

With this legislation, we intend to make a simple correction to the tax code that clearly indicates that tribes are eligible recipients of food donated under section 170(e)(3) of the Internal Revenue Code. This correction is long overdue and would remedy an egregious inequity in the Federal tax code that affects Natives nationwide.

Please allow me to provide a few examples of how this legislation could foster positive change. In Alaska, approximately half of the food donated to the Food Bank of Alaska from corporations could go to tribes throughout Alaska. Much of this food would go to villages that are only accessible by air or water. In South Dakota, roughly 30 percent of the food the Community Food Banks of South Dakota distributes would go to reservations. In North Dakota, the amount of food donated to the Great Plains Food Bank could double if this legislation were enacted. The Montana Food Bank Network projects that food donations could increase by 16 percent. A food bank based in Albuquerque, NM estimates that their food donations could triple in the first year alone.

It is imperative that we address this important issue expeditiously. The health and well-being of low income American Indians and Alaska Natives across the Nation is at stake.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1115

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

**SECTION 1. CHARITABLE CONTRIBUTIONS OF INVENTORY TO INDIAN TRIBES.**

(a) IN GENERAL.—Section 170(e)(3) of the Internal Revenue Code of 1986 (relating to special rule for contributions of inventory and other property) is amended by adding at the end the following new subparagraph:

“(D) SPECIAL RULE FOR INDIAN TRIBES.—

“(i) IN GENERAL.—For purposes of this paragraph, an Indian tribe (as defined in section 7871(c)(3)(E)(ii)) shall be treated as an organization eligible to be a donee under subparagraph (A).

“(ii) USE OF PROPERTY.—For purposes of subparagraph (A)(i), if the use of the property donated is related to the exercise of an essential governmental function of the Indian tribal government (within the meaning of section 7871), such use shall be treated as related to the purpose or function constituting the basis for the organization’s exemption.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 764. Mr. MARTINEZ (for himself and Mr. NELSON, of Florida) 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.

**TEXT OF AMENDMENTS**

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At the end of title XXII, add the following:

**SEC. 2207. WHARF UPGRADES, NAVAL STATION MAYPORT, FLORIDA.**

Of the amount authorized to be appropriated by section 2204(a)(4) for the Navy for architectural and engineering services and construction design, \$500,000 shall be available for the design of wharf upgrades at Naval Station Mayport, Florida.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 24, 2005, at 3 p.m., to conduct a hearing on “Money Laundering and Terror Financing Issues in the Middle East.”

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

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

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 24, 2005, at 10 a.m. on S. 529, a bill to authorize funding for the U.S. Anti-Doping Agency (USADA) and to designate it as the official doping agency of the U.S. Olympic Committee.

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

**COMMITTEE ON FINANCE**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, May 24, 2005, at 10 a.m., in 628 Dirksen Senate Office Building, to consider the nominations of Alex Azar, II, to be Deputy Secretary of Health and Human Services, Department of Health and Human Services, Washington, DC; Timothy D. Adams, to be Under Secretary for International Affairs, U.S. Department of Treasury; Shara L. Aranoff, to be Member of the International Trade Commission; Suzanne C. DeFrancis to be Assistant Secretary for Public Affairs, U.S. Department of Health and

Human Services; and Charles E. Johnson, to be Assistant Secretary for Budget, Technology and Finance, U.S. Department of Health and Human Services.

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 24, 2005 at 9:30 a.m. to hold a hearing on nominations.

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

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. CORNYN. Mr. President, I ask unanimous consent, pursuant to Rule 26.5(a) of the Standing Rules of the Senate, that the Select Committee on Intelligence be authorized to meet after conclusion of the first two hours after the meeting of the Senate commences on May 24, 2005.

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

**SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY**

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, May 24, 2005, at 2 p.m. for a hearing regarding “Overview of the Competitive Effects of Speciality Hospitals.”

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

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

Mr. CORNYN. 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 Tuesday, May 24, 2005, at 10 a.m. for a hearing entitled, “Safeguarding the Merit System: A Review of the U.S. Office of Special Counsel.”

