

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 105-83, announces the appointment of the following individuals to serve as members of the National Council of the Arts: the Senator from Ohio, Mr. DEWINE, and the Senator from Utah, Mr. BENNETT.

The Chair, pursuant to Executive Order No. 12131, reappoints the following Member to the President's Export Council: the Honorable MIKE ENZI of Wyoming.

The Chair, on behalf of the President of the Senate, pursuant to Public Law 85-874, as amended, appoints the Senator from Mississippi, Mr. COCHRAN, to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, vice the Senator from Alaska, Mr. STEVENS.

COMMENDING THE JAMES MADISON UNIVERSITY FOOTBALL TEAM

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 45, which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 45) commending the James Madison University Dukes football team for winning the 2004 NCAA Division I-AA National Football Championship.

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

Mr. ALLEN. Mr. President, today I congratulate the James Madison University Football team for winning the 2004 NCAA Division I-AA football championship with a 31 to 21 victory over the Montana Grizzlies. This resolution expresses congratulations of the Senate these outstanding young men.

As a former collegiate athlete and an avid football fan, I want to express the pride felt by all students, faculty and alumni of James Madison University at this tremendous accomplishment by the football team. Head Coach Mickey Matthews and his superb coaching staff: Curt Newsome, Jeff Durden, George Barlow, Kyle Gillenwater, Phil Ratliff, Chip West, Ulrick Edmonds, J.C. Price, Tony Tallent, Jim Durning, deserve much of the credit for the accomplishment of these student athletes and should also be highly commended.

The James Madison University Dukes Football team fought to a 10 to 7 halftime lead on the strength of tailback Maurice Fenner's 1-yard touchdown and kicker David Rabil's 28-yard field goal. The Dukes went on to win the game with an outstanding second half performance, rushing for 257 and outscoring the Montana Grizzlies 31 to 21.

In his distinguished career, Head Coach Mickey Matthews has won 40 games in 6 years at James Madison University and has taken the Dukes to the playoffs twice in his tenure. The American Football Coaches Association has named Coach Matthews the 2004 Division I-AA National Coach of the Year for his performance in the Dukes' championship season. Coach Matthews lead the Dukes to become the first team in Division I-AA history to win the national title without playing a single playoff game at home, battling for three consecutive playoff road victories. In addition to their 2004 national title, the team also shares the Atlantic Ten Championship title, one of the toughest Division I-AA conferences in the country.

The members of the 2004 James Madison University Football have indeed made their university proud and should be applauded for their character and leadership, both on and off the playing field. I congratulate Nick Adams, Ryan Bache, L.C. Baker, Alvin Banks, Brandon Beach, Antoine Bolton, D.D. Boxley, Rondell Bradley, Isai Bradshaw, Ardon Bransford, Anderson Braswell, Marvin Brown, Michael Brown, Ryan Brown, Shawn Bryant, George Burns, Robbie Catterton, Frank Cobbs, Sean Connaghan, Jamaal Crowder, Ben Crumlin, Corey Davis, John Michael Deeds, Isaiah Dottin-Carter, Harry Dunn, Sudan Ellington, Nick Englehart, Sid Evans, Maurice Fenner, Adam Ford, Casime Harris, Josh Haymore, Marcus Haywood, Tahir Hinds, Raymond Hines, Ryan Holston, Ryan Horn, David Ingraldi, Chris Iorio, Mike Jenkins, Bruce Johnson, Shelton Johnson, Akeem Jordan, Jacob Kahle, Clint Kent, Andrew Kern, Tim Kibler, Joe Kluesner, Rodney Landers, Scott Lemn, Matt LeZotte, Matt Magerko, Dexter Manley, Franklin Martin, Justin Mathias, Frank McArdle, Rodney McCarter, Craig McSherry, Andrew Michael, Bryce Miller, Leon Mizelle, Mike Mozby, William Nowell, Tom O'Connor, Will Patrick, David Rabil, Justin Rascati, Tom Ridley, Demetrius Shambley, Khary Sharpe, Andre Shuler, Bryan Smith, Leon Steinfeld, Chuck Suppon, Cortez Thompson, Nic Tolley, Trey Townsend, Brian Vaccarino, Kwynn Walton, Paul Wantuck, Mike Wilkerson, Kevin Winston, Stephen Wyatt, Kyle Zehr and Jake Zielinski.

Mr. President, I hope my colleagues will join with Senator WARNER and I to pass this resolution recognizing the National Champion James Madison University Football team.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the matter be printed in the RECORD.

