

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-4456. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Balanced System for Measuring Organizational and Employee Performance within the Internal Revenue Service" ((RIN1545-BE46)(TD 9227)) received on October 25, 2005; to the Committee on Finance.

EC-4457. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "October–December 2005 Bond Factor Amounts" (Rev. Rul. 2005-67) received on October 25, 2005; to the Committee on Finance.

EC-4458. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—November 2005" (Rev. Rul. 2005-71) received on October 25, 2005; to the Committee on Finance.

EC-4459. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2005 Based Period T-Bill Rate" (Rev. Rul. 2005-70) received on October 25, 2005; to the Committee on Finance.

EC-4460. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067; to the Committee on Banking, Housing, and Urban Affairs.

EC-4461. A communication from the Acting Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of North Carolina as a result of Hurricane Ophelia on September 11-17, 2005, has exceeded \$5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC-4462. A communication from the Acting Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of Texas as a result of Hurricane Rita beginning on September 20, 2005, and continuing has exceeded \$5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC-4463. A communication from the Acting Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the State of Louisiana as a result of Hurricane Rita beginning on September 20, 2005, and continuing, has exceeded \$5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC-4464. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" ((Doc. No. FEMA-7780)(44 CFR 64)) received on October 25, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4465. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((Doc. No. FEMA-7893)(44 CFR 64)) received on October 25, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4466. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((Doc. No. FEMA-7577)(44 CFR 65)) received on October 25, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4467. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 70 FR 52939" (44 CFR 67) received on October 25, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4468. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((Doc. No. FEMA-7891)(44 CFR 64)) received on October 25, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4469. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 70 FR 52936" (44 CFR 65) received on October 25, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4470. A communication from the Acting Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Board's compliance with the Federal Manager's Financial Integrity Act for fiscal year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4471. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2007 Budget Request; to the Committee on Rules and Administration.

EC-4472. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to loan guarantees to Israel; to the Committee on Foreign Relations.

EC-4473. A communication from the Director of the Peace Corps transmitting, a report entitled "Peace Corps Accomplishments 2001-2004"; to the Committee on Foreign Relations.

EC-4474. 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; Addition and Removal of Quarantined Areas in New Jersey" (APHIS Docket No. 05-066-1) received on October 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4475. 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 "Certification Program for Imported Articles of Pelargonium spp. and Solanum spp. to Prevent Introduction of Potato Brown Rot" (APHIS Docket No. 03-019-3) received on Oc-

tober 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

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 Mr. KYL:

S. 1940. A bill to create a national register of cases of child abuse or neglect; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. BENNETT, Mr. REID, and Mr. ENSIGN):

S. 1941. A bill to direct the Secretary of Agriculture to convey certain real property in the Dixie National Forest in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. INOUE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 146, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 407, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1278

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1278, a bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.

S. 1512

At the request of Mr. SARBANES, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1512, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 1516

At the request of Mr. LOTT, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors

of S. 1516, a bill to reauthorize Amtrak, and for other purposes.

S. 1633

At the request of Mr. TALENT, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1633, a bill to allow law enforcement officers to represent themselves as minors on the Internet to better protect America's children from sexual predators.

S. 1926

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1926, a bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

S. CON. RES. 46

At the request of Mr. BROWNSBACK, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 219

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 219, a resolution designating March 8, 2006, as "Endangered Species Day", and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. BENNETT, Mr. REID, and Mr. ENSIGN):

S. 1941. A bill to direct the Secretary of Agriculture to convey certain real property in the Dixie National Forest in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today along with my cosponsors Senators BENNETT, REID, and ENSIGN to introduce a very simple piece of legislation. The bill would direct the Secretary of Agriculture to convey, at fair market value, 112 acres of property in the Dixie National Forest to Mr. Kirk Harrison. Let me explain why this legislation is necessary.

