fact is, we have now what I consider a bump in the road out of the way. I am glad we are now going to move on to legislative business. We have so much to do in the next few, literally, weeks we have remaining in this legislative session.

I appreciate very much the people on both sides of the aisle allowing us to move forward on the Energy bill. It is a big piece of legislation that is vitally important to the people of America. Of course, in a big piece of legislation such as this, there will be problems, and certainly there will be in this bill.

Again, as I said previously, I am grateful to Senators DOMENICI and BINGAMAN for getting the bill to us initially. It is a bill that is developed by consensus of the committee. That speaks well of both Senator DOMENICI and Senator BINGAMAN and the members of the committee. That is going to be some heavy lifting in legislative terms.

The distinguished majority leader has set a very high mark for the Senate before we leave here. He wants to finish at least two appropriations bills. I think it is possible we can do three appropriations bills. I hope we can do that. If we can get rid of—I say that in a most positive sense—the Homeland Security, the Energy, water, and Interior bill, and it does not matter what order, that would be good work for this work period.

I also express to the distinguished majority leader my appreciation for his hard work. We are not there yet. But we hope we can arrive at some agreement on stem cell research during that work period. It would make everything move a little more quickly if we do that. The leader is working on that. I am working on that. I hope we can, maybe in the next week, agree on something that will allow us to do that so we do not have a lot of hurdles thrown up in other legislation because of that.

The PRESIDING OFFICER. Does the Senator withdraw his reservation?

Mr. REID. I do.

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

Mr. FRIST. Mr. President, briefly in response—really in agreement—as we heard from the Democrat leader, we have a lot to do. We have an ambitious agenda with a superb piece of legislation that we bring to the Senate early next week, the Energy bill, which addresses gasoline prices, energy independence, a move toward energy independence, issues important to the American people.

In addition to appropriations bills, the Democratic leader mentioned stem cell research. I add to that the Department of Defense authorization which is ready for consideration. Asbestos—the distinguished Senator from Pennsylvania who was just here, Senator SPECTER, has worked so hard on that particular bill. That is important to job creation, to health care, to getting benefits to people who need it. We have a lot to do. I look forward to beginning that process.

Next week, we have one more judge, Thomas Griffith, on Monday. Then we can go to the Energy legislation. So we have an ambitious agenda, but we are working together and we have made a huge amount of progress in the last week.

Mr. REID. Will the Senator yield?

Mr. FRIST. I yield.

Mr. REID. It has been brought to my attention that we also have to do in the next few weeks the Native Hawaiian legislation we talked about that we would help Senator AKAKA on; also, we have a couple of hours the Majority Leader has agreed to set aside for the China trade issue with Senator SCHUMER. Those things I am sure we can work in, but those are things we have to keep in mind that we have to do.

Mr. FRIST. Mr. President, as you can see, the list is huge. We are going about it systematically, in discussion on a regular basis with the Democratic leader. That is the way we will continue as we address many issues important to the American people.

NATIONAL MILITARY FAMILIES WEEK

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to consideration of H. Con. Res. 159 which was received from the House.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 159) recognizing the sacrifices being made by the families and members of the Armed Forces and supporting the designation of a week as National Military Families Week.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 159) was agreed to.

The preamble was agreed to.

PROGRAM

Mr. FRIST. On Monday, the Senate will consider the Griffith nomination to the D.C. Circuit. There will be up to 4 hours of debate on the nomination on Monday afternoon. Then we will set the nomination aside with a confirmation vote occurring on Tuesday morning at 10 a.m.

At 6:30 p.m. Monday evening, the Senate will proceed to S. Res. 39 relating to antilynching. That resolution will not require a rollcall vote and therefore there will be no votes on Monday. On Tuesday, we will begin the Energy bill. Chairman DOMENICI and Senator BINGAMAN will be ready to consider amendments on Tuesday in order to make headway on that important bill. I encourage Senators to come forward early with their amendments and to contact the managers of their intent to offer specific amendments.

ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of Senator DEWINE for up to 15 minutes and Senator SALAZAR to follow Senator DEWINE for up to 10 minutes.

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

The Senator from Ohio.

FILIBUSTER AGREEMENT

Mr. DEWINE. Mr. President, we have just seen a major accomplishment in the Senate in the last several weeks: the confirmation of five nominees to serve on the Federal bench. These confirmations were achieved after a historic agreement was reached in the Senate, an agreement that allowed us to proceed.

We have seen five individuals confirmed by the Senate—Priscilla Owen, Janice Rogers Brown, William Pryor, David McKeague, and Richard Griffin. The majority leader has indicated that Thomas Griffith will be on the Senate floor shortly and we will take up that nomination.

This represents a major accomplishment and a major change in the way the Senate has been doing business. This shows bipartisanship. This is a step forward. It is progress.

As one of the 14 Senators involved in negotiating the recent compromise agreement on the use of filibusters to block judicial nominations, I am very pleased to see this progress and to see what has happened since this agreement was reached. As everyone knows, of these five nominations, several of them have been held up for years. Two I have a particular interest in come from the Sixth Circuit from the States of Ohio, Michigan, Kentucky, and Tennessee. These two come from the State of Michigan but are part of the Sixth Circuit which has had vacancies for many years. Now we have these two positions filled.

I am pleased to see this progress we have been making the last 2 weeks on nominations but also the progress we have been making in the Senate on other matters, as well. I think it is good for the country.

The agreement that we entered into not only cleared the field for the President's judicial nominations, some of whom, as I have said, have been waiting for over 4 years, but by avoiding confrontation it also allowed the people's agenda to move forward. And that is a very important matter.

Already, since the agreement was reached, the Senate Judiciary Committee has passed out of the committee

the asbestos bill, and the Senate Energy and Natural Resources Committee has passed the Energy bill.

Now, as someone who was in the room for the negotiations of the filibuster agreement, I would like to take just a few moments to talk about what happened, why I was involved, and where we go from here. Candidly, I became involved in the negotiations because I was not satisfied with what I had seen in the Senate over the last few years. Everyone got in the negotiation, I am sure, for different reasons. I am just speaking for myself. I believed that judges were not getting voted on in the Senate, that the circuit court judges were not being acted upon when they should have been, that many of them were being denied an up-or-down vote. I believed the filibuster was being used in excess to block their nominations. I felt that the status quo was simply not acceptable, that we could no longer continue down that path.

Well, what was the solution? How were we going to get judges voted on in the Senate? The status quo abuse of the filibuster, which I felt clearly was an abuse of the filibuster, was not acceptable to me. I was prepared to take action to deal with that. Yet I felt that, in the best interests of the Senate and the Nation, it was really not in the best interests of the Nation or the Senate to totally change the rules and totally eliminate the filibuster, if we could avoid that. I felt what we needed basically was a resolution to this crisis, a new option or alternative that could restore the Senate to where it was when I entered the Senate a decade ago. That was a Senate where the possibility of a filibuster for judicial nominations was there but hardly ever used.

I believe that is exactly what we were able to achieve with the agreement.

During our negotiations, we agreed that a filibuster for a judge should not be used unless under extraordinary circumstances. Furthermore, we made sure the agreement included a provision that if the terms of the agreement were violated, and a judge was filibustered in circumstances that an individual Member considered not to be extraordinary—in other words, if MIKE DEWINE or any Member considered that another Member was filibustering a judge under a circumstance that was not extraordinary, that I or any Member had the right to pull out of that agreement and to go back and say: I am going to use the constitutional option to change the practice, the precedent of the Senate.

That was my right. I insisted on that when I entered the negotiations. I felt that was important and that was the only way I could be a part of the negotiations.