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

The resolution (S. Res. 45) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 45

Whereas the students, alumni, faculty, and supporters of James Madison University are to be congratulated for their commitment and pride in the James Madison University Dukes national champion football team;

Whereas in the National Collegiate Athletic Association championship game against the Montana Grizzlies, the Dukes drove to a 10-to-7 lead at the half on the strength of the 1-yard touchdown by seemingly indefatigable tailback Maurice Fenner and the 28-yard field goal by kicker David Rabil;

Whereas the Dukes won the 2004 NCAA Division I-AA National Football Championship with an outstanding second half performance, rushing for 257 yards and outscoring the Montana Grizzlies 21 to 14, to win the Championship by a score of 31 to 21;

Whereas the Dukes added the NCAA Division I-AA title to their share in the Atlantic Ten Conference title to claim their second championship in 2004;

Whereas every player on the Dukes football team (Nick Adams, Ryan Bache, L.C. Baker, Alvin Banks, Brandon Beach, Antoine Bolton, D.D. Boxley, Rondell Bradley, Isai Bradshaw, Ardon Bransford, Anderson Braswell, Marvin Brown, Michael Brown, Ryan Brown, Shawn Bryant, George Burns, Robbie Catterton, Frank Cobbs, Sean Connaghan, Jamaal Crowder, Ben Crumlin, Corey Davis, John Michael Deeds, Isaiah Dottin-Carter, Harry Dunn, Sudan Ellington, Nick Englehart, Sid Evans, Maurice Fenner, Adam Ford, Casime Harris, Josh Haymore, Marcus Haywood, Tahir Hinds, Raymond Hines, Ryan Holston, Ryan Horn, David Ingraldi, Chris Iorio, Mike Jenkins, Bruce Johnson, Shelton Johnson, Akeem Jordan, Jacob Kahle, Clint Kent, Andrew Kern, Tim Kibler, Joe Kluesner, Rodney Landers, Scott Lemn, Matt LeZotte, Matt Magerko, Dexter Manley, Franklin Martin, Justin Mathias, Frank McArdle, Rodney McCarter, Craig McSherry, Andrew Michael, Bryce Miller, Leon Mizelle, Mike Mozby, William Nowell, Tom O'Connor, Will Patrick, David Rabil, Justin Rascati, Tom Ridley, Demetrius Shambley, Khary Sharpe, Andre Shuler, Bryan Smith, Leon Steinfeld, Chuck Suppon, Cortez Thompson, Nic Tolley, Trey Townsend, Brian Vaccarino, Kwynn Walton, Paul Wantuck, Mike Wilkerson, Kevin Winston, Stephen Wyatt, Kyle Zehr, and Jake Zielinski) contributed to the success of the team in this impressive championship season;

Whereas the Dukes became the first team in Division I-AA history to win the national title without playing a single playoff game at home, battling for 3 consecutive playoff road victories;

Whereas the Dukes football team Head Coach Mickey Matthews has won 40 games in his 6 years at James Madison University and has taken the Dukes to the playoffs twice in his tenure;

Whereas Coach Matthews has been named the 2004 Division I-AA National Coach of the Year by the American Football Coaches Association, for his performance in the Dukes championship season; and

Whereas Assistant Coaches Curt Newsome, Jeff Durden, George Barlow, Kyle Gillenwater, Phil Ratliff, Chip West, Ulrick Edmonds, J.C. Price, Tony Tallent, and Jim Durning deserve high recommendation for their strong leadership of, and superb coaching support to, the James Madison University Dukes football team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates James Madison University Dukes football team for winning the 2004 NCAA Division I-AA National Championship; and

(2) recognizes the achievements of all the players, coaches, and support staff of the team.

COMMEMORATING THE LIFE OF THE LATE ZURAB ZHVANIA OF THE REPUBLIC OF GEORGIA

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 46, which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 46) commemorating the life of the late Zurab Zhvania, former Prime Minister of the Republic of Georgia.

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

Mr. LUGAR. Mr. President, today I offer a resolution commemorating the life of the late Zurab Zhvania, former Prime Minister of the Republic of Georgia.

At the request of President Bush, I was honored to lead a delegation last weekend to represent the United States at Prime Minister Zhvania's funeral. Also representing the United States was Paul Applegarth, Millennium Challenge Corporation CEO; and Lorne Craner, President of the International Republican Institute.

Prime Minister Zhvania was a prominent leader in Georgia's Rose Revolution. He was a true reformer, lauded for his intellectual acuity, and a friend of America. I was fortunate to meet with Zhvania last December. We had an extensive discussion about Georgia's promising future and vigorous agenda to transform it into a regional model of political and economic progress.

The U.S.-Georgia relationship is strong. I am grateful to Georgia's recent decision to increase its troop level in Iraq. I am also grateful for its partnership in the War on Terror, including its troop commitment in Afghanistan and to the peacekeeping mission in Kosovo. I am hopeful that our strategic relationship with Georgia will continue to grow as we face the new threats of the 21st century.