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

**PRIVILEGE OF THE FLOOR**

Mr. REED. Mr. President, I ask unanimous consent that Claire Steele, a fellow in my office, be granted the privilege of the floor for the remainder of today’s session.

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

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Avery Wentzel, a legal intern on my Senate Judiciary Committee staff, be granted the privilege of the floor during the debate on Justice Owen.

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

**ORDER FOR STAR PRINT**

Mr. FRIST. I ask unanimous consent Senate report 109-69 be star printed with the changes at the desk.

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

MEASURE PLACED ON THE  
CALENDAR—S. 1098

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

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

The assistant legislative clerk read as follows:

A bill (S. 1098) to prevent abuse of the special allowance subsidies under the Federal Family Education Loan Program.

Mr. FRIST. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-696, appoints the Senator from Colorado, Mr. ALLARD, as a member of the United States Capitol Preservation Commission.

UNANIMOUS CONSENT AGREE-  
MENT—JUDICIAL NOMINATIONS

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, it be in order to move to proceed en bloc to the following nominations, if reported by the Judiciary Committee; provided further that they be considered under a total time limitation of 10 hours equally divided between the chairman and ranking member or their designees; provided further that following the use or yielding back of time, the Senate proceed to votes on the confirmation of the nominations, with no further intervening action or debate. The nominations are as follows: David McKeague, to be U.S. circuit judge for the Sixth Circuit; Richard Griffin, to be U.S. circuit judge for the Sixth Circuit. Finally, I ask consent that following the votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Mr. President, reserving the right to object, we are also hopeful and confident we can add Neilson to this group. The two Senators from Michigan are taking a look at her. She became very ill and, therefore, she was not able to move forward as these other two men have done. We feel confident, after speaking to the two Michigan Senators, that we will be able to add her to this list. She has now recovered her health and is back in good health, good stead.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No.

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

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the consideration of Executive Calendar No. 66, the nomination of Thomas Griffith to be U.S. circuit judge for the District of Columbia Circuit; provided further that there be 4 hours equally divided for debate on the nomination between the chair and the ranking member or their designees; provided further that following the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination with no further intervening action or debate; finally, that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

JOINT REFERRAL

Mr. FRIST. As in executive session, I ask unanimous consent that the nomination of Charles S. Ciccolella, of Virginia, to be Assistant Secretary of Labor for Veterans Employment and Training, be jointly referred to the Committees on HELP and Veterans' Affairs.

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

ORDERS FOR WEDNESDAY, MAY 25,  
2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, May 25. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the

two leaders be reserved, and the Senate then begin a period of morning business for up to 60 minutes, with 30 minutes under the control of the majority leader or his designee, and the final 30 minutes under the control of the Democratic leader or his designee.

Following morning business, the Senate will return to executive session and resume the consideration of the nomination of Priscilla Owen to the Fifth Circuit Court of Appeals, as provided under the previous order.

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

PROGRAM

Mr. FRIST. Tomorrow, following morning business, the Senate will resume consideration of Priscilla Owen to be U.S. circuit judge for the Fifth Circuit. Under a previous agreement, at 12 noon tomorrow, we will proceed to the vote on the confirmation.

Following the vote on the Owen nomination, it is my expectation that we will move forward with the nomination of John Bolton to be ambassador to the United Nations. Our colleagues on the other side of the aisle have indicated they would need a good deal of time to debate the nomination. We plan to complete action on the Bolton nomination this week, and I will work with the Democratic leader to lock in a time agreement on the nomination.

Mr. REID. Mr. President, if the distinguished majority leader will yield, I think it is appropriate that we have this vote at noon. We would have been willing to have it earlier. This way the committees can go about their business. I know I have a ranking members meeting at 12. So this will work out perfect. Even though we are waiting for the vote, I think this will work out well for the schedule.

Mr. FRIST. Mr. President, we have a good plan for the remainder of the week with that vote and proceeding with the nomination of John Bolton.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. FRIST. 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 6:57 p.m., adjourned until Wednesday, May 25, 2005, at 9:30 a.m.