

Whereas the first draft of the proposed legislation has already passed its first reading in the State Duma;

Whereas President Putin has indicated his desire for changes in the first draft that would "correspond more closely to the principles according to which civil society functions"; and

Whereas Russia's destiny and the interests of her people lie in her assumption of her rightful place as a full and equal member of the international community of democracies: Now, therefore, be it

Resolved by the Senate. That the Senate—

(1) urges the Government of the Russian Federation to withdraw the first draft of the proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic, international, and foreign nongovernmental organizations in the Russian Federation, or to modify the proposed legislation to entirely remove these restrictions; and

(2) in the event that the first draft of the proposed legislation is not withdrawn, urges the State Duma and the Federation Council of the Federal Assembly to modify the legislation to ensure the unobstructed establishment and free and autonomous operations and activities of such nongovernmental organizations in accordance with the practices universally adopted by democracies, including the provisions regarding foreign assistance.

REDUCING CONFLICTS OF INTERESTS IN THE REPRESENTATION OF INDIAN TRIBES ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 329, S. 1312.

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

The assistant legislative clerk read as follows:

A bill (S. 1312) to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the McCain amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The amendment (No. 2687) was agreed to, as follows:

AMENDMENT NO. 2687

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reducing Conflicts of Interests in the Representation of Indian Tribes Act of 2005".

SEC. 2. ADDITIONAL EMPLOYMENT RIGHTS.

Section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i) is amended by striking subsection (j) and inserting the following:

"(j) ADDITIONAL EMPLOYMENT RIGHTS.—

"(1) DEFINITION OF TRIBAL EMPLOYEE.—In this subsection, the term 'tribal employee', with respect to an Indian tribal government, means an individual acting under the day-to-day control or supervision of the Indian tribal government, unaffected by the control or

supervision of any independent contractor, agency or organization, or intervening sovereignty.

"(2) RIGHTS OF CERTAIN EMPLOYEES.—Notwithstanding sections 205 and 207 of title 18, United States Code, an officer or employee of the United States assigned to an Indian tribe under section 3372 of title 5, United States Code, or section 2072 of the Revised Statutes (25 U.S.C. 48), or an individual that was formerly an officer or employee of the United States and who is a tribal employee or an elected or appointed official of an Indian tribe carrying out an official duty of the tribal employee or official may communicate with and appear before any department, agency, court, or commission on behalf of the Indian tribe on any matter, including any matter in which the United States is a party or has a direct and substantial interest.

"(3) NOTIFICATION OF INVOLVEMENT IN PENDING MATTER.—An officer, employee, or former officer or employee described in paragraph (2) shall submit to the head of each appropriate department, agency, court, or commission, in writing, a notification of any personal and substantial involvement the officer, employee, or former officer or employee had as an officer or employee of the United States with respect to the pending matter."

SEC. 3. EFFECTIVE DATE.

The effective date of the amendment made by this Act shall be the date that is 1 year after the date of enactment of this Act.

The bill, as amended, was read the third time and passed.

PUBLIC LAW 107-153 MODIFICATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 318, S. 1892.

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

The assistant legislative clerk read as follows:

A bill (S. 1892) to amend Public Law 107-153 to modify a certain date.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2690) was agreed to, as follows:

AMENDMENT NO. 2690

On page 1, line 6, strike "2005" and insert "2000".

The bill (S. 1892), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

MEASURE PLACED ON THE CALENDAR—H.R. 2892

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 2892) to amend section 255 of the National Housing Act to remove the limitation on the number of reverse mortgages that may be insured under the FHA mortgage insurance program for such mortgages.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

ORDERS FOR SATURDAY, DECEMBER 17, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. on Saturday, December 17. 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 proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will return to session. As I stated this morning, we are waiting for additional legislative items to come from the House. The House may vote on the Defense authorization conference report later this evening or tomorrow morning. I am unaware of anyone who has requested a rollcall vote on that conference report and, therefore, we expect to debate that during tomorrow's session if that measure is received.

We also have a number of nominations we have been working on over the last several days. We expect to get those wrapped up tomorrow. At this point, we anticipate acting on those nominations without the need for rollcall votes.

Having said that, we will be in session working on the important business that remains. At this juncture, after discussion with the Democratic leader, we do not anticipate a need for rollcall votes tomorrow. I want to say that in a very careful way because we have so much happening right now and, as I said, we will be working through much of the night, and we want to continue to move forward on measures. Senators have been patient. We have said for some time that we would be in this weekend, Saturday and in all likelihood Sunday as well, working through our final business.

