

with and return calls to beneficiaries who initiate contact and permits plans to call beneficiaries that are already enrolled in their plans. The prohibition only applies to solicitation calls. Those companies that violate the law are subjected to criminal penalties for telemarketing fraud related to the program.

I think that this provision is very important, so seniors do not feel their privacy is being violated by constant phone calls from numerous insurance companies calling their homes. It is important that seniors do not feel pressured to choose one plan or another because of persistent telemarketers.

Starting November 15, 2005, all seniors will be able to start selecting which insurance company they would like to administer their drug benefit. It is my hope that between now and then the information sent to beneficiaries is accessible and easily understood. I do have great concern that many seniors are going to feel extremely overwhelmed, confused and frankly very frustrated about the information they receive about the multitude of coverage options. I think that the Medicare Do Not Call Act is one step we can take to simplify the process and help seniors.

While I did not support final passage of the legislation that created this program because of several concerns I have about how it will impact South Dakotans, I still think it is important for seniors to examine this program closely and decide for themselves whether the new Medicare Part D drug benefit will be worthwhile to them. I will continue to work hard to ensure that the people of my State have sufficient information before they are expected to make a decision. I will also continue to support legislation and other initiatives to make improvements to the program and the administration of it.

LIVESTOCK MANDATORY REPORTING ACT OF 1999

Mr. GRASSLEY. Mr. President, today I was forced to place a hold on H.R. 3408 that will reauthorize for 5 years the Livestock Mandatory Reporting Act of 1999, LMPR.

I introduced S. 1617 with Senator HARKIN that will extend the act by one year. S. 1617 passed this body by unanimous consent during the first week of September. Now here we are at the last minute trying to pass the House version before an important GAG report is released.

Last year, Senator HARKIN and I requested a GAO investigation into the accuracy of reported prices by the U.S. Department of Agriculture. We are so close to having this report released that Congress should extend the LMPR by 1 year.

My bill could be easily taken up by the House and prevent LMPR from expiring. This would allow the report to come out and give Congress time to evaluate the recommendations.

There have been several concerns regarding the administration of the program ranging from late filed reports by packers and inadequate oversight at USDA to ensure compliance and enforcement of the law.

I have heard from enough livestock producers to know that there can be improvement to this important law.

I am trying to protect the interests of producers and have stated before that only those entities that fear transparency should be fighting for a 5-year extension with no consideration for GAO's pending conclusions.

DOMESTIC VIOLENCE AND GUNS

Mr. LEVIN. Mr. President, earlier this week the Violence Policy Center released its annual study of homicide data titled "When Men Murder Women." This year's study analyzed homicide data from 2003, the most recent available, that involved one female victim and one male offender.

The VPC found that in 2003, the majority of women who were murdered were killed with a firearm. In the overwhelming majority of these cases, 77 percent in fact, the male offender used a handgun. The VPC report also revealed that more than ten times as many females were murdered by a man they knew than were killed by a stranger. Of these, 62 percent were in an intimate relationship or married to their killer. According to the report, "Most often, females were killed by males in the course of an argument." These statistics illustrate the tragic role firearms play in domestic violence disputes that escalate into murder.

As my colleagues know, since 1968 it has been illegal for convicted felons, illegal aliens, individuals involuntarily committed to a mental health facility, individuals who have renounced their citizenship, drug addicts, those dishonorably discharged from the military, and fugitives to possess or purchase a firearm. In 1996, we extended the law to the prohibition on firearms to individuals who were under a domestic violence restraining order and those who had previously been convicted of a domestic violence misdemeanor.

Unfortunately, these efforts continue to be undermined by Congress' failure to close the "gun show loophole." Under current law, when an individual buys a firearm from a licensed dealer, there are Federal requirements for a background check to insure that the purchaser is not prohibited by law from purchasing or possessing a firearm. However, this is not the case for all gun purchases. For example, when an individual wants to buy a firearm from another private citizen who is not a licensed gun dealer, there is no requirement that the seller ensure the purchaser is not in a prohibited category. This creates a loophole in the law, providing prohibited purchasers, including those who have previously been convicted of domestic violence crimes, with potential easy access to dan-

gerous firearms. Such firearms could later be used to murder a wife or girlfriend in a moment of rage or jealousy.

