

(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.

This is a bipartisan bill with strong support. Not everybody agrees with it, obviously, but this is something we hope can move forward as soon as possible.

Mr. DURBIN. If the Senator from Kansas will yield, through the Chair, I would like to make a point on the RECORD that there will be other Senators offering amendments tomorrow. Senator KENNEDY is seeking that opportunity. As we understand it, we are going to Senator PRYOR by this unanimous consent agreement, and I want the RECORD to reflect other Senators on this side of the aisle will be offering amendments.

Mr. BROWNBACK. Mr. President, we have a few other items to come before the body, but we are not quite prepared to bring those forward yet. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, at this time, there is no further business to come before the Senate. I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Wednesday, February 9, 2005, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate February 8, 2005:

##### MISSISSIPPI RIVER COMMISSION

BRIGADIER GENERAL WILLIAM T. GRISOLI, UNITED STATES ARMY, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

##### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

EDGAR FULTON, JR., OF MASSACHUSETTS  
GEORGE RUFFNER, OF PENNSYLVANIA  
JAMES WILSON, OF PENNSYLVANIA  
KAREN ZENS, OF THE DISTRICT OF COLUMBIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

NANCY CHARLES-PARKER, OF COLORADO  
CATHERINE HOUGHTON, OF CALIFORNIA  
GREGORY LOOSE, OF CALIFORNIA  
PATRICK SANTILLO, OF MARYLAND  
KAREN WARE, OF THE DISTRICT OF COLUMBIA  
WILLIAM ZARIT, OF FLORIDA

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

##### To be commander

JAMES D. RATHBURN

##### To be lieutenant (junior grade)

ANDREW P. SEAMAN

##### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major general

BRIGADIER GENERAL THOMAS A BENES, 0000  
BRIGADIER GENERAL WILLIAM D CATTO, 0000  
BRIGADIER GENERAL MICHAEL E ENNIS, 0000  
BRIGADIER GENERAL WALTER E GASKIN, SR, 0000  
BRIGADIER GENERAL TIMOTHY R LARSEN, 0000  
BRIGADIER GENERAL MICHAEL R LEHNERT, 0000  
BRIGADIER GENERAL DUANE D THIESSEN, 0000  
BRIGADIER GENERAL GEORGE J TRAUTMAN III, 0000  
BRIGADIER GENERAL WILLIE J WILLIAMS, 0000  
BRIGADIER GENERAL RICHARD C ZILMER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COLONEL GEORGE J ALLEN, 0000  
COLONEL RAYMOND C FOX, 0000  
COLONEL ANTHONY M HASLAM, 0000  
COLONEL DAVID R HEINZ, 0000  
COLONEL STEVEN A HUMMER, 0000  
COLONEL ANTHONY L JACKSON, 0000  
COLONEL RICHARD M LAKE, 0000  
COLONEL ROBERT E MILSTEAD, JR, 0000  
COLONEL MICHAEL R REGNER, 0000  
COLONEL DAVID G REIST, 0000  
COLONEL MELVIN G SPIESE, 0000  
COLONEL JOHN E WISSLER, 0000

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

##### To be colonel

BARBARA S. BLACK, 0000  
VINCENT T. JONES, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE, UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

##### To be colonel

GLENN T. LUNSFORD, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1552:

##### To be colonel

FREDERICK E. JACKSON, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 1552:

##### To be lieutenant colonel

ROBERT G. PATE, 0000  
DWAYNE A. STICH, 0000

THE FOLLOWING NAMED OFFICER FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 2114.

##### To be captain

KELLY E. NATION, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

LOURDES J. ALMONTE, 0000  
JAMES E. BILLINGS II, 0000  
MARY E. BURKE, 0000  
JAMES M. GERMAIN, 0000  
CLAUDE W. MITCHELL, 0000  
WAYNE J. OLSON, 0000  
ROBERT J. WEISENBERGER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (\*) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

##### To be lieutenant colonel

BRIAN F. \* AGE, 0000  
DALE M. \* AHRENDT, 0000  
CHRISTOPHER S. ALLEN, 0000  
RICHARD L. \* ALLEN, 0000  
STEVEN L. BAYER, 0000  
RODUSA A. BELL, 0000  
BRADY N. \* BENHAM, 0000  
CATHERINE A. \* BOBENRIETH, 0000  
MARK E. \* BOSTON, 0000  
RUDY M. \* BRAZA, 0000  
ANTHONY J. BROTHERS, 0000  
HANS C. \* BRUNTMYER, 0000  
DANIEL B. BRUZZINI, 0000  
HEATHER L. CALLUM, 0000  
CHARLES L. \* CAMPBELL, 0000  
SCOTT E. CAULKINS, 0000  
WILLIAM D. \* CLOUSE, 0000  
CHRISTOPHER P. \* COPPOLA, 0000  
CHERYL ANN \* COX, 0000  
MARK C. DELEON, 0000  
CARLO G. N. \* DEMANDANTE, 0000  
RICHARD C. \* DERBY, 0000  
JOHN P. \* DICE, 0000  
DANIEL S. DIETRICH, 0000