Tomorrow, I will continue to work with the Democratic leader to clear as much as we possibly can by unanimous consent. We also expect the Defense appropriations conference report to be ready at some point this weekend, and we will turn to that measure just as

soon as we possibly can, as soon as it is ready.

We will remain in session to receive items from the House, and we will remain available to begin any necessary procedural options that are warranted. We will need to act on a continuing resolution tomorrow, and we will pass that when received from the House.

As I mentioned, Members continue to ask about the schedule. We are doing our very best to keep our colleagues apprised as we go forward. There is a lot of work going on with negotiations off the floor. We will monitor those discussions and alert all Members as we get closer to having these last bills ready.

Again, at this point, I do not see a need for rollcall votes tomorrow, although we will have to wait to see what we receive from the House.

With regard to a Sunday session and Monday session, just as soon as we make final decisions in terms of timing, we will let people know as quickly as possible. If we do not vote on Sunday—and we are not prepared to say that yet—we would notify people as soon as that decision could be made. We are going to have a very busy Monday and votes will in all likelihood begin early Monday morning. This will not be a typical Monday where we do not vote until late in the afternoon. Again, I will have more to say regarding Sunday's schedule tomorrow.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. REID. I understand the difficulties of the distinguished Republican leader, especially these last few days of this session of the Congress, but I would say that one way to expedite this is to get the Defense appropriations bill over here as quickly as possible and move in the ordinary course. I have said on the record and off the record, trying to stick this ANWR provision in a place it does not belong is going to create for this body untoward problems in the future.

I am a long timer of the Appropriations Committee and the rule that is now in effect dealing with the scope of the conference; that is, the matters in the conference report that come back to the Senate floor have to be pertinent to the subject matter of the legislation that is taken to conference.

We could complete the Defense appropriations bill in a matter of minutes but for this. There are people of goodwill on both sides of the aisle who do not like that process of trying to stick on this bill the unimaginable. I was not happy when earlier this year we lost on ANWR. The bill went out of here and the place where it could legally be put in a bill, that is reconciliation spending, was stripped by the House of Representatives. As a result of that, now we come back with this suggestion that they are going to stick it on the Defense appropriations bill.

This is a body that lives by rules. We cannot be changing them just because the other side has more votes. So I

would simply say to the distinguished majority leader, I hope he would help us stop this mischievous thing. I hope we have more of my friends on the other side of the aisle join with us in this, which is the right thing to do.

I have heard the senior Senator from Arizona give speeches on this matter numerous times: Why did you put that in conference? Those are things within the scope. I cannot imagine how the Senator from Arizona must feel about putting something in a bill that has nothing relating to the scope.

I say to all Senators that one way to wind up this session in a very positive vein is passing the Defense appropriations bill, not having to go through steps that would take us to have to invoke cloture on the Defense appropriations bill, change the rules of the Senate, change precedence in the Senate.

I am terribly disappointed this is even being contemplated. I am willing to work with the distinguished leader and try to work things out this weekend. I do not contemplate any votes that would be necessary. We have to do the continuing resolution and we will complete that as soon as we get it. On my side I am not aware of any amendments on that. I spoke earlier this evening to the distinguished ranking member of the Armed Services Committee and he said he and the chairman, Senator WARNER, are at a point where they can complete that legislation very quickly, and I hope that is the case. If we could finish Defense authorization, Defense appropriations, we could be out of here on Sunday.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I rise to address the Senate on the status of the progress the conferees are making with regard to the Defense authorization bill. We have been in constant negotiations throughout the week and I am pleased to say that Chairman HUNTER, who has exhibited extraordinary leadership, together with myself, Senator LEVIN, and Congressman IKE SKELTON, we concluded our final conference with Members today. It was my understanding the bill would be filed in the House tonight.

Accordingly, I provided a signature sheet, which is the standard protocol. All 13 members of the Armed Services Committee on the Republican side signed the sheet and Senator LEVIN likewise authorized me to include his sheet of those Democrats which signed. So they are now in the possession of the House of Representatives again in anticipation that the bill will be filed.

Congressman HUNTER is a man I have dealt with for many years and have the greatest respect for, and because of our close working and trusting relationship, he called me tonight, about half an hour ago, to advise me there was some interest among some Members of the House to have that conference report on the House side reopened and another measure inserted. He described the measure, but as a matter of courtesy and privacy I will not describe it.

I indicated to Congressman HUNTER and other members of the House leadership that I would be in opposition; that I felt duty bound as chairman to withdraw the signatures of the 13 Republicans. I called Senator LEVIN and acquainted him with the status of this matter and he asked that I ask Congressman HUNTER to return his sheet with all signatures if the House, in its wisdom, opens that bill and inserts another provision in it. So that is the status.