Mr. Harrison's family settled in southern Utah's Pinto Valley in 1860. The family was among the first to locate to the area. The Harrison family established their property boundaries by constructing fences that are still standing today. The family cleared, irrigated, and settled the property in question and continued to plant and

harvest crops, raise livestock, maintain fences, and otherwise work the land for more than 150 years. During that time, the family exercised unrestricted use, relying on those boundaries established in 1860.

In 1885, the Harrison family applied for and was granted a patent to those lands. Subsequent surveys in 1881 and 1905 found no discrepancies between the boundaries asserted by the Harrison family and the actual boundaries of the adjacent Forest Service lands.

It was not until 1984, when the Forest Service employed an independent firm to perform a survey, did any inconsistency arise. The 1984 survey found that the land occupied by the Harrison family was in violation of the boundary established in the 1885 patent.

The 1984 survey was flawed for two principal reasons: First, a rock survey monument used in the 1881 survey is 37 feet away from a different rock monument used in the 1905 survey, creating significant confusion. Neither of these monuments could be located or used during the 1984 survey. Next, the 1984 surveyors did not accept an historic "rock mound" monument, despite the fact that other surveyors had.

The Harrison family has used this land for nearly 150 years. Mr. Harrison wants nothing more than to be able to continue to use the land that his family settled and has used for so long. While Mr. Harrison has worked to resolve this issue with the Forest Service for nearly 15 years, the parties have not been able to agree upon a viable solution. This legislation offers a fair, commonsense answer to the problem.

The bill would direct the Secretary of Agriculture to sell Mr. Harrison 112 acres at fair market value. This represents slightly more land than the Harrison family's original property to satisfy the Forest Service's requirement that boundaries be uniform. The Forest Service stipulates that its national forest boundaries must be straight and manageable, and the purchase of additional acreage will fulfill that requirement. The bill also would ensure that the Secretary uses the proceeds from the sale of the land to purchase other acreage for the Dixie National Forest. In my view, this legislation is the easiest and most effective way to resolve this longstanding dispute.

I am aware that some concerns have been raised about this bill in the past. For example, some have expressed concerns that this legislation would restrict sportsmen's access to the Dixie National Forest, prevent landowners from obtaining water, and allow for the subdivision of the land. However, since those concerns were raised, the plan has been cleared by the Washington County Commission, the State hunter interests, and the majority of landowners in the Pinto Valley. Only after receiving assurances that these groups did not oppose this legislation did I decide to move forward.

Thank you, Mr. President.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2345. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 2346. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2345. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. ____. **INCLUSION OF EXCESS DEPARTMENT OF DEFENSE PROPERTY ON SANTA ROSA AND OKALOOSA ISLAND IN GULF ISLANDS NATIONAL SEASHORE.**

Section 7 of Public Law 91-660 (16 U.S.C. 459h-6) is amended—

(1) by inserting "(a)" before "There are"; and

(2) by adding at the end the following new subsection:

“(b) If any of the Federal land on Santa Rosa or Okaloosa Island, Florida, under the jurisdiction of the Department of Defense is ever excess to the needs of the Armed Forces, the Secretary of Defense shall transfer, without reimbursement, the excess land to the administrative jurisdiction of the Secretary of the Interior. The Secretary of the Interior shall administer the transferred land as part of the seashore in accordance with the provisions of this Act.”

SA 2346. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill S. 1932, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95); which was ordered to lie on the table; as follows:

On page 188, after line 24, add the following:

SEC. 6037. 100 PERCENT FMAP FOR MEDICAL ASSISTANCE PROVIDED TO A NATIVE HAWAIIAN THROUGH A FEDERALLY-QUALIFIED HEALTH CENTER OR A NATIVE HAWAIIAN HEALTH CARE SYSTEM UNDER THE MEDICAID PROGRAM.

(a) MEDICAID.—The third sentence of section 1905(b) (42 U.S.C. 1396d(b)) is amended by inserting "and with respect to medical assistance provided to a Native Hawaiian (as defined in section 12 of the Native Hawaiian Health Care Improvement Act) through a federally-qualified health center or a Native Hawaiian health care system (as so defined)