

Whereas the Lady Bears finished the 2004-2005 season with a record of 33 wins and 3 losses, including winning their final 20 consecutive games;

Whereas Coach Kim Mulkey-Robertson brought the Lady Bears to their first national championship and became the first woman to have been both a head coach and a player on a national championship team;

Whereas Coach Kim Mulkey-Robertson took the Lady Bears from the bottom of the Big 12 standings in 2000 to a national championship in 5 years;

Whereas All-American Sophia Young, who averaged 22 points in the tournament, reached double figures in all 36 games in the 2004-2005 season, with 17 double-doubles, and had 26 points in the final game to be the high scorer in the championship game;

Whereas All-American Steffanie Blackmon scored 22 points and had 7 rebounds to lead the Lady Bears to the championship;

Whereas Emily Niemann made key 3-point shots to boost the Lady Bears to victory in an exciting final game;

Whereas the entire team should be commended for their work together;

Whereas Baylor University has demonstrated its excellence in both athletics and academics, and has significantly advanced the sport of women's basketball by demonstrating hard work and sportsmanship; and

Whereas the Baylor University Lady Bears are the pride of Waco and the rest of the great State of Texas: Now, therefore, be it

*Resolved*, That the Senate commends the Lady Bears of Baylor University for—

(1) winning the 2005 National Collegiate Athletic Association Division I Women's Basketball Championship; and

(2) completing the 2004-2005 women's basketball season with a record of 33 wins and 3 losses.

#### AMENDMENTS SUBMITTED AND PROPOSED

**SA 333.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table.

**SA 334.** Mr. KERRY (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 1268, *supra*; which was ordered to lie on the table.

**SA 335.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 1268, *supra*; which was ordered to lie on the table.

**SA 336.** Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1268, *supra*; which was ordered to lie on the table.

**SA 337.** Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1268, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 333.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30,

2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

#### EXTENSION OF PERIOD OF TEMPORARY CONTINUATION OF BASIC ALLOWANCE FOR HOUSING FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY

SEC. 1122. Section 403(1) of title 37, United States Code, is amended by striking "180 days" each place it appears and inserting "365 days".

**SA 334.** Mr. KERRY (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, strike line 6 and all that follows through page 160, line 22, and insert the following:

#### SEC. 1112. (a) INCREASE IN DEATH GRATUITY.—

(1) **AMOUNT.**—Section 1478(a) of title 10, United States Code, is amended by striking "\$12,000" and inserting "\$100,000".

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

(3) **NO ADJUSTMENT FOR INCREASES IN BASIC PAY BEFORE DATE OF ENACTMENT.**—No adjustment shall be made under subsection (c) of section 1478 of title 10, United States Code, with respect to the amount in force under subsection (a) of that section, as amended by paragraph (1), for any period before the date of the enactment of this Act.

(4) **PAYMENT FOR DEATHS BEFORE DATE OF ENACTMENT.**—Any additional amount payable as a death gratuity under this subsection for the death of a member of the Armed Forces before the date of the enactment of this Act shall be paid to the eligible survivor of the member previously paid a death gratuity under section 1478 of title 10, United States Code, for the death of the member. If payment cannot be made to such survivor, payment of such amount shall be made to living survivor of the member otherwise highest on the list under 1477(a) of title 10, United States Code.

On page 161, line 23, strike "\$238,000" and insert "\$150,000".

**SA 335.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly imple-

ment regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 170 between lines 15 and 15, insert the following:

#### CHAPTER 3

##### SEC. 1201. SHORT TITLE.

This chapter may be cited as the "Patriot Penalty Elimination Act of 2005".

##### SEC. 1202. INCOME PRESERVATION PAY FOR RESERVES SERVING ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) **AUTHORITY.**—Chapter 1209 of title 10, United States Code, is amended by inserting after section 12316 the following new section:

##### "§ 12316a. Reserves: income preservation pay

"(a) **REQUIREMENT TO PAY.**—The Secretary of the military department concerned shall pay income preservation pay under this section to an eligible member of a reserve component of the armed forces in connection with the member's active-duty service as described in subsection (b).