In the very unfortunate event that we have our signature sheets returned to us and this particular provision is placed in the House bill, I would have to go to my Members on the Republican side and indicate to them that I could not support this measure if it were to be placed in this bill. I might support it in the context of other legislative means, but I would not on this. Therefore, there is a question of whether with my signature being withdrawn—Senator LEVIN said he expressed doubt that his members would join, so there would probably be insufficient signatures for the filing of this bill.

I do not take the floor by means of threatening those with good intentions to try every avenue to foster their interest in legislation, but our Nation is at war, and this bill has been, for various reasons, on a very long journey in getting to this moment in time. Many Members of this body, most especially the members of the Armed Services Committee, both sides of the aisle, have worked diligently on this bill. Our collective staffs have gone around the clock for days in this abbreviated session to try and produce the conference report, and I commend them for the work, and that report has been produced. It is our understanding that it was finalized about 2:30 today and the House was in the process of filing the bill tonight.

So I indicate that this Senator will not in any way allow this bill to come to the floor—I will exercise every right I have—with this provision in it. At this point in time, if, for example, for some reason—my colleagues and I do not in any way threaten my fellow colleagues who I presume might have an interest in this position—were to send over the report without my signature and such signatures that they may get on the other side and that comes over, then I am prepared to exercise my rights under rule XVIII and every available means not to allow this bill to contain this provision, because I think we are absolutely dutybound to the men and women of the Armed Forces and to their families and to the Commander in Chief, with whom I was privileged to meet yesterday, the President of the United States, on a matter that was of great importance to him and other members of our committee, most particularly one member, Senator MCCAIN, who was with me. It was understood that we were finally resolving what we considered the last major issue.

I commend the President on the manner in which he and his staff worked with me and Congressman HUNTER and others to resolve this question. So we had finally concluded and listened diligently today to the members of the committee who had some views and closed it out at 2:30.

Now this has arisen. Again, people over on the other side, the other body, have a perfect right to exercise their rights, but I have to indicate, and I think in fairness to the leadership of the Senate and the leadership of the House, my steadfast opposition to this procedure. There has to come a time around here when conference reports are closed, as it was indicated to us, signature sheets provided, and we should go forward.

This bill is vitally necessary to this Nation at this hour. When every day we are losing men, killed and wounded, and the horrific damages to them and their families, we must be steadfast in our resolve.

I yield the floor.

The PRESIDING OFFICER. The minority leader is recognized.

COMMENDING SENATOR WARNER

Mr. REID. Mr. President, I wish I had the words to express the thoughts I have in my heart now. I love history. I love the Senate. I have spent a lot of my life here. The mere fact that I am a Senator is, every day, hard for me to comprehend. But I am, and I am so thankful to the people in Nevada for allowing me to serve.

But I want to say to the senior Senator from the State of Virginia that

when the history books are written about this institution and someone flips through like a dictionary, wanting to have described what a U.S. Senator should be, JOHN WARNER has to be near the top of that list, if not at the top. He is a man who is a gentleman. I have served with him now for 23 years. He is a man who believes in this institution and has the record to prove it. He is a person who is a good member of his political party, but he is also a patriot. As important as the two-party system is to our country, to the Senator from Virginia, party comes second, country comes first.

As I said, I don't have the ability to express my conviction about this man. But the statement he just made, his off-the-cuff statement, is what the Senate is all about. It is about protecting this country, the individual rights of Members of the Senate, and that is why JOHN WARNER is a great Senator.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, with a deep sense of humility, I thank my colleague. I am undeserving of those remarks. Each day I am here, each day I grow a little older, I grow more humble and thankful to the good Lord for allowing me to greet each day and do what I feel is best in the interests of this country.

ADJOURNMENT UNTIL 4 P.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate this evening, I ask unani-

mous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:42 p.m., adjourned until Saturday, December 17, 2005, at 4 p.m.

NOMINATIONS

Executive nominations received by the Senate December 16, 2005:

THE JUDICIARY

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE STEPHEN S. TROTT, RETIRED.

MICHAEL RYAN BARRETT, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO, VICE WALTER HERBERT RICE, RETIRED.

DEPARTMENT OF JUSTICE

REGINALD I. LLOYD, OF SOUTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE J. STROM THURMOND, JR., RESIGNED.

FEDERAL ELECTION COMMISSION

DAVID M. MASON, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009. (REAPPOINTMENT)

STEVEN T. WALTHER, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009, VICE SCOTT E. THOMAS, TERM EXPIRED.

HANS VON SPAKOVSKY, OF GEORGIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE BRADLEY A. SMITH, RESIGNED.

ROBERT D. LENHARD, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE DANNY LEE MCDONALD, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. STEVEN WESTGATE