 17, 2004; to the Committee on Finance.

EC-9387. A communication from the Regulations Coordinator, Office of the Secretary, transmitting, pursuant to law, the report of a rule entitled "Civil Money Penalties: Procedures for Investigations Imposition of Penalties and Hearings—Extension of Expiration Date" received on September 17, 2004; to the Committee on Finance.

EC-9388. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of \$100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-9389. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles that are firearms sold commercially under a contract in the amount of \$1,000,000 or more to Italy; to the Committee on Foreign Relations.

EC-9390. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$100,000,000 or more to Germany; to the Committee on Foreign Relations.

EC-9391. A communication from the Assistant Secretary for Legislative Affairs, De-

partment of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC-9392. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed manufacturing license agreement for the manufacture of significant military equipment to Spain; to the Committee on Foreign Relations.

EC-9393. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed manufacturing license agreement for the manufacture of significant military equipment in Egypt; to the Committee on Foreign Relations.

EC-9394. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed manufacturing license agreement for the manufacture of significant military equipment in Iraq; to the Committee on Foreign Relations.

EC-9395. A communication from the Deputy Secretary of State, transmitting, pursuant to law, a report relative to supporting Iraq's political transition, creating democratic institutions, and rebuilding the country's social and economic infrastructure; to the Committee on Foreign Relations.

EC-9396. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-9397. A communication from the Chairman, Commission for the Preservation of America's Heritage Abroad, transmitting, pursuant to law, a report relative to the Commission's work over the past three years; to the Committee on Governmental Affairs.

EC-9398. A communication from the Inspector General, Department of Defense, transmitting, pursuant to law, the report of the Office of Inspector General's results of our audit of undefinitized contractual actions; to the Committee on Governmental Affairs.

EC-9399. A communication from the Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Fire Protection in Shipyard Employment" (RIN 1218-AB51) received on September 21, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-9400. A communication from the Director, Regulations Management, Board of Veterans' Appeal, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Obtaining Evidence and Curing Procedural Defects" (RIN 2900-AL77) received on September 21, 2004; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation.

*Jon D. Leibowitz, of Maryland, to be a Federal Trade Commissioner for a term of seven years from September 26, 2003.

*Deborah P. Majoras, of Virginia, to be a Federal Trade Commissioner for the unexpired term of seven years from September 26, 2001.

Coast Guard nominations beginning Capt. Gary T. Blore and ending Capt. Joel R. Whitehead, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2004.

Mr. McCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Coast Guard nomination of Kenneth W. Megan.

Coast Guard nominations beginning John B. McDermott and ending David C. Clippinger, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2004.

Coast Guard nomination of Karen W. Quiachon.

Coast Guard nominations beginning Michael H. Anderson and ending Gordon K. Weeks, which nominations were received by the Senate and appeared in the Congressional Record on September 10, 2004.

Coast Guard nominations beginning Scott B. Beeson and ending Needham E. Ward, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2004.

National Oceanic and Atmospheric Administration nominations beginning Jonathan W. Bailey and ending Richard A. Edmundson, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2004.

National Oceanic and Atmospheric Administration nominations beginning Timothy J. Gallagher and ending Bernard R. Archer, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2004.

By Mr. GREGG for the Committee on Health, Education, Labor, and Pensions.

*Gerard Schwarz, of Washington, to be a Member of the National Council on the Arts for the remainder of the term expiring September 3, 2006.

*James Ballinger, of Arizona, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

*Terence Alan Teachout, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2010.

*Jonathan Baron, of Maryland, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Elizabeth Ann Bryan, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*James R. Davis, of Mississippi, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

*Frank Philip Handy, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Eric Alan Hanushek, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

*Caroline M. Hoxby, of Massachusetts, to be a Member of the Board of Directors of the

National Board for Education Sciences for a term of four years.

*Roberto Ibarra Lopez, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years.

*Richard James Milgram, of New Mexico, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Sally Epstein Shaywitz, of Connecticut, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Joseph K. Torgesen, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years.

*Herbert John Walberg, of Illinois, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years.

*Herman Belz, of Maryland, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Tamar Jacoby, of New Jersey, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Craig Haffner, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*James Davidson Hunter, of Virginia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Harvey Klehr, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Thomas K. Lindsay, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Iris Love, of Vermont, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Thomas Mallon, of Connecticut, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Ricardo Quinones, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2010.

*Beverly Allen, of Georgia, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008.

*Gail Daly, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008.

*Donald Leslie, of Wisconsin, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2006.

*Amy Owen, of Utah, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2008.

*Sandra Pickett, of Texas, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2005.

*Renee Swartz, of New Jersey, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2007.

*Kim Wang, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2004.

*William T. Hiller, of Ohio, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

*Richard Kenneth Wagner, of Florida, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

*Juan R. Olivarez, of Michigan, to be a Member of the National Institute for Literacy Advisory Board for a term expiring November 25, 2006.

*Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2007.

*Young Woo Kang, of Indiana, to be a Member of the National Council On Disability for a term expiring September 17, 2006.

*John H. Hager, of Virginia, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

*Arden Bement, Jr., of Indiana, to be Director of the National Science Foundation for a term of six years.

Mr. GREGG. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Public Health Service nominations beginning Terence L. Chorba and ending Parmjeet S. Saini, which nominations were received by the Senate and appeared in the Congressional Record on April 8, 2004.

Public Health Service nominations beginning Daniel Molina and ending James D. Warner, which nominations were received by the Senate and appeared in the Congressional Record on May 17, 2004.

Public Health Service nominations beginning Songhai Barclift and ending Gregory Woitte, which nominations were received by the Senate and appeared in the Congressional Record on May 17, 2004.

Public Health Service nominations beginning Alvin Abrams and ending Ariel E. Vidales, which nominations were received by the Senate and appeared in the Congressional Record on May 17, 2004.

*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.)

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 Mrs. CLINTON:

S. 2827. A bill to amend the Federal Rules of Evidence to create an explicit privilege to preserve medical privacy; to the Committee on the Judiciary.

By Mr. McCAIN (for himself, Mr. FEINGOLD, Mr. LIEBERMAN, and Mr. SCHUMER):

S. 2828. A bill to amend the Federal Election Campaign Act of 1971 to define political committee and clarify when organizations described in section 527 of the Internal Revenue Code of 1968 must register as political committees, and for other purposes; to the Committee on Rules and Administration.