"(b) **ELIGIBLE MEMBER.**—A member is eligible for income preservation pay if—

"(1) in the case of a member who is an employee of the Federal Government—

"(A) the member is called or ordered to active duty (other than voluntarily) under a provision of law referred to in section 101(a)(18)(B) of this title;

"(B) pursuant to such call or order, the member serves on active duty outside the United States during at least 6 out of 12 consecutive months; and

"(C) with respect to such active-duty service, the amount of the member's preservice earned income determined under subparagraph (A) of subsection (c)(1) exceeds the amount of the member's military service income determined under subparagraph (B) of such subsection; or

"(2) in the case of any other member, the member—

"(A) meets the requirements of paragraph (1); and

"(B) is not receiving employment income preservation payments from the qualifying employer of the member as described in section 12316b of this title.

"(c) **AMOUNT.**—(1) Subject to paragraph (2), the amount payable under this section to a member in connection with active-duty service is the amount equal to the excess (if any) of—

"(A) the amount computed by multiplying—

"(i) the preservice average monthly earned income of the member, by

"(ii) the total number of the member's service months for such active-duty service, over

"(B) the amount computed by multiplying—

"(i) the military service average monthly income of the member, by

"(ii) the total number of months determined under subparagraph (A)(ii).

"(2) The total amount of income preservation pay that is paid to a member under this section may not exceed \$10,000.

"(d) **PRESERVICE AVERAGE MONTHLY EARNED INCOME.**—For the purposes of this section, the preservice average monthly earned income of a member who serves on active duty as described in subsection (b)

shall be computed by dividing 12 into the total amount of the member's earned income for the 12 months immediately preceding the member's first service month of the period for which income preservation pay is to be paid to the member under this section.

“(e) MILITARY SERVICE AVERAGE MONTHLY INCOME.—For the purposes of this section, the military service average monthly income of a member who serves on active duty as described in subsection (b) is the amount determined by dividing—

“(1) the sum of the total amount of the member's earned income (other than basic pay) and the total amount of the member's basic pay (under section 204 of title 37) for the member's service months for such active-duty service, by

“(2) the total number of such months.

“(f) TIME AND MANNER OF PAYMENT.—(1) Subject to paragraph (2), the total amount of income preservation pay that is payable under this section to a member in connection with service on active duty is due and payable, in one lump sum, not later than 30 days after the date on which the member is released from the active duty.

“(2) The Secretary concerned may make advance payment of income preservation pay in whole or in part under this section to a member, under such terms and conditions as the Secretary determines appropriate, if it is clear from the circumstances that it is likely that the member's active-duty service will satisfy the requirements of subsection (b). In any case in which advance payment is made to a member whose period of such active-duty service does not satisfy such requirements, the Secretary concerned may waive recoupment of the advance payment if the Secretary determines that recoupment would be against equity and good conscience or would be contrary to the best interests of the United States.

“(g) DEFINITIONS.—In this section:

“(1) The term “earned income” has the meaning given such term in section 32(c)(2) of the Internal Revenue Code of 1986.

“(2) The term ‘service month’, with respect to service of a member of a reserve component of the armed forces on active duty, means a month during any part of which the member serves on active duty.

“(h) TERMINATION OF AUTHORITY.—This section shall cease to be effective on the first day of the first month that begins on or after the date that is five years after the date of the enactment of the Patriot Penalty Elimination Act of 2005.”.

(b) RECHARACTERIZATION OF EXISTING SECTION ON PAYMENT OF CERTAIN RESERVES ON ACTIVE DUTY.—The heading of section 12316 of title 10, United States Code, is amended to read as follows:

**“§ 12316. Reserves: payment of other entitlement instead of pay and allowances”.**

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of title 10, United States Code, is amended by striking the item relating to section 12316 and inserting the following new items:

“12316. Reserves: payment of other entitlement instead of pay and allowances.

“12316a. Reserves: income preservation pay.”.

(d) EFFECTIVE DATE.—Section 12316a of title 10, United States Code (as added by subsection (a)), shall take effect as of January 1, 2003, and shall apply with respect to active-duty service that begins on or after such date.

**SEC. 1203. EMPLOYMENT INCOME PRESERVATION ASSISTANCE GRANTS FOR EMPLOYERS OF RESERVES.**

(a) AUTHORITY.—Chapter 1209 of title 10, United States Code, as amended by section

1202(a) of this chapter, is further amended by inserting after section 12316a the following new section:

**“§ 12316b. Reserves: employment income preservation assistance grants for employers of reserves**

“(a) REQUIREMENT TO MAKE GRANTS.—The Secretary of the military department concerned shall make a grant to each qualifying employer to assist such employer in making employment income preservation payments to a covered member of a reserve component of the armed forces who is an employee of such employer to assist the member in preserving the preservice average monthly wage or salary of the member in connection with the member's active-duty service as described in subsection (c).