The VPC demonstrates that the Congress should do more to help protect women from gun violence. I urge my colleagues to join me in support of funding for domestic violence prevention programs as well as legislation to close the gun show loophole.

THE NEED FOR STRONG LEADERSHIP

Mr. AKAKA. Mr. President, I rise today to urge my colleagues to work with me and all those who support the belief that only through strong leadership will government be able to respond to the needs of its citizens. This week, I participated in the Homeland Security and Governmental Affairs hearing on dealing with the aftermath of Hurricanes Katrina and Rita. I want to share a statement made by the Honorable Dan Coody, Mayor of Fayetteville, AR, who said:

I've always believed that any program or process will succeed or fail based on the leadership in that program. And I think that from the very top to the very bottom—speaking at the micro level—there needs to be a system put in place where we hire the most qualified, most knowledgeable people for the job—that want to do the job—and put them in a position where they can lead.

Mayor Coody's remarks underscored my expectations that Federal agencies must be led by experienced and qualified senior leaders in order to ensure that agencies meet their mission. The same evening as our Committee hearing, I was privileged to present the 2005 Service to America Medal Federal Employee of the Year award to Orlando Figueroa, the Deputy Associate Administrator for Programs, Science Mission Directorate, at the National Aeronautics and Space Administration. Mr. Figueroa led the Mars Exploration Rover Project to success under technical challenges and time constraints. He and his team at the Mars Exploration Rover Project created a mobile science lab used to conduct remote exploration on the surface of another planet, which allowed the exploration of regions beyond the original landing site. This fantastic accomplishment has produced a wealth of scientific discoveries revealing Mars as a potential habitat, and I told Mr. Figueroa that to me, these discoveries spark the imagination, fuel the human spirit, and inspire us to pursue even greater things. Mr. Figueroa exemplifies leadership.

The Federal Government is fortunate to have a cadre of career executives selected for their leadership, who are members of the Senior Executive Service, SES. To become a member of the SES, a candidate must possess the following five executive qualifications: leading change; leading people; being results driven; having business acumen; and building coalitions or having communication skills.

SES candidates demonstrate these qualifications through experience in key executive skills such as leading others to rapidly adjust organizational behavior and work methods; supervising and managing a diverse workforce; developing strategic human capital management plans; establishing performance standards and plans; managing the budgetary process; overseeing the allocation of financial resources; and developing and maintaining positive working relationships with internal groups and external groups such as Congress, the Office of Management and Budget, and the White House.

These qualifications and experiences help ensure that the Federal Government's senior executives have the ability to establish a clear vision for the organization and to drive others to succeed. Political appointees are not required to meet these qualifications, however, but it would be difficult for any agency head to succeed without them.

A recent Princeton University review, authored by Mr. David Lewis, underscored the need for political appointees to have such skills. He used the Program Assessment Rating Tool, PART, to analyze the relationship between political appointees and Federal manager performance. As my colleagues know, PART was designed by the Administration to measure program performance at Federal agencies. A PART review helps identify a program's strengths and weaknesses to inform funding and management decisions aimed at making the program more effective.

Mr. Lewis found that programs run by politically appointed managers receive systematically lower grades than those run by career managers and that the varied backgrounds of political appointees do not always translate into them being successful managers. Mr. Lewis' research shows the need for greater management experience and subject matter expertise for political appointees.

Comptroller General David Walker said in a September 21, 2005, interview with Federal Times that "for certain positions, given the nature of the position, there should be statutory qualification requirements for any nominee." I agree. Looking at the shortfalls in leadership at the Federal Emergency Management Agency and the high number of political appointees at FEMA for the size of the agency, it is obvious that the political appointee-laden management structure may have created numerous problems, especially in the area of recruiting and retaining top emergency services personnel and the inability to stay focused on the agency's core mission of disaster preparedness and relief.