So let me make that very clear. The constitutional option was on the table, and it does remain on the table today. There was never any question in my mind about that. In fact, let me repeat exactly what I said at the press conference that the group held on May 23, right after we had reached our agreement. This is what I said that evening at that press conference when everyone was there, at least 12 of the 14 people who had reached the agreement. This is what I said. I quote myself:

> This agreement is based on good faith—good faith among people who trust each other. And, it's our complete expectation that it will work. Senators have agreed that they will not filibuster except in extraordinary circumstances. We believe that will, in fact, work. Some of you who are looking at the language may wonder what some of the clauses mean. The understanding is—and we don't think this will happen—but if an individual Senator believes in the future that a filibuster is taking place under something that's not extraordinary circumstances, we, of course, reserve the right to do what we could have done tomorrow, which is to cast a yes vote for the constitutional option. I was prepared to do that tomorrow if we could not reach an agreement.

Mr. President, let me also quote from the May 30, Washington Post article by Dan Balz. He wrote the following about the agreement:

> [Senator] DeWine, Senator Lindsey Graham have disputed the assertion . . . that the nuclear option is off the table. DeWine said he explicitly raised the issue just before the group announced the deal.

Balz then quotes me:

> I said at the end, ''Make sure I understand this now, that . . . if any member of the group thinks the judge is filibustered under circumstances that are not extraordinary, that member has the right to vote at any time for the constitutional option.'' Everyone in the room understood that.

Now, the article goes on to say—again, Dan Balz's article in the Washington Post—

> Senator Mark Pryor, [a Democrat and] another member of the group [of 14], concurred, saying that while he hopes the nuclear option is gone for the duration of the 109th Congress, circumstances could bring it back.

Quoting Senator PRYOR:

> I really think Senator DeWine and Senator Graham have it right.

Mr. President, Members of the Senate, Senate Majority Leader FRIST also agrees with this assessment. He said, in this May 30 article by Dan Balz:

> The nuclear option remains on the table. It remains an option. I will not hesitate to use it, if necessary.

And later, Senator FRIST was quoted in the June 5 New York Times from his comments in a speech at Harvard University, as follows. This is Senator FRIST:

> The short-term evaluations, I believe, will prove to be shortsighted and wrong after we get judge after judge after judge after judge through, plus at least one Supreme Court nominee and an energy bill . . . and we will get Bolton.

Mr. President, Members of the Senate, as the recent judicial confirmation votes in the Senate demonstrate, the majority leader is right. We are getting things done. We are getting things done because this agreement was negotiated in good faith by good people who want to get things done, who want to proceed step by step. It was negotiated in good faith by Members working together in the best interests of this Senate and of our Nation. It is a good agreement, one that has enabled us in the Senate to get back to doing the business of the people, for the people. That is what the American people expect, and it certainly is what the American people deserve.

We have made progress. We have been able to confirm judges and bring to the floor of this Senate for up-or-down votes three judges who have been held up for years and two other judges in a circuit, the Sixth Circuit, in Ohio and three other States, that has suffered from a lack of judges on the Sixth Circuit for years, with many vacancies. Today, we filled two of those vacancies. That makes a difference. We are making progress.

I am not arrogant enough to come to the floor today and say that everything is going to work out perfectly. I don't know that it will. I don't have a crystal ball. I just know that we have come a ways. We have taken some steps. We have made some progress. I believe we can rely on the good faith of Members to try to continue to work together, continue to make progress, and continue to try to exercise good faith.

We have set a bar now, a standard. Seven Members of the Senate on each side have said they will not filibuster except under extraordinary circumstances. That is something that had not been set before. That is the bar. No, it is not specifically defined. I understand that. But at least there is a bar. It is an understanding. That is progress. It is a recognition that the filibuster is not something just to be used; it is something to be used only in very rare cases. You have to use it after you think long and hard about it. It is the recognition of 14 people that they will only use that filibuster after thinking long and hard. That is progress.