The death of Prime Minister Zhvania is a loss for Georgia, for the United States, and for the community of democratic nations. I ask my colleagues for their support of this resolution.

Mr. BROWNBACK. Mr. President, on a personal note, I knew Zurab Zhvania. I worked with him quite a bit. He was one of the original democracy advocates inside Georgia, a country that came out of the former Soviet Union, a wonderful man, with a great heart. He started out as an environmentalist. That is how he got active in the political system. He and Mr. Shevardnaze formed an alliance and moved the

country toward democracy through a tumultuous time period. He was one of the lead architects of the Rose Revolution and democracy coming forward in Georgia.

I cannot let this pass without noting what an incredible loss he is to Georgia. He would have been one of at least the top one to three people who make that country move to where it is today. They are suspicious circumstances under which he died—gas inhalation in an apartment. It appears to be natural causes, but there has been a lot of difficult political activity going on in Georgia—kidnappings and deaths that have taken place. I hope that was not the case.

I have my own personal thoughts of him, and my sympathy goes out to his family—his wife and young children. He was 41 years old. He was a wonderful guy and he will be sorely missed in Georgia and around the world. I know his family will miss him dearly.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 46) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 46

Whereas on the night of February 3, 2005, the Prime Minister of the Republic of Georgia, Zurab Zhvania, died, apparently due to carbon monoxide poisoning caused by a malfunctioning heater;

Whereas the death of Prime Minister Zhvania at the age of 41 is a tragic loss for the Republic of Georgia;

Whereas Zurab Zhvania was a dedicated reformer whose visionary leadership inspired a new generation of political leaders in the Republic of Georgia;

Whereas Zurab Zhvania founded the Citizen's Union Party, which won elections in 1995, making him the Speaker of the Georgian Parliament;

Whereas under the leadership of Speaker Zhvania, the Georgian Parliament was transformed into an effective and transparent legislative institution;

Whereas in November 2001, Speaker Zhvania resigned his position in protest when government authorities attempted to suppress the leading independent television station in the Republic of Georgia;

Whereas Zurab Zhvania formed the United Democrats, a party that blossomed into one of the major forces that brought about the Rose Revolution in the Republic of Georgia in November 2003;

Whereas in the most dangerous hours of the Rose Revolution, when it appeared that armed force could be used against the peaceful protestors, Zurab Zhvania dismissed his bodyguards and led a march to Parliament accompanied only by his young children;

Whereas Zurab Zhvania was named Prime Minister of the Republic of Georgia in November 2003, and led governmental efforts to develop and implement far-reaching economic, judicial, military, and social reforms thereby turning the promise of the Rose Revolution into real results that have dramatically improved life in the Republic of Georgia;

Whereas the strong commitment of Zurab Zhvania to the peaceful restoration of the territorial integrity of Georgia was most recently displayed in the central role he played in the development of the unprecedented and generous proposal of the Republic of Georgia for resolving the status of South Ossetia peacefully and justly; and

Whereas Zurab Zhvania's vision of the historical destiny of Georgia was eloquently expressed before the Council of Europe on April 27, 1999, when he said, "I am Georgian and therefore, I am European";

Now, therefore, be it
Resolved, That the Senate—

(1) expresses its deepest condolences to the family of Zurab Zhvania for their tragic loss of a son, husband, and father;

(2) commends the courage, energy, political imagination, and leadership of Zurab Zhvania that were so critical to the development of a democratic Republic of Georgia; and

(3) recognizes that the integration of the Republic of Georgia into Euro-Atlantic institutions will be the completion of the vision of Zurab Zhvania and his most lasting legacy.

ORDERS FOR WEDNESDAY, FEBRUARY 9, 2005

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, February 9. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate begin a period for the transaction of morning business for up to 1 hour, with the first 30 minutes under the control of the Democratic leader or his designee and the second 30 minutes under the control of the Republican leader or his designee; provided that following morning business, the Senate resume consideration of S. 5, the class action bill, and upon reporting the bill, the pending amendment be set aside and Senator PRYOR be recognized to offer an amendment.

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

PROGRAM

Mr. BROWNBACK. Mr. President, tomorrow, following morning business, the Senate will resume consideration of the class action fairness bill. Senator PRYOR will offer an amendment on State attorneys general. We also have a Durbin amendment pending on mass actions. We hope to dispose of these amendments early tomorrow, and Members should plan accordingly. For the remainder of the day, we will continue to offer and debate amendments to the class action bill. Therefore, roll-call votes are expected throughout tomorrow's session.

Just for the knowledge of Members, I know the leader intends to move this bill forward, getting it done this week. As has been stated during the debate, it is the hope to move this forward so the House can consider it and move it on to the President in as early a fashion as possible.