There must be trust and integrity in Government and most of all in our leaders. The crises we face at home and abroad demonstrates the need for highly qualified individuals to lead our Government. There must be the right

people, at the right place, at the right time, with the right skills. This is especially true at Federal agencies who need senior leaders, with management skills and subject matter expertise. More importantly, there should be an institutional loyalty and cultural sensitivity in working for the American people as a Federal employee.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On December 10, 1999, a 34-year-old man walked into the Fort Myers, FL, home of a 91-year-old disabled woman and sexually assaulted her. According to police, the man knew the victims family and attacked her because of her disabled state.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE FOR LIEUTENANT GENERAL JOHN ROSA, UNITED STATES AIR FORCE

Mr. ALLARD. Mr. President, I rise today to pay tribute to the 32 years of outstanding military service LTG John Rosa has given our Nation.

General Rosa started his career in the U.S. Air Force in 1973 after receiving his commission from the Citadel in Charleston, SC. As a combat pilot, General Rosa accumulated more than 3,600 flying hours in the A-7, the A-10, F-16, F-117A Stealth fighter, and numerous other aircraft. In 1985, General Rosa received his masters degree from Golden Gate University. In the years that followed, General Rosa served as operations group commander and three times as wing commander.

Yet, as I think General Rosa might readily admit, his most difficult assignment began when he became the Superintendent of the U.S. Air Force Academy. Under ordinary circumstances, overseeing the academic progress and military training of more than 4,000 cadets can be a challenging experience. Unfortunately for General Rosa, he came to the Air Force Academy under anything but ordinary circumstances.

Two years ago the Academy underwent a very difficult period in which many current and former cadets came

forward with allegations of sexual assault. This scandal was tumultuous and resulted in four senior leaders of the Academy being dismissed from their duties.

General Rosa was asked to step into a situation that seemed to be spinning out of control. His senior leadership team was just as new as he was, and the Air Force leadership and Congress were relentless in their demands for results.

Despite these circumstances, General Rosa did not hesitate to take action. He invited outside investigative organizations to come to the Academy and review the institution's policies and procedures for addressing sexual assaults. He opened up the Academy and its cadets to the media, to Congress, and to the school's board of visitors. Most importantly, General Rosa admitted that the Academy had a very serious problem and that sweeping it under the rug was not an acceptable response.

Less than a year later, General Rosa was again in the spotlight when the Academy found in its cadet surveys that inappropriate religious expression had become a problem. Instead of ignoring the surveys, General Rosa did the opposite. He released them to the public and launched a comprehensive review on how the Academy approached religious expression. He tackled the problem, investigated it thoroughly, and began instituting the changes that were necessary.

In his 2½ years of service, General Rosa made the Academy look in the mirror and see the strengths and weaknesses of the institution for what they are. The Academy is a proud institution, and it is difficult to think that something as terrible as sexual assault and religious intolerance might occur there. Yet General Rosa was never comfortable with the status quo or with a closed-door approach. He pushed and pulled to get better results, and his methods were open and transparent.

General Rosa forced the Academy, its cadets, its faculty, and even its alumni to face a reality that some did not want to acknowledge. He forced the institution to make changes that were necessary, justified, and in the best interest of the Air Force. Through this process, the Academy raised its standards and slowly became the model institution that we all have come to expect and American taxpayers require.

Under General Rosa's leadership, the Air Force Academy is now a source of guidance for other military academies and universities. Indeed, the Department of Defense is now turning to the Academy for direction on how to formulate the Department's sexual assault and religious expression policies.

Although the Academy is not perfect and problems still exist, I strongly believe the U.S. Air Force Academy has, under General Rosa's leadership, become a much better place. I commend General Rosa for taking on this unbelievably difficult mission and for his outstanding service to our Nation. And