What we have seen with these five judges is progress. So we celebrate tonight progress, not total victory. You are never done in the Senate. We are always trying to move forward. But at least we should stop for a moment tonight and say: We have made progress. We have come this far. We know we have a ways to go, but here we are, at least.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, let me at the outset say that I am proud that I was 1 of the 14 Members who signed the agreement just referred to by my good friend from Ohio. In the signing of that agreement, one of the things that brought people together was the concept of respect for each other, mutual respect for our colleagues in this Chamber, mutual respect for the people of America.

As we have gone through the debate on the confirmation of judges over the last several days, I have seen debate

within this body as well as debate among some of the constituent groups that I have found troublesome because it goes to the heart of the kind of respect we should afford each other in this Chamber.

I have heard statements that those who happened to be opposed to Bill Pryor, for whom I voted, were opposed to him because he was anti-Catholic. I heard statements made that some of my Democratic colleagues who were opposed to Janice Rogers Brown were opposed to her because she was African American. I submit that nothing could be further from the truth. In fact, when those kinds of statements emanate from Members of this Chamber or when they emanate from some of the constituent groups that follow us, it is a violation of the respect we should afford each other.

I, too, am hopeful that as we move forward in the consideration of other judges and other matters, that kind of hurtful, vitriolic, and unwarranted attack on each other is something we will not see again. If we can establish that kind of collegiality within this body, we can, in fact, return to those days when we had people working across the aisle to solve the common problems that faced Americans, regardless of whether they were Democrats, Independents, or Republicans. It is that kind of ethic I hope is embraced as we move forward in deliberations.

HONORING OUR ARMED FORCES

STAFF SERGEANT JUSTIN L. VASQUEZ

Mr. SALAZAR. Mr. President, I rise to speak for a moment about a brave American who lost his life earlier this week. His name is SSG Justin L. Vasquez. Staff Sergeant Vasquez was killed this past Sunday when a roadside bomb exploded near his military vehicle.

Staff Sergeant Vasquez was 26, and from the small town of Manzanola, CO, near La Junta, along the Arkansas River. He was a member of the 3rd Squadron, 3rd Armored Cavalry Regiment out of Fort Carson, CO.

He aspired to become an FBI agent, to continue his career of helping to protect people. He even considered becoming a lifetime military man. Regardless of whether he chose the FBI or stayed in the military, he was clearly motivated by patriotism and was making service to our great country and our security his career.

Staff Sergeant Vasquez was always a patriot who chose to put his country over himself. He enlisted at 18, and after his first tour of Iraq reenlisted for a second 6-year stretch with the Army in 2003.

Consider that, Mr. President. We are learning everyday that the Army is having trouble meeting its recruiting goals because of the demands of deployments in Iraq and Afghanistan. Staff Sergeant Vasquez chose to re-up for service after having been to Iraq and knowing he was in all likelihood heading back to Iraq.

During this, his second tour in Iraq, Staff Sergeant Vasquez was serving as a commander of a team of Bradley Fighting Vehicles.

Earlier this year, Staff Sergeant Vasquez was selected as one of nine soldiers from Colorado profiled by the Rocky Mountain News during their service in Kuwait. The paper noted that Staff Sergeant Vasquez had ''arguably, the toughest job in First Platoon, if not in all of Lightning Troop''—working with new enlistments fresh out of boot camp.

But perhaps most importantly, Staff Sergeant Vasquez was a leader. Among the nine men under his command, five were new enlistments on their first tour. He would spend much of his time during the days training the inexperienced scouts, helping to build their confidence in their mission and their actions.

Staff Sergeant Vasquez was shaping nervous boys into confident young men, creating leaders for our cities and towns, businesses and PTA boards. He had every confidence in his men and inspired them to have confidence in themselves and their mission.

In his short life, Sergeant Vasquez was a living role model of what each of us in this Chamber hopes to become: a champion for something other than ourselves, a champion for an ideal—freedom—bigger than anyone person.

All of Colorado is saddened by the loss of SSG Justin Vasquez, but we also celebrate everything that he stood for. He served his Nation with honor and distinction, and set an example to which we can all aspire. He will be missed by his family and friends and the men whom he led. Today, they are all in our thoughts and prayers.

