

November 9, 2005 at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

#### Witness List

Panel I: The Honorable Chuck Grassley, United States Senator, [R-IA].

Panel II: The Honorable Diarmuid O'Scannlain, Judge, United States Court of Appeals for the Ninth Circuit, Portland, OR; The Honorable Jan E. DuBois, Judge, District Court for the Eastern District of Pennsylvania, Philadelphia, PA.

Panel III: Barbara Bergman, President, National Association of Criminal Defense Lawyers, Washington, DC; Peter Irons, Professor of Political Science, Emeritus, University of California at San Diego, San Diego, CA; Seth Berlin, Partner, Levine Sullivan Koch & Schulz, L.L.P., Washington, DC; Brian Lamb, Founder & Chairman, C-SPAN Washington, DC; Henry Schleiff, Chairman and CEO, Court TV Networks, New York, NY; Barbara Cochran, President, Radio-Television News Directors Association & Foundation, Washington, DC.

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

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 9, 2005 at 10 a.m. to hold a closed business meeting.

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

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 9, 2005 at 2 p.m. to hold a closed business meeting.

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

#### SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet to conduct a markup on Wednesday, November 9, 2005, at 2 p.m. in Dirksen 226.

#### Agenda

I. Bill: S.J. Res. 1, the Marriage Protection Amendment.

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

#### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Wednesday, November 9, 2005 at 3 p.m. for a hearing entitled, "Access Delayed: Fixing the Security Clearance Process, Part II."

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

#### SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. INHOFE. Mr. President, I ask unanimous consent that the Sub-

committee on Readiness and Management Support be authorized to meet during the session of the Senate on November 9, 2005, at 2 p.m., in open session to receive testimony on Department of Defense business transformation and financial management accountability.

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

#### EXPRESSING APPRECIATION

Mr. WARNER. Mr. President, I thank the Presiding Officer and all members of our Senate staff who are assisting managers and other Senators in the completion of a good deal of work on the bill today. I look forward to tomorrow and completion of this bill. I express my profound gratitude to our leadership and all those who made it possible.

#### WAR RESERVES STOCKPILE

Mr. WARNER. I ask unanimous consent the Senate proceed to the immediate consideration of S. 1988 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1988) to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea.

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

Mr. WARNER. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1988) was read the third time and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION. 1. WAR RESERVES STOCKPILE FOR ALLIES, KOREA.

(a) AUTHORITY TO TRANSFER ITEMS IN STOCKPILE.—

(1) IN GENERAL.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to the Republic of Korea, on such conditions as the President may determine, any or all of the items described in paragraph (2).

(2) COVERED ITEMS.—The items referred to in paragraph (1) are munitions, equipment, and materiel such as tanks, trucks, artillery, mortars, general purpose bombs, repair parts, barrier material, and ancillary equipment if such items are—

(A) obsolete or surplus items;

(B) in the inventory of the Department of Defense;

(C) intended for use as reserve stocks for the Republic of Korea; and

(D) as of the date of the enactment of this Act, located in a stockpile in the Republic of Korea or Japan.

(3) VALUATION OF CONCESSIONS.—The value of concessions negotiated pursuant to paragraph (1) shall be at least equal to the fair market value of the items transferred, less any savings (which may not exceed the fair market value of the items transferred) ac-

cruing to the Department of Defense from an avoidance of the cost of removal of such items from the Republic of Korea or of the disposal of such items. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States (such as charges for demolition of United States-owned or United States-intended munitions), and other items of value.

(4) TERMINATION.—No transfer may be made under the authority of this subsection after the date that is three years after the date of the enactment of this Act.

(b) CERTIFICATION REGARDING MATERIEL IN STOCKPILE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall certify to the appropriate committees of Congress whether or not the ammunition, equipment, and materiel in the War Reserves Stockpile for Allies, Korea that are available for transfer to the Republic of Korea is of any utility to the United States for any of the following:

(1) Counterterrorism operations.

(2) Contingency operations.

(3) Training.

(4) Stockpile, pre-positioning, or war reserve requirements.

(c) TERMINATION OF STOCKPILE.—

(1) IN GENERAL.—At the conclusion of the transfer to the Republic of Korea under subsection (a) of items in the War Reserves Stockpile for Allies, Korea pursuant to that subsection, the War Reserves Stockpile for Allies, Korea program shall be terminated.

(2) DISPOSITION OF REMAINING ITEMS.—Any items remaining in the War Reserves Stockpile for Allies, Korea as of the termination of the War Reserves Stockpile for Allies, Korea program under paragraph (1) shall be removed, disposed of, or both by the Department of Defense.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services, Appropriations, and Foreign Relations of the Senate; and

(2) the Committees on Armed Services, Appropriations, and International Relations of the House of Representatives.

Mr. WARNER. I must say to the distinguished Presiding Officer, the war reserves stockpile for Korea, I don't know if that includes me with it or not. I did spend a period of time over there in 1951 and 1952 in the winter with the Marines. Likely I will be here again tomorrow morning to pursue the authorization bill.

#### ORDERS FOR THURSDAY, NOVEMBER 10, 2005

Mr. WARNER. I now ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, November 10; I further ask, 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 then proceed to a period for morning business for up to an hour, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democrat leader or his designee; further, that the

Senate resume consideration of S. 1042, the Defense authorization bill as under the previous order.

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

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#### PROGRAM

Mr. WARNER. Tomorrow, we will complete action on the Defense authorization bill. I firmly hope that, as does Senator LEVIN, and our respective leaders. Senators can expect votes throughout the day and tomorrow and should plan accordingly. We will finish this tomorrow.

I remind my colleagues we will also consider three appropriation con-

ference reports ready for action before we leave this week.

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

Mr. WARNER. Mr. President, if 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 7:33 p.m., adjourned until Thursday, November 10, 2005, at 9:30 a.m.

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#### NOMINATIONS

Executive nominations received by the Senate November 9, 2005:

#### FEDERAL COMMUNICATIONS COMMISSION

MICHAEL JOSEPH COPPS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2005. (RE-APPOINTMENT)

DEBORAH TAYLOR TATE, OF TENNESSEE, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2007, VICE MICHAEL K. POWELL, RESIGNED.

#### DEPARTMENT OF STATE

JANET ANN SANDERSON, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

#### THE JUDICIARY

CAROL A. DALTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE A. NOEL ANKETELL KRAMER, ELEVATED.

#### DEPARTMENT OF JUSTICE

PAUL J. MCNULTY, OF VIRGINIA, TO BE DEPUTY ATTORNEY GENERAL, VICE JAMES B. COMEY, RESIGNED.