DANIEL R. DIRNBERGER, 0000  
MARY BETH \* DURBIN, 0000  
KELCEY D. ELSASS, 0000  
WILLIAM P. ELSASS, 0000  
ANTONIO J. \* EPPOLITO, 0000  
BASSAM M. FAKHOURI, 0000  
JAMES A. FEIG, 0000  
JILL C. \* FEIG, 0000  
EARL E. \* FERGUSON III, 0000  
MELETIOS J. \* FOTINOS, 0000  
DENISE WRIGHT \* FRANCOIS, 0000  
THOMAS J. \* GAL, JR., 0000  
DAVID P. \* GILBERT, 0000  
JAMES M. \* GLASS, 0000  
PAUL E. \* GOURLEY, 0000  
GERALD A. \* GRANT, 0000  
NABIL M. HABIB, 0000  
WILLIAM HALLIER, 0000  
DAVID B. \* HAMMER, 0000  
CHRISTINE D. \* HAMRICK, 0000  
CRAIG M. HAUSER, 0000  
ALISON H. \* HELMKAMP, 0000  
CODY L. \* HENDERSON, 0000  
ALDEN D. \* HILTON, 0000  
THOMAS S. HOFFMAN, 0000  
PAT P. HOGAN, 0000  
WILLIAM C. \* HOOK, 0000  
DREW M. \* HORLBECK, 0000  
BOBBY C. \* HOWARD, 0000  
THOMAS HUANG, 0000  
RICHARD J. \* HUGHES, 0000  
KEITH W. \* HUNSAKER, 0000  
STEPHEN B. IRVIN, 0000  
CHARLES E. \* JOHNSON, 0000  
RONALD B. \* JOHNSTON, JR., 0000  
KATHLEEN M. \* JONES, 0000  
CAROLINE H. KENNEBECK, 0000  
ANDREW M. \* KIM, 0000  
MOLLY E. \* KLEIN, 0000  
LESLIE A. KNIGHT, 0000  
THOMAS J. KNOLMAYER, 0000  
ERIK K. KODA, 0000  
CLARICE H. KONSHOK, 0000  
THOMAS C. \* KRIVAK, 0000  
BRADLEY J. \* LAWSON, 0000  
BRIAN C. \* LEACH, 0000  
MOON H. \* LEE, 0000  
HENRY T. LEIS, 0000  
TAMMY J. \* LINDSAY, 0000  
JOHN J. \* LINNETT, 0000  
PATRICK D. LOWRY, 0000  
LOUIS \* MARTINEZ, JR., 0000  
RICHARD J. MAYERS, 0000  
THOMAS J. \* MCBRIDE, 0000  
TIMOTHY A. MCGRAW, 0000  
ANTHONY J. \* MEYER, 0000  
GARY K. \* MILLER, 0000  
SCOTT A. \* MOORE, 0000  
SEAN I. \* MOORE, 0000  
WILLIAM P. MUELLER, 0000  
TRISTI W. \* MUIR, 0000  
ALAN D. \* MURDOCK, 0000  
MICHAEL S. \* MYNES, 0000  
JACOB P. \* NOORDZIJ, 0000  
JOSEPH D. \* PENDON, 0000  
RODOLFO \* PEREZGALLARDO, 0000  
JON PERLSTEIN, 0000  
STEVEN E. \* PFLANZ, 0000  
NAMTRAN H. \* PHAM, 0000  
DAN E. \* PHILLIPS, 0000  
HEIDI J. \* PINKERTON, 0000  
BRIAN S. PINKSTON, 0000  
JULIE A. \* PLUMBLEY, 0000  
MARK A. POSTLER, 0000  
SCOTT C. PRICE, 0000  
RICHARD D. QUINTANA, 0000  
DAVID P. RAIKEN, 0000  
MATTHEW G. \* RETZLOFF, 0000  
WANDA L. \* SALZER, 0000  
JAMES L. \* SANDERSON, 0000  
DAVID A. \* SARNOV, 0000  
MARK G. \* SCHERRER, 0000  
DALE M. SELBY, 0000  
PAUL M. SHERMAN, 0000  
DANIEL A. SHOOR, 0000  
STEVEN B. SLOAN, 0000  
BARRY C. \* SMITH, 0000  
SCOTT M. STALLINGS, 0000  
DAVID C. \* STREITMAN, 0000  
ERIKA J. STRUBLE, 0000  
DONOVAN N. TAPPER, 0000  
JON C. \* TAYLOR, 0000  
EDWARD B. \* TIENG, 0000  
CHRISTOPHER M. UNTCH, 0000  
STEVEN G. \* VENTICINQUE, 0000  
LYNDA K. \* VU, 0000  
KELLY N. \* WEST, 0000  
JOHANN S. WESTPHALL, 0000  
BRADFORD \* WILLIAMS, 0000  
ANTA JO ANNE \* WINKLER, 0000  
TIMOTHY F. \* WITHAM, 0000  
KIMBERLEY A. \* WOLOSIN, 0000  
RAWSON L. WOOD, 0000  
LUN S. YAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (\*) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

##### To be major

MICHELLE D. \* ALLENMCCOY, 0000  
CHARLES P. D. \* AYOTTE, 0000  
NORA A. \* BARBER, 0000  
DAVID P. \* BENNETT, 0000  
LEE RAY AW \* BENNETT, 0000