I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 2 P.M. MONDAY, JUNE 13, 2005

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, June 13, 2005.

Thereupon, the Senate, at 6:27 p.m., adjourned until Monday, June 13, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate June 9, 2005:

DEPARTMENT OF STATE

HENRY CRUMPTON, OF VIRGINIA, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE, VICE J. COFER BLACK.

RONALD SPOGLI, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ITALIAN REPUBLIC.

ROBERT H. TUTTLE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

EXECUTIVE OFFICE OF THE PRESIDENT

BENJAMIN A. POWELL, OF FLORIDA, TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (NEW POSITION)

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

RONALD H. ALFORS, 0000
DAVID M. BANDINI, 0000
JOHN P. BARTHOLF, 0000
WILLIAM C. BENTON, 0000
KEVIN J. BROWN, 0000
STEVEN P. BULLARD, 0000
WILLIAM F. BURNS II, 0000
DEBORAH L. CARTER, 0000
TERRI L. CHANEY, 0000
JAMES A. CLIFFORD, 0000
KENNETH J. DALE, 0000
THOMAS R. DALTON II, 0000
CHARLES A. DENMAN, 0000
CHARLES E. FOSTER, JR., 0000
ROBERT M. GINNETTI, 0000
ROBERT L. GOULD, 0000
JONATHAN H. GROFF, 0000
MARK D. HAMMOND, 0000
WILLIAM A. HARDIN, 0000
HOWARD A. HAYES, 0000
CHRIS R. HELSTAD, 0000
WILLIAM O. HILL, 0000
KERRY M. HOLLOMON, 0000
STANLEY V. HOOD, JR., 0000
RICHARD B. HOWARD, 0000
KEVIN J. KEEHN, 0000
DAVID T. KELLY, 0000
JOHN E. KEOSHIAN, 0000
PAUL M. KERWIEN, 0000
JOSEPH K. KIM, 0000
MICHAEL KOLESSAR, 0000
JEFFREY A. LEWIS, 0000
PAUL A. MACKEY, 0000
RICKY J. MAFFEI, 0000
KEITH P. MARTIN, 0000
CORNELIUS T. MULLANEY, 0000
GREGORY L. NELSON, 0000
MICHAEL L. OGLE, 0000
THEODORE S. ORKIN, JR., 0000
BRADLEY E. PETERSON, 0000
DANN D. PETTIT, 0000
MARK A. REMICK, 0000
CATHY M. RODRIGUEZ, 0000
ROBERT S. SHAFER, JR., 0000
ROBERT L. SHANNON, JR., 0000
HENRY A. SMART, JR., 0000
CHRISTOPHER D. SWADENER, 0000
MILES F. SYMONDS, 0000
JOHN H. THEISEN, 0000
NILDA E. URRUTIAESTRANY, 0000
MICHAEL L. WAGGETT, 0000
CATHERINE O. WATTS, 0000
SUSAN L. WEHRLE, 0000
DONALD S. WENKE, 0000
TOMMY R. WILLAFORD, 0000
ROBERT S. WILLIAMS, 0000
WANDA A. WRIGHT, 0000
DAVID R. ZARTMAN, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

GREGORY H. BLAKE, 0000
JON C. BOWERSOX, 0000
JOHN S. CRAMER, 0000
WILLIAM W. DODSON, 0000
ANDREW L. JUERGENS, 0000
JOHN S. MCCULLOUGH, 0000
JOHN MIRABELLO, 0000
JOSEPH M. PASCUZZO, 0000
JOHN H. RUMMEL, 0000
JOHN E. TORRES, 0000
PAUL E. TURNQUIST, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

GARY D. DAVIS, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

JOHN A. CAVER, 0000
THOMAS B. DUNHAM, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

GRETCHEN S. DUNKELBERGER, 0000
LINDA G. LITTLE, 0000
JANET I. SESSUMS, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

WILLIAM F. EVANS, 0000
LESLIE R. HYDER, 0000