“(b) QUALIFYING EMPLOYER.—(1) Except as provided in paragraph (2), for the purposes of this section, a qualifying employer is any employer who makes employment income preservation payments to a covered member to assist the member in preserving the preservice average monthly wage or salary of the member in connection with the member's active-duty service as described in subsection (c).

“(2) A State or local government is not a qualifying employer for the purpose of this section.

“(c) COVERED MEMBER.—For the purposes of this section, a member is a covered member if—

“(1) the member is called or ordered to active duty (other than voluntarily) under a provision of law referred to in section 101(a)(13)(B) of this title;

“(2) pursuant to such call or order, the member serves on active duty outside the United States during at least 6 out of 12 consecutive months; and

“(3) with respect to such active-duty service, the amount of the member's preservice average monthly wage or salary (as determined under subsection (e)) exceeds the amount of the member's military service average monthly income (as determined under subsection (f)).

“(d) EMPLOYMENT INCOME PRESERVATION PAYMENTS.—(1) For the purposes of this section, employment income preservation payments are any payments made by a qualifying employer to a covered member in connection with the active-duty service of the member described in subsection (c) in order to make up any excess of the member's preservice average monthly wage or salary over the member's military service average monthly income.

“(2) The total amount of employment income preservation payments with respect to a covered member for which a grant may be made under subsection (a) may not exceed \$10,000.

“(e) PRESERVICE AVERAGE MONTHLY WAGE OR SALARY.—For the purposes of this section, the preservice average monthly wage or salary of a covered member who serves on active duty as described in subsection (c) shall be computed by dividing—

“(1) the number of months of employment of the member with the qualifying employer during the 12-month period preceding the member's commencement on active duty as described in subsection (c); into

“(2) the total amount of the member's wage or salary paid by the qualifying employer during such months.

“(f) MILITARY SERVICE AVERAGE MONTHLY INCOME.—For the purposes of this section, the military service average monthly income of a member who serves on active duty as described in subsection (c) is the amount determined by dividing—

“(1) the sum of the total amount of the member's earned income (other than basic

pay) and the total amount of the member's basic pay (under section 204 of title 37) for the member's service months for such active-duty service, by

“(2) the total number of such months.

“(g) DEFINITIONS.—In this section:

“(1) The term “earned income” has the meaning given such term in section 32(c)(2) of the Internal Revenue Code of 1986.

“(2) The term ‘service month’, with respect to service of a member of a reserve component of the armed forces on active duty, means a month during any part of which the member serves on active duty.

“(h) TERMINATION OF AUTHORITY.—This section shall cease to be effective on the first day of the first month that begins on or after the date that is five years after the date of the enactment of the Patriot Penalty Elimination Act of 2005.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of title 10, United States Code, as amended by section 1202(c) of this chapter, is further by inserting after the item relating to section 12316a the following new item:

“12316b. Reserves: income preservation assistance grants for employers of reserves.”.

(c) EFFECTIVE DATE.—Section 12316b of title 10, United States Code (as added by subsection (a)), shall take effect as of January 1, 2003, and shall apply with respect to active-duty service that begins on or after such date.

**SA 336.** Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 169, between lines 8 and 9, insert the following:

**SEC. 1122. FUNDING FOR VETERANS HEALTH ADMINISTRATION FOR HEALTH CARE FOR VETERANS WHO SERVE ABROAD IN THE GLOBAL WAR ON TERRORISM.**

(a) TRANSFER FROM OPERATION AND MAINTENANCE ACCOUNTS.—The Secretary of Defense shall transfer to the Secretary of Veterans Affairs, from amounts appropriated or otherwise made available by this Act for the Operation and Maintenance accounts of the Department of Defense, an aggregate of \$975,000,000, with the amount so transferred to be derived from amounts so appropriated or otherwise made available in such distribution as the Secretary of Defense determines appropriate.

(b) DEPOSIT OF TRANSFERRED AMOUNT.—The Secretary of Veterans Affairs shall deposit the amount transferred under subsection (a) in the Medical Services account of the Veterans Health Administration of the Department of Veterans Affairs. Upon deposit, such amount shall be merged with funds in such account, and shall, subject to subsection (c), be available for the same purposes, and subject to the same limitations as the funds with which merged.

