

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

#### PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that John Pilkington of Senator HARKIN's staff be granted the privilege of the floor for the duration of today's session.

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

Mr. REID. Mr. President, I ask unanimous consent that Mike Stebbins of my staff be granted the privilege of the floor for the duration of today's session.

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

Mr. DAYTON. Mr. President, I ask unanimous consent that Sophie Thurber of my staff be granted the privilege of the floor for the duration of this debate.

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

Mr. CORNYN. Mr. President, I ask unanimous consent that privilege of the floor be granted to two members of my staff, Mike Heidler and Matt Schuh, during debate on S. 397.

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

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar, calendar 170, 211, 221, 222, 226, 238, and 240, provided further that the following committees be discharged from further consideration of the list of nominations and the Senate proceed en bloc to their consideration. The HELP Committee: Henry Johnson, PN 572; Terrell Halaska, PN 685; Kevin Sullivan, PN 473; Bernice Phillips, PN 106; Thomas Fuentes, PN 105. Rules: Donetta Davidson, PN 749.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF JUSTICE

Rachel Brand, of Iowa, to be an Assistant Attorney General.

#### ENVIRONMENTAL PROTECTION AGENCY

Marcus C. Peacock, of Minnesota, to be Deputy Administrator of the Environmental Protection Agency.

David R. Hill, of Missouri, to be General Counsel of the Department of Energy.

Jill L. Sigal, of Wyoming, to be Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

#### DEPARTMENT OF HOMELAND SECURITY

Richard L. Skinner, of Virginia, to be Inspector General, Department of Homeland Security.

#### DEPARTMENT OF THE TREASURY

Janice B. Gardner, of Virginia, to be Assistant Secretary for Intelligence and Analysis, Department of the Treasury.

John S. Redd, Georgia, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

#### DEPARTMENT OF EDUCATION

Henry Louis Johnson, of Mississippi, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

Terrell Halaska, of the District of Columbia, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

Kevin F. Sullivan, of New York, to be Assistant Secretary for Communications and Outreach, Department of Education.

Bernice Phillips, of New York, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2005.

Thomas A. Fuentes, of California, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2005.

#### ELECTION ASSISTANCE COMMISSION

Donetta Davidson, of Colorado, to be a Member of the Election Assistance Commission for the remainder of the term expiring December 12, 2007.

#### CONFIRMATION OF DONETTA L. DAVIDSON

Mr. DODD. Mr. President, today the Senate is acting to fill a vacant seat on the Election Assistance Commission EAC with the confirmation of Ms. Donetta L. Davidson, of Colorado. Ms. Davidson was nominated by President Bush to serve the remainder of the 4-year term of DeForest B. Soaries, Jr., resigned. Her term will expire on December 12, 2007.

I want to thank the distinguished Chairman of the Rules Committee, Senator LOTT, for facilitating and expediting action on this nomination. By confirming Ms. Davidson at this time, the Senate is ensuring that the Commission will have a full complement of members as it faces action on some of the most important provisions of the Help American Vote Act this fall.

Nearly 3 years ago, President Bush signed into law the Help America Vote Act—HAVA. For the first time in our history, this landmark legislation recognizes the need for a Federal partnership in the conduct of Federal elections by the States. While this partnership respects the authority of State and local governments to administer Federal elections, it also provides Federal leadership and support through the establishment of minimum requirements that all States must meet in all Federal elections.

One of the primary goals of HAVA is to bolster public confidence in our system of Federal elections by addressing the problems and irregularities that arose in the November 2000 general election. And this is why, following that election, a bipartisan group of

Senators and Members of Congress came together to enact the Help America Vote Act. Although the original bipartisan authors of HAVA initially viewed the outcome of the 2000 elections very differently, in the end, we all agreed that the Federal Government had an appropriate role to play to ensure that in our democracy, we made it easier to vote and harder to defraud the system.

HAVA established a number of requirements for election administration and voting technology in Federal elections, including requirements for voting systems, provisional ballots, and statewide voter registration lists. To date, Congress has appropriated over \$3 billion in Federal funding for payments to the States for nationwide implementation of these requirements.

The Act also established a new Federal agency, the Election Assistance Commission—EAC. Among other things, the EAC serves as a clearinghouse to identify best practices for State and local election officials to use to conduct elections. The EAC is designed to bring together all stakeholders who play a role in elections—from voting machine manufacturers to voter registration organizations and other civil rights and disability rights groups to State and local election officials and administrators—to facilitate fair and transparent Federal elections throughout America.

Ms. Davidson joins the EAC at a crucial time. In less than 6 months, by January 1, 2006, all States are required to fully implement two of the most significant requirements in HAVA: the voluntary voting system standards and the statewide voter registration list. Taken as a whole, these two requirements promote accurate, accessible, nondiscriminatory, user-friendly and transparent elections. They serve as the mechanisms by which all eligible voters can cast their votes and have their votes counted.

Ms. Davidson's qualifications will serve her well at the EAC and reflect years of experience as both a State and local election official as well as an active participant on numerous national and State professional organizations. She currently serves as the Secretary of State for Colorado and previously served as the Arapahoe County Clerk and Recorder in Littleton, CO and as the Director of Elections at the Colorado Department of State. In addition, she also currently serves as the vice chair of the National Association of Secretaries of State.

Her background will bring to the EAC the election administration and technology skills and experience that will help facilitate the nationwide implementation of HAVA, in particular the voluntary voting system guidelines expected to be approved by the EAC this fall. Her involvement with the existing voluntary voting system standards, first issued by the Federal Election Commission, dates to the mid-

1990s and her support for those standards contributed to their adoption in Colorado.

Most recently, Ms. Davidson served as one of the 15 experts on the Technical Guidelines Development Committee TGDC established under HAVA to develop an initial set of recommendations for the voluntary voting system guidelines with technical support and expertise from the National Institute of Standards and Technology NIST. At the end of the public comment and revision process, these recommendations are expected to form the bases of the new Federal voluntary voting system guidelines issued by the EAC.

Ms. Davidson's confirmation today ensures that the EAC has a full and permanent complement of commissioners as we move toward the full implementation of HAVA and the November 2006 Federal elections. The EAC will be well served by Ms. Davidson's expertise on election issues and her broad experience working with all stakeholders in Federal elections, including local election officials and their voters.

I congratulate Ms. Davidson on the honor of being nominated and confirmed to the Election Assistance Commission. It is an awesome responsibility and one that her background has prepared her well to meet.

To ensure that our Federal partnership gives voice to all Americans and their very diverse experiences on election day, the Commission's work must reflect more than just the perspectives of any single State or local election official. Commissioners must represent all 50 States, the District of Columbia, and the territories—all of America and its diversity. I am confident that Commissioner Davidson will meet that goal.

While political races among candidates may be partisan, Federal elections cannot be. The Help America Vote Act is appropriately the first civil rights act of the 21st Century, and Congress must fulfill its commitment to the American people to provide the States sufficient resources to fund the mandated reforms.

In order for the EAC to meet its obligations under HAVA, it is critically important that Congress fully fund the agency and its requirements for fiscal year 2006. To support States in the nationwide implementation of HAVA, the Act authorized nearly \$4 billion to pay for the requirements and tasked the EAC with several responsibilities. To date, Congress has appropriated over \$3 billion to the States and territories.

For fiscal year 2006, the EAC submitted an appropriations request at the funding level of \$17,612,000, including four new staff positions to, among other duties, establish an Inspector General Office to monitor the Federal payments. The House-passed version of the Transportation, Treasury, HUD, Judiciary, District of Columbia appropriations bill provides only \$15,877,000

for the EAC, and no funds for State requirements payments, with an earmark of \$2.8 million for the National Institute of Standards and Technology. Complicating matters more, the Senate Appropriations Committee approved a slightly lower funding level for the EAC at \$13,888,000, with \$4 million earmarked for NIST. An average of both Senate-House bills will not produce enough funding for the EAC to maintain its current level of operations.

Without appropriate funding, the EAC will be unable to fulfill its obligations to the States and the voters for the Federal elections in 2006. To date, the EAC has been underfunded by over \$822 million, including a funding gap of \$600 million for requirements, \$95 million for disability access grants and \$127 million for other HAVA programs such as research and development for voting systems. When we return from the August recess, the Senate will complete its work on the Transportation, Treasury appropriations bill. It is my hope that we will be able to find the necessary resources to ensure the full implementation of HAVA without creating an unfunded mandate on the States.

In the meantime, I congratulate Commissioner Davidson on her appointment and look forward to working closely with her as she oversees the implementation of the most critical requirements of HAVA for the upcoming 2006 Federal elections and beyond in America.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

#### HONORING TEAM DISCOVERY, LANCE ARMSTRONG AND GEORGE HINCAPIE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 222 which was submitted earlier today.

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

The legislative clerk read as follows:  
A resolution (S. Res. 222) honoring the victories of Team Discovery and American cyclists Lance Armstrong and George Hincapie in the 2005 Tour de France.

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

Mr. FRIST. Mr. President, I ask unanimous consent the 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 resolution (S. Res. 222) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 222

Whereas Team Discovery included Lance Armstrong of Texas and George Hincapie of

South Carolina from the United States, José Luis Rubiera, Manuel Beltran, and Benjamin Noval from Spain, Pavel Padrnos from the Czech Republic, José Azevedo from Portugal, Paolo Savoldelli from Italy, and Yaroslav Popovych from Ukraine;

Whereas Team Discovery won the 2005 Tour de France under the leadership of Lance Armstrong, who rode to victory by completing the 2,232-mile, 21-stage course in 86 hours, 15 minutes, and 2 seconds, finishing 4 minutes and 40 seconds ahead of his nearest competitor;

Whereas, by winning the Tour de France on July 24, 2005, Lance Armstrong became the only competitor in the history of the Tour de France to win cycling's most prestigious race in 7 consecutive years;

Whereas George Hincapie rode stage 15, which was 127.4 miles long and included 1 above category climb, 4 category 1 climbs, and 1 category 2 climb, for a total of 33.5 miles of climbing at an average gradient of 7.96 percent;

Whereas stage 15 was considered the hardest stage of the 2005 Tour de France and the victory of George Hincapie atop Pla d'Adet marks his first Tour de France stage victory;

Whereas George Hincapie is only the 8th competitor from the United States to win a stage in the Tour de France;

Whereas George Hincapie has participated in the Tour de France 10 times and is the only teammate to assist Lance Armstrong in each of his Tour de France victories;

Whereas Lance Armstrong and George Hincapie displayed incredible perseverance, determination, and leadership over 7 years with their teammates in prevailing over the mountainous terrain of the Alps and Pyrenees and in overcoming crashes, illness, hard-charging rivals, and driving rain on the way to winning the premier cycling event in the world;

Whereas, in 1996, Lance Armstrong defeated choriocarcinoma, an aggressive form of testicular cancer that had spread throughout his abdomen, lungs, and brain, and has remained cancer-free since treatment for the disease;

Whereas Lance Armstrong is the 1st cancer survivor to win the Tour de France;

Whereas the accomplishments of Team Discovery have made the team an inspiration to millions of people around the world: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors—

(A) the victory of Team Discovery in the 2005 Tour de France;

(B) professional cyclist Lance Armstrong for his record 7th consecutive Tour de France victory; and

(C) professional cyclist George Hincapie for his 1st Tour de France stage victory; and

(2) commends Lance Armstrong and George Hincapie for being pioneers of the sport of cycling in the United States.

#### NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 223, which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 223) supporting the goals and ideals of "National Life Insurance Awareness Month," September 2005.

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