(c) AVAILABILITY OF AMOUNT.—The amount deposited in the Medical Services account of

the Veterans Health Administration under subsection (b) shall be available only for the provision of care and treatment, including mental health care services, to veterans who serve abroad in the Global War on Terrorism. Such amount shall be available, without fiscal year limitation, until expended.

**SA 337.** Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, strike line 6 and all that follows through page 161, line 21, and insert the following:

**SEC. 1112. (a) INCREASE IN DEATH GRATUITY.—**

(1) **INCREASE.**—Section 1478(a) of title 10, United States Code, is amended by striking "\$12,000" and inserting "\$100,000".

**(2) EFFECTIVE DATE; TERMINATION.—**

(A) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(B) The amendment made by paragraph (1) shall terminate on September 30, 2005. Effective as of October 1, 2005, the provisions of section 1478 of title 10, United States Code, as in effect on the date before the date of the enactment of this Act shall be revived.

**(b) ADDITIONAL GRATUITY FOR DEATHS BEFORE EFFECTIVE DATE.—**

(1) **REQUIREMENT TO PAY ADDITIONAL GRATUITY.**—In the case of a member of the Armed Forces who died before the date of the enactment of this Act, but on or after October 7, 2001, the Secretary of the military department concerned shall pay a death gratuity in accordance with this subsection that is in addition to the death gratuity payable in the case of such death under sections 1475 through 1477 of title 10, United States Code.

**NOTICES OF HEARINGS/MEETINGS**

**PERMANENT SUBCOMMITTEE ON INVESTIGATIONS**

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a field hearing in St. Paul, MN entitled "Tax Related Financial Products Can Be Costly," regarding the Subcommittee's investigations into tax-related financial products. These bank products include refund anticipation loans (RALs), refund anticipation checks (RACs) and refund transfers that are offered by tax preparers such as H&R Block and Jackson Hewitt. Also included are products offered solely by the tax preparation companies such as tax preparation guarantees. The Subcommittee field hearing will examine these products' costs, the extent to which these products are fairly marketed, and whether the costs of

these products are fully disclosed. Additionally, the Subcommittee will examine the refunds, incentives and rebates that are paid by banks to tax preparers for selling these products and the ethical implications that can be presented from a client service perspective.

The Subcommittee hearing is scheduled for Friday, April 15, 2005, at 1 p.m. in "The Reading Room" of the James J. Hill Reference Library at 80 West 4th Street in St. Paul, Minnesota. For further information, please contact Raymond V. Shepherd, III, Staff Director and Chief Counsel to the Permanent Subcommittee on Investigations, at 224-3721.

**SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS**

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, April 26, 2005, at 2:30 p.m. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the preparedness of the Departments of Agriculture and the Interior for the 2005 wildfire season, including the agencies' assessment of the risk of fires by region, the status of and contracting for aerial fire suppression assets, and other information needed to better understand the agencies' ability to deal with the upcoming fire season.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Frank Gladics at (202) 224-2878 or Amy Millet at (202) 224-8276.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on the S. 241—to exempt the Universal Service Fund from sections of the Anti-deficiency Act, on Monday, April 11, 2005, at 2 p.m.

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, April 11, 2005 at 9:30 a.m. to hold a Nomination hearing.

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

**SUBCOMMITTEE ON EMERGING THREATS**

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on April 11, 2005, at 2 p.m., in open session to receive testimony on the Chemical Demilitarization Program of the Department of Defense in review of the defense authorization request for fiscal year 2006.

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

**PRIVILEGES OF THE FLOOR**

Mr. COCHRAN. Mr. President, I ask unanimous consent that Mr. Les Spivey, Mr. B.G. Wright, and Mr. Chad Schulken of the Appropriations Committee staff be granted full floor access during the consideration of H.R. 1268, the fiscal year 2005 emergency supplemental appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that Harry Christie, a detailee to the committee from the U.S. Secret Service, be granted floor privileges for the duration of the debate on H.R. 1268.

The ACTING PRESIDENT pro tempore. Without objection it so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Katy Hagan, a detailee with the Defense Appropriations Subcommittee, be granted privileges of the floor during consideration of this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that Jyoti Sharma, a legal fellow for Senator CLINTON's office, be granted the privilege of the floor during today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**NOTICE: REGISTRATION OF MASS MAILINGS**

The filing date for 2005 first quarter mass mailings is Monday, April 25, 2005. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

**CONGRATULATING VIRGINIA UNION MEN'S BASKETBALL TEAM**

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate