United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150 WASHINGTON, MONDAY, JULY 19, 2004 No. 100

Senate

The Senate met at 1 p.m. and was called to order by the Honorable SAXBY CHAMBLISS, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Almighty and Everlasting God, with Your words You divide night from day. Thank You for Your glory that brightens our path to the future and for the brilliance of Your hope that beckons us to new beginnings. Forgive us when we are unfaithful, when we desire to sing solo and disrupt the harmony of Your will.

Bless the Members of this body. Guard them from the evil one. Give them hearts large enough to take the honesty of their skepticism and transform it with the confidence of faith. Imbue them with reverence for life and guide them toward unity.

As they find peace with You, give them peace with each other. Give each of us gentleness fashioned after the pattern of Your mercy.

We pray in Your compassionate name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAXBY CHAMBLISS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 19, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAXBY CHAMBLISS, a Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. CHAMBLISS thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Today the Senate will consider the nomination of Williams Myers III to be a U.S. circuit judge for the Ninth Circuit. Last week we attempted to reach a time agreement on the Myers nomination; however, there was an objection from the Democratic side of the aisle. I filed a cloture motion on the nomination and that vote will occur at 2:15 on Tuesday. We will debate that nomination throughout today's session, and I expect a number of Members will come to the floor and speak on this nomination.

As I announced on Friday, there will be no rollcall votes during today's session.

This week we also expect the Appropriations Subcommittee on Defense conference report. This is a very important piece of legislation that we will need to address before we adjourn for the scheduled recess. In addition, there is a conference report regarding some expiring tax provisions. We will consider that measure if and when it becomes available.

This is the final legislative week prior to the August recess. With the cooperation of all Senators, we should be able to complete our work and begin the recess on time.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

THANKING THE SENATE CHAPLAIN

Mr. REID. Mr. President, I have a couple of questions I would like to ask through the Chair to the majority leader.

First, we tend to dwell on the negative around here quite a bit. But one of the good things that happens to me every day that I come is to hear the prayer. Today, for example, I wish I were good enough to live up to the expectations of the prayer offered by Admiral Black. Really, he does a wonderful job, setting the tone for how we should work in the Senate. A lot of times I think we don't listen very closely to him. But, even though he is not in the Chamber now, I want to have the RECORD spread with my appreciation of the thoughtfulness he goes through every day in preparing his very meaningful prayers.

CONSIDERATION OF CERTAIN MEASURES

Mr. REID. Mr. President, I am wondering if the majority leader could give us an idea of whether we might get to the Morocco Free Trade Agreement this week, and also do we have any word on the childcare conference report? It is my understanding that the Appropriations Committee is going to report out of the committee the military construction and legislative branch bills this week. I would ask about Moroccan free trade, the

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childcare conference, and those two appropriations bills, military and legislative branch, if we are going to be able to get to those this week?

Mr. FRIST. Mr. President, all four issues are issues important to the Senate. Progress is being made on all of them. With regard to Morocco, we will need to check with the chairman and the ranking member to see what their intentions are, which I will do and get back with the assistant Democratic leader.

The conference report on the child credit, again I very much would like to see action on it over the course of the week. I know there was discussion over the last several days and over the weekend itself. I will be able to update him once people return to town in the course of the day.

On the appropriations bills, we will see what progress can be made before we leave. It would be nice to be able to make progress on those appropriations bills. We will need to aggressively consider all of these appropriations bills, either now or in September, and finish before we complete the session.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF WILLIAM GERRY MYERS III TO BE A U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the nomination of William Gerry Myers III to be a circuit judge.

The assistant legislative clerk read the nomination of William Gerry Myers III, of Idaho, to be U.S. Circuit Judge for the Ninth Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 5 p.m. shall be equally divided for debate only between the chairman and ranking member or their designees.

The Senator from Utah.

Mr. HATCH. Mr. President, I yield such time as he needs to the distinguished Senator from Idaho, and I will defer my remarks until after he finishes because he has a hearing scheduled in just a number of minutes, so we will turn to him first.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank the chairman of the Judiciary Committee for yielding me time at this moment. At 2 I have a special Committee On Aging hearing to chair, so I do appreciate the accommodation.

Mr. President, today we are here to visit about, and I hope confirm, a good friend of mine, William G. Myers III, whom the President nominated for a judgeship to the Ninth Circuit Court of Appeals. I commend President Bush for nominating Bill Myers.

I would like to spend a few moments today talking about the reasons my colleagues should vote for Bill Myers and set aside the larger political issues surrounding judicial nominations. Bill Myers was nominated by the President on May 15 of 2003 not May 15 of 2004 so it has been well over a year since the President sent up the nomination of Bill Myers.

Bill is an extraordinary person, and I believe his nomination deserves our full and focused consideration.

He was reported out of the Judiciary Committee on April 1, 2004. Once confirmed, Bill will fill the vacancy of Judge Thomas Nelson, who became the senior judge of the Ninth Circuit.

At this juncture, I would like to remind my colleagues that this is a vacant seat on the Ninth Circuit, a vacant Idaho seat we are proposing to be filled. The caseload of the Ninth Circuit judges at this moment is one of the largest in the country—as some would suggest, even overpowering and not allowing reasonable and appropriate justice to go forward simply because this seat and others are not filled and the caseload is so substantial.

As my colleagues know, Federal law requires that every State within a circuit be represented by at least one judge. I believe the Senate is in danger of failing to fulfill this requirement if it prevents an up-or-down vote on Bill Myers because he will be the Idaho judge of the Ninth Circuit.

A few critics of this administration's natural resource policy would have you believe Bill should not be confirmed. They have bandied about previous wrongs, if you will, but all they have demonstrated is the certainty of what?

First, these critics desire to capture the judiciary by opposing nominees who do not display activist tendencies that might work to their own political advantage. In other words, if you aren't our politics and we can make an example of your politics, you are not fit to serve. We all know that judges shouldn't be involved in politics.

Second, these critics have done nothing more than confirm that Solicitor Myers is the chief legal officer at the Department of the Interior, which is controversial in every administration by the very nature of the mission and the responsibility of the Solicitor at the Department of Interior.

By enforcing political litmus tests against judicial nominees, some are suggesting that in order to be a nominee, you should have no experience in the law. Let me repeat that. Some are suggesting, some of my colleagues on the Judiciary Committee—and you will probably hear it on the Senate floor—that it is the experience of the nominee that is giving him the problem. So are we to assume, then, that nominees should have no experience? How can they be a wise and thoughtful judge within the law if they have not had that kind of experience both in the public and private sector?

Make no mistake, Bill Myers' opponents are for enforcing just this test. The substance of their test is this: If you have represented farmers, ranchers, miners, and, frankly, anyone else who advocates a balanced multiple-use policy on public and private lands in the West, the radical left environmental groups have decreed that you do not even merit a vote in the U.S. Senate. And the Democrats at this moment are playing that game: Sorry, Mr. Myers. You did your job down at Interior; you don't deserve to get a vote on the floor of the U.S. Senate in an up-or-down fashion. Senators should be ashamed to enforce such an edict from those liberal interest groups. The interest groups in this instance have grabbed the power of those on the other side. That is a tragedy.

Among their many factual misstatements, critics of this nomination confuse the appropriate roles of the lawyer or the judge by suggesting that because Bill Myers has been a strong advocate for his clients, he will continue to advocate for them from the bench. Of course, they offer nothing but bland or bald assertions in support of their logic.

Of course, we know that as men and women come to the bench, quite the opposite happens. They have a role in the private sector to represent their clients—that is their job—or in the public sector, in the case of Bill Myers, the Solicitor to represent his client, the Secretary of Interior. Is it to suggest that he will continue to do that as a judge? Quite the opposite. Let me tell you, that is the argument we will hear today on the floor of the Senate, and that is the argument being placed.

If their theory is correct, no practitioner who has ever represented committed clients in adversarial proceedings or political policy battles would be qualified to serve in the judiciary. Even so, any fears are allayed by a fair review of Bill's public service. His record as Solicitor shows balance and mainstream decisionmaking.

Let me give you a few examples: opposition to trespass by inholders in national parks of Alaska, impoundment of trespass livestock on Federal lands in Nevada, expansion of a national monument in New York, support for reinterment of Native-American remains, recognition of tribal boundary rights in New Mexico, record penalties for failure of a company to pay gas royalties, and support for settlement of tribal water rights claims.

I remind my colleagues that as Solicitor, Bill Myers was not a decisionmaker. He was the legal advisor to the Secretary of the Interior. In this role, as with all other roles in his life, Bill Myers has been an advocate for his clients.

I see no reason to believe Bill Myers would not continue to do this as a

judge. But in this situation, his client will be the law, and he will be the advocate of truth and justice. That is the responsibility of a judge. The law becomes the client. Exactly what we all want in a judge is just what I have stated.

In addition, leaders in the field of law, including Democratic leaders in the West, have written to the committee supporting Bill's qualification to be a circuit judge. Letters of support have been written by the following, and all letters can be found in the committee's hearing record: Congressman HENRY HYDE, Wyoming Supreme Court Justice Marilyn Kite, Idaho Democrat Senator Chuck Cuddy, Chairman Carol Dinkins for the ABA Committee on Federal Judiciary, former Democrat Governor Mike Sullivan of Wyoming, and former Democrat Governor Cecil Andrus of Idaho. In neither of these two Governors' cases can you suggest they were anti-environment. They stood for balanced use, they stood for environment, and they stood for protecting our public lands and providing reasonable and responsible management. Of course, that is why we are supporting Bill Myers, because that is how Bill Myers handled his position as Solicitor at the Department of the Interior.

Democratic State attorney generals of Oklahoma and Colorado are also in support of this nominee.

Is this the message we want to send to hard-working families of farmers and ranchers and miners in South Dakota, North Dakota, Montana, Nevada, Oregon, and other Western States? I hope not. I think just the opposite. I think any one Senator could review the Myers record and could go to those who now oppose him and simply say this: I have reviewed William Myers' record. I find his integrity is beyond reproach. His intellect shows he is a man who has served a variety of capacities and the law extremely well. He has a solid, well-balanced temperament that would serve him well if we put him on the bench. That is what they ought to be saying.

No, today they are winking and nodding and saying to their environmental friends, we gave you one. We gave you a vote. Instead of saying, we have reviewed the record of William Myers, he is the one who deserves the vote, they are saying to the special interest votes, we gave you a vote.

I hope my colleagues hear that. I hope they weigh that in their consideration of this nominee. That is not the way nominations ought to be handled in our committees or in the Senate. Tragically enough, that is exactly what is happening.

Let it be said that the President of the United States has nominated a quality person. That person is William Myers. He is before the Senate now for a seat on the Ninth Circuit. He deserves our full consideration and a vote, not a political pass by. I wholeheartedly recommend we consent to this nomination. The President has treated this post well with the selection and the nomination of William Myers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, the distinguished Senator from Idaho has made some very important points. That is, this is now eight judges who the Democrats have indicated they would filibuster in the Senate, including this very excellent candidate for the Federal bench, William G. Myers III. We have never had filibusters of judicial nominees in the history of this country, not one time before. No one in the past has been willing to violate the rules in such a fashion until this President was elected.

It began with Miguel Estrada who, of course, removed his name from consideration. After having sat there for better than 2 years, he decided he better get back to his law practice. It includes another seven, including Mr. Myers, who the Democrats have indicated they will filibuster—in other words, try to talk to death this nomination. Since they have been able to keep control of almost everybody in their caucus, needing only 41 votes against cloture—in other words, against ending the debate so a vote can be taken—they have subverted the rules and have caused what is going to be called a crisis unless we can find a way around it.

It is a crisis now because excellent nominees have been badly mistreated in the Senate by not even getting a vote up or down. Once a nominee is brought to the floor, that nominee deserves, under the advice and consent clause of the Constitution, article II, section 2, a vote up or down.

If my colleagues on the other side do not like people, they can do everything they can within the committee to try and block the nomination there. But once that nominee is brought to the Senate, that nominee, under the advice and consent clause, deserves a vote up or down. Mr. Myers is no exception. He deserves a vote up or down. He is an excellent nominee, one who would have that vote up or down if the Senate were acting responsibly.

I rise today in strong support for the confirmation of William G. Myers III who has been nominated to fulfill the Idaho vacancy on the Ninth Circuit Court of Appeals.

Let me emphasize, when current Circuit Judge Trott takes senior status at the end of this year, and if the Senate refuses to even vote on Mr. Myers' nomination, there would be no Idaho representative on the Ninth Circuit Court of Appeals.

Federal Law 28 United States Code section 44(c) requires each State within a circuit must have at least one active judge serving on that circuit. We have heard a lot of discussion over the past few months about how circuit court seats should not be switched from one State to another out of respect for home-State senators. I hope the Senators who have raised those valid concerns afford Senators CRAIG and CRAPO and the rest of us in the West the same respect they believe they themselves and their States deserve.

Again, this is not about Idaho having two or three or even one or two seats on the Ninth Circuit. It is about whether the Senate will refuse to even vote on filling Idaho's only active seat on the Ninth Circuit.

As I will discuss further, it is also about whether a qualified nominee can be blocked by a minority of Senators because he at one time or another represented ranchers, farmers, and miners in their efforts to make balanced use of public and private uses of public lands in the Western United States of America. These are among the greatest pioneers and greatest leaders of the intermountain West, these farmers, ranchers, and miners. These are good people. These are people who, like everyone else in our society, deserve representation. Many of them came to William G. Myers III for such representation. He represents them well, as he should, as an advocate. The fact that some on the other side of aisle do not agree with his advocacy is no reason to stop him from being the sole active Idaho judge on the Ninth Circuit Court of Appeals.

Bill Myers was nominated by President Bush in May of 2003, over a year ago, and his nomination was carefully examined, debated, and favorably reported out of the Judiciary Committee in early April. Democrats who opposed him in committee voted against him. That is their right. But they should not now delay all Senators the right to vote on this confirmation. Bill Myers deserves and is overdue for an up-or-down vote in the Senate.

I remind my colleagues that the Ninth Circuit is the most notoriously liberal Federal circuit in the United States. It is and has been for at least a decade quintessentially out of the mainstream of American jurisprudence. The infamous case in which this court held our Pledge of Allegiance is unconstitutional because it contains the word ''God'' is but one of many examples of its all too frequent perversions of Federal jurisprudence.

Fortunately, the Supreme Court unanimously reversed the Ninth Circuit in that case, one of 16 times in the 2003–2004 term alone the Court unanimously reversed or summarily vacated the Ninth Circuit Court of Appeals.

This past Supreme Court term, the Ninth Circuit was reversed or vacated 81 percent of the time. Even my liberal friend from New York, Senator SCHUMER, once noted the Ninth Circuit is ''way out of the mainstream on the left.''

As Senator FEINSTEIN noted in the 1996–1997 term, the Ninth Circuit was reversed 20 of 21 cases. While some circuits had similar reversal rates, no other circuit came close to the number of cases considered and reversed. The same has been true since then. The

Ninth Circuit has been reversed 86.5 percent of the time since 1998. That is a disgrace to the Federal bench. In 58 cases the Court didn't even need to hear argument, they simply vacated the Ninth Circuit summarily. In the 2003–2004 term, Ninth Circuit appeals accounted for about one-third of the Supreme Court's docket, suggesting that the Court feels the need to focus disproportionately intense scrutiny on decisions from that circuit.

As I noted, about two-thirds of the Ninth Circuit reversals this past term, 64 percent, to be exact, were unanimous. This is a court that is desperately in need of good, nonactivist judges who will be faithful to the Constitution.

There is no doubt in my mind or in the mind of anybody who knows him that Bill Myers would be such a judge. One would think the Senate would welcome the confirmation of an expert on public lands and natural resources law to a court that has enormous influence over how disputes over the uses of these resources are resolved. Western Senators know all too well that the Ninth Circuit is the 900-pound gorilla of public lands, natural resources, and environmental law. Its decisions have significant and often adverse impacts well beyond the borders of its jurisdiction.

Yet today, and tomorrow, I suppose, we will hear it is Bill Myers who is out of the mainstream and not fit to join the ranks of the Ninth Circuit judges who routinely ignore law and precedent to rule based on their own personal policy preferences, both on natural resources issues and in many other areas of the law, including, but not limited to, the constitutionality of the Pledge of Allegiance and the death penalty.

The prejudices against Bill Myers reflect today's poisoned confirmation process: Nominees who somehow offend any well-funded liberal interest group are subject to distortions and baseless personal attacks, which the media echo chamber dutifully resound as proof positive of unfitness for the Federal bench. And with Bill Myers and his record, the distortions continue, baseless as ever.

His record as the Interior Department's Solicitor, where he was doing his duty to represent the policy positions of the United States of America, has been attacked because the liberal environmentalists do not like those policies. He has been vilified for daring to represent farmers, ranchers, and miners while in private practice, as if ranchers, farmers, miners, and those who make economic uses of Western lands are less entitled to representation than the elite, liberal environmental groups that attempt to dictate Western land policy from Eastern cities, while they derisively refer to most of our Nation as a flyover country.

So what is at stake is this: Is a judicial nominee disqualified from service on the Federal bench solely because he or she has advocated, successfully and competently, for people or policies that liberal groups of various stripes dislike? If the answer from my Democratic colleagues is yes, then I do not want to hear one more word—not one—from any of them about how it is Republicans who are politicizing the judiciary.

There is no more blatant way for Senators to politicize and degrade the confirmation process than to reflexively disqualify nominees who have represented people and groups or advanced policies they do not like. Ask yourselves, is this vote on Bill Myers really about Bill Myers? If it is, you know and I know there is no reason on the merits to deny him an up-or-down vote. Or will this vote be a reflection of liberal disdain for policies favored by farmers, ranchers, miners, the Bush Interior Department, or anyone else who advocates balanced uses of Western lands?

If the latter is true, let me emphasize again for those who still do not get it, the Constitution did not and does not establish Federal courts as the policymaking branch of the Government. Federal judges should not make policy, though too often, especially on the Ninth Circuit, they do.

Policy debates ought to have no place in our consideration of a nominee's qualifications to serve as a Federal judge—unless we think he or she does not understand the proper role of Federal judges under our constitutional system.

Absent absurd and unfair distortions of his record, there is zero evidence that Bill Myers does not understand that proper role.

I would also like to remind my colleagues of some facts about Bill Myers that the liberal interest groups and the media have willfully ignored or deliberately misrepresented.

He has an exemplary record that includes service as a successful, committed advocate and public servant. As Solicitor for the Department of Interior, a position to which he was confirmed in 2001 without opposition, Mr. Myers supervised over 300 attorneys and 100 support staff in 19 different offices throughout the United States, and managed a $47 million annual budget. He has served as counsel here in the Senate to our former colleague Senator Al Simpson, and, as well, in the Department of Justice and the Department of Energy.

His confirmation is supported by Democrats, including former Wyoming Governor Mike Sullivan and former Idaho Governor Cecil Andrus, who also served President Carter as Secretary of the Interior, plus the Democratic attorneys general in both Colorado and Oklahoma, and Republicans alike. Five Western Governors, including the Governors of Hawaii, Montana, and Nevada, have written to the committee expressing their support and emphasizing ''the need for quality judges who will provide a balanced perspective to the Ninth Circuit's extraordinary caseload.''

I also want to respond to a blatant misrepresentation about Mr. Myers' record that was made by one of my colleagues who suggested, falsely, that Bill Myers ''thinks the Clean Air Act and the Endangered Species Act have harmed the environment.''

Well, as anyone who has bothered to read Mr. Myers' hearing testimony and written questions or even conducted a cursory review of his record would know, he thinks no such thing. In fact, I do not think he has ever said anything about the Clean Air Act at all.

Now in his responses to Senator FEINSTEIN's written questions, Mr. Myers affirmed that congressional intent in passing the Clean Water Act was to ''restore and maintain the chemical, physical and biological integrity of our Nation's waters,'' and that ''the health of our Nation's waters is often inextricably connected to the health of adjacent wetlands.'' This is an extreme conservative position? Only in the sense that Bill Myers failed to endorse the full policy platform of Greenpeace.

Similarly, regarding the Endangered Species Act, we all know there have been cases in which Government authorities have abused their power under this law to confiscate private property without compensation. Let me give you one example, the 2001 Ninth Circuit decision in the Arizona Cattle Growers case. Here, a unanimous appellate panel, composed of two judges appointed by President Clinton and one judge appointed by President Reagan, wrote the following:

> [T]he Fish and Wildlife Service acted in an arbitrary and capricious manner by issuing Incidental Take Statements imposing terms and conditions on land use permits, where there either was no evidence that the endangered species existed on the land or no evidence that a take would occur if the permit were issued. We also find that it was arbitrary and capricious for the Fish and Wildlife Service to issue terms and conditions so vague as to preclude compliance therewith.

So Bill Myers has been an advocate for farmers and ranchers who have challenged such abuses of this law, because their families' lives and fortunes depend on their ability to responsibly use land they own or lease. For such efforts, he is unfit for Federal judicial service? Give me a break.

Here is what Bill Myers has actually said about the Endangered Species Act. Contrast what he has said with what his opponents believe he thinks. He has said Federal agencies should not use it as a zoning tool on public lands.

Now, is that unreasonable? He argued in a brief on behalf of the American Farm Bureau and others that the Babbitt Interior Department regulations that defined the term ''harm'' in the Endangered Species Act in a way that essentially precluded any private landowners' use of property on which an endangered species might find habitat should be invalidated.

That sounds like a reasonable position to me. And I think it would be to anybody under similar circumstances.

Why, it might even be a reasonable position for some of my more liberal legal colleagues on the other side, if they bother to think about it.

Importantly, the Government had no intention of compensating affected landowners if these regulations rendered their land valueless, despite the Fifth Amendment's takings clause, and despite provisions in the Endangered Species Act itself that authorize the Government to compensate landowners in such situations.

So, again, are the positions taken by the American Farm Bureau and other farmers and ranchers extreme and unreasonable, disqualifying their lawyer from Federal judicial service? I think the obvious answer is no—unless every nominee to the Ninth Circuit must share the policy positions of the elitist and more radical environmental groups.

Let me make one related point. I will refer to a news report dated March 17, 2004, headlined: ''Grad Student Charged in SUV Arson.''

According to the article, a student with connections to the radical environmentalist group Earth Liberation Front firebombed and vandalized 125 vehicles at Los Angeles area car dealerships and private homes in August 2002. The words ''ELF'' and ''Fat Lazy Americans'' were spray-painted onto some of the vehicles.

ELF also took responsibility for a 2002 fire in San Diego that destroyed an apartment building and caused $50 million worth of damage. Just 2 weeks ago ELF is suspected of carrying out an attack in my home State of Utah at Brigham Young University.

When ELF extremists are arrested, they are represented by attorneys. Without in any way suggesting that anything Bill Myers has ever done or advocated approaches such actual extremism, are these attorneys presumptively disqualified from service on the Federal bench because of the criminal actions of their clients? Can we assume that they sympathize with the criminals' actions? In light of some Senate Democrats' apparently closed minds against a growing number of President Bush's nominees, perhaps we all need to think more carefully about how we answer such questions.

Some Senators apparently believe that nominees who do not think like they do, and will not advocate their pet causes while on the bench, deserve nothing more than to be filibustered—denied an up-or-down vote because they—a minority—know that a Senate majority stands ready to confirm these nominees.

Unlike those who are supporting such filibusters for purely ideological reasons, I do not believe that a nominee must share all of my favorite interest groups' policy views in order to deserve an up-or -down vote. And let me read what Bill Myers had to say on this at his hearing.

I would stand on my personal record that I cited a moment ago that I have spent my free time in serving national parks, such as picking cigarette butts out of fire pits. I have a great love for the national parks. That is where we recreate and that is where we go for sustenance, for spiritual refreshment, and that is a personally-held view. The larger view, though, and the one that is really important for this Committee is whether I would carry into a judicial position, if I were so lucky as to be confirmed, an ideology that would result in a bias against or for any litigant.

And I think it should be noted that every nominee, I suspect, that comes before you has both proponents and opponents, and some of those people may hope that once that person becomes a judge that they can either count on them to do the right thing or cower in fear that they will do the wrong thing.

I hope that both of those groups, the proponents and the opponents, are disappointed; that when a person takes on those robes, takes the oath of office, swears to uphold the Constitution, that that means that they will follow the law and the facts, wherever the law and the facts take them, without regard to personal opinion, public opinion, friends, or foes.

Ask yourselves, is this an ideological nominee? Out of the mainstream? As I said before, only in the eyes of the well-funded environmental extremist groups who cannot stand the idea of a Ninth Circuit judge who might not buy into all of their propaganda.

Finally, Bill Myers would fill an Idaho seat recently vacated by an Idaho judge. While no Federal judge should represent anyone or anything but Federal law, to the extent the Ninth Circuit currently represents anything other than embarrassment and summary reversals, it represents President Clinton, who appointed 14 of its active 26 judges four during election year 2000 alone. And let me note, for the benefit of those who now say it is too late in an election year to confirm judges, that Clinton nominee and current Ninth Circuit Judge Rawlinson was confirmed to his position on July 21, 2000, in the last year of the Clinton administration.

Bill Myers was a successful advocate for people and causes that deserve representation just as much as any environmental activist group, or any liberal's pet causes. As the Interior Department's solicitor, Mr. Myers defended balanced policy solutions to difficult questions of how our public lands and natural resources in the west should be managed. His confirmation will help balance a very out-of-balance Ninth Circuit, as well as ensuring that Idaho maintains its only seat on that court. I hope my colleagues will join me in voting to confirm this good man to the Ninth Circuit.

We have heard from the other side about the mythical ''Thurmond rule'' and all kinds of other suggestions that judges should not be confirmed from here on, this late in a Presidential election year. I remember way back when, cases where we confirmed judges, Democratic nominees, Carter nominees, even after President Reagan had won the election. In fact, one of them is sitting on the Supreme Court of the United States of America.

I remember when my colleagues came to me back in the year 1980 and asked if I would be willing to support then-Harvard law professor Stephen Breyer for the First Circuit Court of Appeals. I have to say there were some Republicans who didn't want that to happen. But he had been a wonderful chief of staff for Senator KENNEDY on the Judiciary Committee. He was honest, decent, honorable, kind, worked well with both sides. He had all of the qualifications. There was no question about intelligence and ability. I led the fight to make sure he was confirmed. That was later in that year. There have been other cases as well.

It is wrong to set any arbitrary limits on when during the year the Senate can confirm judges. If a person is not qualified, that is one thing. But everybody we have brought to the floor has not only been qualified, they have been among the best nominees of my 28 years in the Senate. Mr. Myers is one of them. He is knowledgeable. He has held high-level positions in our Government. He has served with distinction. He has served well. He is one of the brightest people. He would represent Idaho in the only active seat Idaho would have. He certainly understands all of the problems in the intermountain West, an area where the Ninth Circuit Court of Appeals could use his knowledge. He is one of the top public lands and natural resource lawyers in the country.

He is a person of inestimable ability, great charm, decency, honorable ways, and capacity. He is a person who would have great temperament on the court. In other words, he is a person we ought to confirm. We should not get into these Mickey Mouse filibusters that fly in the face of the advise and consent clause itself, and which basically have cost the dignity of the Senate to a large degree.

Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. What is the matter now before the Senate?

The ACTING PRESIDENT pro tempore. We are in executive session for Calendar No. 603.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

(The remarks of Mr. REID are printed in today's RECORD under ''Morning Business.'')

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, I wish to speak on the William Myers' nomination to the Ninth Circuit Court of Appeals. He is a man of skill, a man with a proven record of public service, a man with a broad background in legal matters, a man perfectly suited to help improve the Ninth Circuit Court of Appeals, which has had an extraordinary number of problems in recent years.

William Myers has bipartisan support. He has had a distinguished legal career. Ranging from his service as a solicitor for the Department of Interior, the chief legal officer at the Department of Interior, to his extensive private practice at Holland & Hart, one of Idaho's most prestigious law firms, where he specialized in Federal litigation involving public lands and natural resource issues.

He served for close to 4 years on the staff of former Senator Alan Simpson as legislative counsel. Senator Simpson served for many years in the Senate. William Myers has also served as an assistant to the Attorney General in the U.S. Department of Justice and as Deputy General Counsel for Programs in the United States Department of Energy.

These are broad experiences, the kinds of experiences that will be most valuable to him as a Federal judge because many Federal cases involve relations and litigation affecting Federal agencies in matters of land, conservation, and energy. This is particularly true of the West.

He is qualified to serve. The American Bar Association, certainly not a conservative organization, has rated him qualified to serve, and he has won many plaudits from across party lines.

Cecil Andrus, former Idaho Democratic Governor, had this to say about Mr. Myers:

> He possesses the necessary personal integrity, judicial temperament, and legal experience, as well as the ability to act fairly on matters of law that will come before him on the court.

Mike Sullivan, former Democratic Governor of Wyoming and U.S. Ambassador under the Clinton administration, calls Mr. Myers a thoughtful, well-grounded attorney who has reflected by his career achievements a commitment to excellence. He would provide serious, responsible, and intellectual consideration to each matter before him as an appellate judge and would not be prone to extreme or ideological positions unattached to the legal precedence or the merits of a given matter.

That is a high compliment. I think it goes to the heart of what a judge is; that, yes, one can be active politically; yes, one can be a person who has public policy views about what America should do to make this a better country. But when the question is, when one comes on the bench, what is their philosophy about judging? How do they think about judging? What do they think the role of a judge should be? Do they think the role of a judge is to try to use the power of the robe, the power of the bench, to implement their political views?

Frankly, if people come up for a judgeship and have never been active in any way in public policy issues, I wonder if they are qualified. Surely, they ought to have some views about issues that come before this country and care about America and have spoken out on them. The question simply is, do they understand when they put on that robe they are not a politician. They are judicial officers required to interpret the laws of this country as best they can, to give plain meaning to the words of the statute and the Constitution and not to utilize that bench as a mechanism to impose their personal views on the people in their district or their circuit? Because, of course, Federal judges have lifetime appointments.

Some would think our Founding Fathers, if they made an error, it was when they gave one group of people, the third branch of our Government, unreviewable power. So we need judges who show personal restraint, and that is Judge Myers' judicial philosophy. Frankly, it could be utilized on the Ninth Circuit to a great degree.

Some have questioned his commitment to environmental issues, even called him anti-environment. His record indicates otherwise. In fact, he is most knowledgeable and skilled in these areas. He has been a leader in the American Bar Association's Section on Environmental Energy and Resources and has served as vice chairman of the ABA's Public Lands Committee.

Now, as my colleagues know, the ABA is certainly not a right-wing organization, but they have rated him qualified. They know him. He has been active in their issues in a professional and legal manner, not in a partisan way but on the American Bar Association committees.

He has done a number of things such as settling a big case on behalf of the Government against the Shell Oil Company for flaring and venting natural gas in the Gulf of Mexico. They had to pay $49 million as a result of that settlement. An environmental group sought Mr. Myers' aid to protect Atlantic salmon and 10 other species of native fish in a dispute over removing two dams on the Penobscot River.

At the end of the day, the Myers' settlement allowed a dramatic increase in raising the population of these fish and the environmental groups called the agreement ''the biggest restoration project north of the Everglades.''

He understands environmental issues. He understands legitimate concerns about the American environment, the need for us to make sure that the environment is protected and that the law is followed. I hope, however, he is not one who believes the environmental laws the Congress has passed, some of them somewhat complex, can be twisted around and utilized as a weapon to further a personal political environmental agenda. I do not believe that is his idea.

From what we have seen from some of our Federal judges, too often in the Ninth Circuit, that is how they have acted.

Some have expressed concern about this nominee being one who is from the West. He understands the Government lands issue. He has served on ABA committees and served in areas of the Government that have dealt with those issues. He is knowledgeable on environmental issues and other issues that are important to that region of the country in which he is called on to serve. Now, what is wrong with that?

I am sure we have Members of this body from Massachusetts out on Martha's Vineyard, and they would like to tell everyone that if someone is a member of the Cattleman's Association and a lawyer for them, that person cannot be trusted, they do not understand what life is about, they are not committed to the environment; you know, the cows eat grass, and it is not helpful, that kind of thing.

Mr. Meyers is a nominee who has a record of adhering to the law. I have no doubt he will be a fine judge, and he deserves to be confirmed.

I think it is important that we take a minute to say this: If we get a judge who is committed to the rule of law, committed to showing restraint, committed to the judicial philosophy that a judge ought to follow the law and not make it, where better should they be sent than the Ninth Circuit Court of Appeals?

I will share some thoughts about that circuit. Politically, let's just say that party affiliation should not affect a judge's ruling, but to those who say this man is conservative, he is a Republican, and he ought not be confirmed, let me point this out about the Ninth Circuit: Of the 26 active judges, 17 were appointed by Democratic Presidents. Only 9 are Republican appointees. A remarkable 14 of the 26 judges, 54 percent, over half were appointed by President Clinton alone. In the year 2000, a Presidential year, President Clinton appointed four judges to this court. The last year in office, he appointed and we confirmed four judges to this court.

Of course, it is the biggest circuit in America and having quite a bit of difficulty, frankly. It needs some help, and we need to see in what kind of bipartisan way we can work to improve this Ninth Circuit. We need some rule of law balance on this court. I believe that Mr. Meyers will provide that.

I will go on. The Ninth Circuit has established a pattern of issuing the most activist decisions in the country. On one day earlier this year, the U.S. Supreme Court reversed three decisions from the Ninth Circuit. The Supreme Court ended its 2003–2004 term having reversed the Ninth Circuit in 81 percent of the cases appealed from it.

As the Presiding Officer knows—and I see Senator CORNYN from Texas, who is a former attorney general and a member of the Texas Supreme Court, who would also know—the Supreme Court of the United States can only hear a small fraction of the cases that come from the entire United States. They can hear only a small fraction of the cases that are appealed from the Ninth Circuit, and they reversed them 81 percent of the time. That means hundreds and perhaps thousands of other litigants in California and the West did not have their cases heard by the Supreme Court. Perhaps they, too, would have been reversed had they been heard, but they are stuck with the Ninth Circuit as the final court that ever heard their case.

The Ninth Circuit has established a pattern of issuing the most activist decisions in the country. I will give some more examples.

During the last decade, in the last 10 years, the Ninth Circuit has reversed death sentences at an increasingly high rate.

The Supreme Court has affirmed the legality of the death penalty in America, and Congress and States like California and other States in the West have it, as does my home State. But they are being reversed at an increasingly high rate which moves it out of step with the other circuits in America. While all the other circuits uphold approximately 80 percent of death penalty convictions, the Ninth Circuit has gone the other way, reversing a majority of convictions in most years, and approximately 80 percent of the convictions over the last 3 years.

I served as a prosecutor for most of my professional career—almost 17 years. An 80-percent reversal by the Federal court, which is simply to review the State court's decisions to see if fundamental Federal principles have been violated, is a stunning statistic. So I say, if Myers has a little different view of these things, we need him in a hurry on the Ninth Circuit.

Most recently, in September of 2003, an 11-judge en banc Ninth Circuit panel ruled 8 to 3 that the U.S. Supreme Court's decision in Ring v. Arizona, which held that capital defendants have a constitutional right to a jury determination of the facts supporting their death sentences, applies retroactively to over 100 death row inmates who were sentenced by judges. Of the 11 panel judges—I want to point this out, how this circuit is made up—of the 11 judges on this panel, one was appointed by a Republican President.

Fortunately, the U.S. Supreme Court reversed the Ninth Circuit's decision, but such lack of balance on that court has produced the almost tiresomely predictable set of results. The balance I speak of is rule of law balance, not conservative versus liberal balance.

In 2001, the Ninth Circuit acted to invalidate an application of California's three-strikes law as a violation of the eighth amendment's protection against cruel and unusual punishment, a decision fortunately overturned by the U.S. Supreme Court.

It would be funny, if it were not so serious.

There is no doubt that the rather significant decline in criminal activity in America today is driven by tough sentences and things like California's ''three strikes and you are out'' laws which have sent repeat offenders off to jail for longer periods of time. It has saved the lives of hundreds, thousands of Californians who would have been murdered by some of these people, much less raped, assaulted, had their homes vandalized and burglarized, their automobiles stolen, and drugs sold in their neighborhoods. This law was struck down by the Ninth Circuit.

Fortunately, it was reversed by the Supreme Court. The Ninth Circuit opinion, of course, was authored by Clinton nominee Richard Paez, who came through here and was confirmed in this Senate several years ago. I opposed his confirmation.

The Ninth Circuit, then, after the Supreme Court reversed the decision, only implemented the reversal of through a divided panel. After the Supreme Court told them what to do, the panel still divided, with Judge Reinhardt, the epitome of judicial activism in America, upholding the defendant's sentence only under the Supreme Court ''compulsion,'' he said. And Judge Pregerson stated that ''in good conscience'' he could not follow the Supreme Court's decision.

This kind of contempt and disrespect for the U.S. Supreme Court is a matter of concern, of real concern. What is not a matter of concern is that Mr. Myers represented the Cattlemen's Association and understands land issues in the West. That is what we need on this court, some respect for law.

The Ninth Circuit reinstated in another case a claim by a prisoner who had been convicted of making terrorist threats and sentenced to 100 years to life. They ruled he had a constitutional right to artificially inseminate his wife from prison via overnight mail. The en banc Ninth Circuit reversed the decision over the dissents of four Clinton appointees, including Marsha Berzon and Richard Paez, who I voted against, but I voted not to filibuster, to bring them out so they could get an up-or-down vote in this body. My suspicions about their activist nature have been confirmed in case after case, unfortunately.

In 2002, the Ninth Circuit struck down Alaska's Megan's Law, a sex offender notification law. Both plaintiffs in the case had been convicted of sexual abuse of a minor. Judge Reinhardt's opinion was joined by Clinton nominee Sidney Thomas and Carter nominee Dorothy Nelson. The Supreme Court reversed their decision 6 to 3. Many of those cases have been reversed by the Supreme Court 9 to nothing.

The Ninth Circuit infamously declared the Pledge of Allegiance unconstitutional. The Ninth Circuit panel, including Stephen Reinhardt, ruled the Pledge of Allegiance unconstitutional because it contained the word ''God.'' The en banc court later refused to reconsider the ruling and the case thankfully was reversed earlier this summer on summary grounds by a unanimous Supreme Court.

The Ninth Circuit ruled that California State courts erred as a matter of State law when they found that a defendant, convicted of selling cocaine, had failed to present sufficient evidence to warrant a jury instruction on entrapment.

This is a Federal court sitting in review of an oversight of a State court ruling. They are State judges, by the way, who are sworn to uphold the Constitution and sworn to uphold the laws of the State of California. Judge Susan Graber, writing in dissent, faulted the majority for failing to adhere to the proper standard of review of State court decisions. She noted that:

> [t]he Supreme Court of the United States has just chastised this court, in the strongest possible terms, for substituting our judgment for that of a state court on matters of federal law. . . . We have even less justification for substituting our judgment for that of a state court on matters of its own state law.

I am pleased that one justice spoke up there.

There are quite a number of other cases I could mention. I will not go into them. Actually, there are quite a number of others.

I will say this. This judge has the ''qualified'' rating by the American Bar Association. He has had broad public experience. He has had private litigation experience with a good law firm in Idaho and in the West and back here in Washington. He knows what he is doing. He has bipartisan support, Democrats and Republicans. He is a person who is qualified and should take this position. But we have a small group who thinks these people in the South, they put judges up who want to turn back the clock. They believe we have nominees, if they come from the West and represent the Cattlemen's Association, that they do not believe in the Constitution, they don't believe in the environmental laws. It is a conceit of the elites. It is not correct. This judge is committed to following the law. He would be a wonderful addition to a circuit that is in serious trouble today and needs some reform and needs some judges with good skills, a commitment to the law, common sense, personal integrity, and a willingness to follow the Supreme Court rulings whether they agree with them.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Texas.

Mr. CORNYN. I will ask unanimous consent I be permitted to speak as in morning business.

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

(The remarks of Mr. CORNYN are printed in today's RECORD under ''Morning Business.'')

Mr. DEWINE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ENZI. Mr. President, I rise in support of the nomination of my good friend, William G. Myers III. I recommend him highly, and I believe the United States Senate should approve his nomination to serve as a judge on the Ninth Circuit Court of Appeals. He has earned that position by his dedication and a remarkable record of service to the country and to our legal system.

I am concerned we won't hear about his impressive record, however, I am afraid we are going to hear a lot of needlessly harsh rhetoric about Bill being a radical who has only represented extreme conservative interests during the course of his outstanding legal career. That isn't the truth, of course, but it does make for good soundbites and unfortunately, that is often what is promoted as the truth.

The truth is that Bill is not a radical extremist, nor does he have a political agenda that he is trying to pursue in agreeing to be nominated for the Ninth Circuit. A radical judge would be one who is intent on making extreme, sweeping changes in the political and social make up of the west. A radical judge is someone who stands out as being significantly different from the community he represents, who pursues his ideology regardless of its impact on those affected by his actions, and who doesn't care if his actions do not represent the interests of the people he serves.

No, Bill is not a radical for he is none of those things. In fact, he is quite the opposite. He is someone who has lived and worked with the people of the West. He knows them, respects them, and he understands the demands they face every day as they try to make a living. He knows their dreams and he shares their values. He is looking to serve on the bench to make life better for them and for all those in the West who will be affected by his decisions.

It is unfortunate that this is an election year. Any other year and we would see Bill for who and what he is. We would see him, not as a radical, but a typical Westerner who has a well established and outstanding reputation for his work representing the West.

Who else shall we appoint to the Ninth Circuit to truly represent the typical West? I believe it would be very safe to say that the Ninth Circuit Court is made up predominantly of judges who are sympathetic to radical agendas with very few if any of them representing the hardworking miners and ranchers who have for generations made up the backbone of the Western economy.

Of the 26 active judges on the Ninth Circuit Court, 17 were appointed by Democrat presidents. Only 9 judges are Republican appointees. A remarkable 14 of the 26 judges—54 percent of the court—were appointed by President Clinton. In 2000 alone—a presidential election year—President Clinton appointed four judges to the court.

The Ninth Circuit has established a pattern of issuing the most activist decisions in the country. In one day earlier this year, the U.S. Supreme Court reversed three decisions from the Ninth Circuit, and the Supreme Court ended its 2003–2004 term having reversed the Ninth Circuit in 81 percent of the cases appealed from it. Needless to say, that's not a good record. That means, in every five cases that were appealed, the Supreme Court ruled that these judges got it wrong 4 out of every 5 cases. Worse still, this was an improvement over their embarrassingly high reversal rate over the past several years—86.5 percent since 1998. This trend is likely to continue unless we help correct the situation by confirming good, honest judges who respect the Constitution and Federal law. Judges who will bring some balance to the Ninth Circuit equation.

Why do they call Bill a radical? If you examine his record, you will see that he represents and understands those under the jurisdiction of the Ninth Circuit Court—the average person in the West who relies more on common sense than complicated legal arguments to determine right from wrong. That ought to erase that label. But, for some reason, it doesn't. Could the placing of this label on this good, fair, honest, and decent individual be another ploy at politicizing this nomination for the sake of obstruction?

Most of the Judges on the Ninth Circuit Court come from the Circuit's most populated States, such as California. The other States that make up the Ninth Circuit, such as the State of Idaho, are allowed only one judge. Right now Idaho's seat is vacant. Will Idaho only be allowed representation on the court when it has a nominee from California?

We begin every session here in the Senate with the Pledge of Allegiance. We join together to say those special words. As we do, I know that my colleagues, on both sides of the aisle, say those words with a firm heartfelt commitment to this country and that they mean every word of pledging their allegiance to the flag and to this Nation. But I have to wonder if they haven't forgotten the meaning of all the words in the pledge when they take a hardline stance like this against a fully qualified nominee.

The last six words of the Pledge of Allegiance, ''with liberty and justice for all,'' mean that we do not preserve justice or liberty for a few people, or for most of the people, and leave a few, or even an individual, behind. It means we have justice for all, for everyone, and that we don't make exceptions because they come from a State that doesn't have as many people as California, or may not be as liberal as California.

In fact, this is one of the situations that the courts were created to protect—the rights of each individual. I think it is a little ironic that there are those here in the Senate that would be willing to withhold justice and rights from some people, in this case the average, hardworking people who make up the population within the Ninth Circuit just because those individuals don't share their political philosophy.

I hope we will do the right thing by Bill Myers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that there now be a period of morning business for debate only, with Senators permitted to speak therein for up to 10 minutes each.

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

ENERGY POLICY

Mr. REID. Mr. President, this is a time when American families take their vacations. I can remember as a young man working in a service station in Las Vegas and Henderson. This was a busy time of the year. It was always interesting to see the cars loaded with kids going every place. Even today, these many years later, families still drive. This summer, although the price of gas is not quite as high as it was a few months ago, it is still near record levels in many parts of the country, including the State of Nevada. Every time a family stops for gasoline, it is a reminder that our country needs reliable sources of energy that are not subject to wild price swings.

Every time we see a scene from the Middle East on TV news—and that is

often—it is a reminder that our Nation depends too heavily on oil from that volatile region. Every time a parent tells a child with asthma that he cannot play outside because the air is unsafe, we are reminded that fossil fuels do tremendous harm to our environment and to ourselves.

Our Nation desperately needs a new energy policy, one that protects consumers, safeguards our environment, and makes us stronger by reducing our dependence on Mideastern oil. We cannot create an energy policy for the future by simply repeating the past. We need new ideas. We need some new approaches.

We use about 25 percent of the oil that is produced worldwide, but we only have less than 3 percent of the proven oil reserves in the world, including ANWR. So it is a cinch we cannot drill our way out of the problems we have dealing with the production of fossil fuel. We need to remember the words of Benjamin Franklin who said a penny saved is a penny earned. In the case of oil, a barrel saved is better than a barrel drilled and consumed. Why? Because it does not pollute the air or contribute to global warming.

After the Arab oil embargo of 1973, our Nation got serious about conserving oil. By 1990, less than 20 years later, our vehicles were using about 40 percent as much fuel as they did in 1973. We can do this again.

America's talented engineers and scientists can still design vehicles that save fuel without sacrificing safety if we make conserving oil a national priority. We have to do a better job of conserving oil and we have to develop new sources of energy that are clean and reliable.

Again, we in America are fortunate because this great land of ours is blessed with an abundance of clean, renewable energy sources. We can harness the warmth of the Sun, the power of the wind, and the heat within the Earth. All it takes is good old American ingenuity, and a little bit of incentive but we should be clear. For decades we have provided subsidies and tax breaks for the big oil companies. Today we need some incentives to help spur production of renewable energy.

I have been in Congress a long time, and I know how things work. It takes time to get things done. I try to be very patient, but when we not only fail to make progress on an important issue but actually move backward instead of forward, then I think an alarm must be sounded, and that is what has happened on renewable energy. Instead of making progress, we seem to be taking steps backward.

Over the last 15 years, wind power has been the fastest growing source of renewable energy, thanks to the section 45 production tax credit. This incentive spurred billions of dollars of investment in new technology. As a result, wind energy has become increasingly cost effective and it provides jobs and electricity. In parts of the Midwest, some farmers make more money producing electricity from wind turbines than they do selling their crops.

I worked for years to expand this incentive to other forms of renewable energy, especially solar and geothermal power. But instead of expanding the tax credit that has been so successful in promoting wind power, we have allowed it to expire. It is hard to believe but it is true. This seems crazy. It is like allowing insurance on one's home to lapse for failing to properly maintain a vital piece of equipment, equipment that is used every day.

The tax incentive for wind energy expired 31 December 2003. We need to restore it as soon as possible, and we need to extend it to solar, geothermal, and biomass energy.

I was encouraged that the FSC bill passed by the Senate last month contains these section 45 production tax credits. That is great work by Senators GRASSLEY and BAUCUS, and I have told them personally how much I think they have the right idea of what it is going to take to help this country from an energy perspective.

Unfortunately, the companion House bill would only extend the production tax credit for wind. We are beginning to see again, as we always do, the powerful interests of the oil companies who want all the subsidies, but we now have another chance to get it right because this bill is going to conference. That was agreed last week. We must not squander this opportunity. We must get back on the path to renewable energy and energy independence.

America, our Nation, is blessed with abundant renewable energy resources, especially in the western part of the United States. Last month, the Governors of nine Western States, including Nevada, formally signed a plan that commits the region to developing 30,000 megawatts of electricity. That is about 15 percent of current demand from renewable sources by the year 2015, which is going to be soon.

I applaud their determination. I applaud their vision. They know that developing renewable energy is not only good for consumers and the environment but also for creating jobs.

Because renewable energy is ''Made in the USA,'' it can reduce our dependence on oil from the Middle East. Many Western States have already adopted renewable portfolio standards requiring a fixed percentage of energy sold in-State come from renewable energy resources. As we speak, 13 States have set these goals, and the number will increase.

I am happy that Nevada has adopted one of the most aggressive renewable portfolio standards of any place in the country. It commits the State of Nevada to produce 15 percent of our electricity from renewable sources by the year 2013. A goal had been set of 5 percent by the end of 2003. We didn't do that. We could have. We didn't. There were a number of reasons. One was there was uncertainty about whether the tax incentive for wind power would be extended or expanded to solar and geothermal power. The other reason is utilities in Nevada and other Western States are still reeling, they are in bad shape, from the western energy crisis of 2000–2001, when Enron and other traders manipulated the energy market to jack up prices for no reason other than to generate obscene profits. Because of the exorbitant contracts with Enron, the State of Nevada's utilities are near bankruptcy. As a result, companies that want to develop renewable energy and sell it to these utilities have not been able to attract the investment they need. The investment community evaluates renewable energy projects based on the strength of long-term purchase agreements between the proposed facilities and the local utility, but if the utility is in trouble, investors shy away.

To address this problem, Kenny Guinn, the Governor of Nevada, will ask the legislature which meets next year to create a temporary renewable energy development trust that will provide some protection to renewable energy power plants if our utilities file for bankruptcy.

We need action at the Federal level also. The Federal Energy Regulatory Commission, referred to as FERC, must provide relief to utilities and ratepayers in Nevada and other Western States. FERC needs to act, and now, to vacate the exorbitant contracts of the energy crisis. We know that two of the FERC Commissioners were recommended by Kenny Lay, the Enron CEO, who was a major contributor of the President's campaign, and the President referred to him as ''Kenny Boy.'' These Commissioners should either step down or clean up this mess. I am happy to report that Kenny Boy is now under indictment.

Our Nation must have energy markets that function properly. We must have incentives to develop our clean, renewable energy resources, and we must apply American ingenuity to do a better job conserving energy. These are critical steps toward the kind of far-sighted energy policy this country needs. These steps will protect consumers, they will safeguard the environment, and they will make our Nation stronger by moving us closer to energy independence.

SUPPORTING U.S. EFFORTS IN IRAQ

Mr. CORNYN. Mr. President, on July 7, 2004, the Senate Select Committee on Intelligence issued an important report regarding flaws in our prewar intelligence on Iraq. Last week, Lord Butler issued a similar report on British intelligence. In a related vein, the 9/11 Commission will issue its report this Thursday.

Each of these reports either already has, or no doubt will, shed light on how we can improve our ability to protect this country and our allies from future terrorist attacks.

Coming almost 3 years after 9/11, it is important to note that many reforms have already been implemented by Congress and the administration without waiting on a committee or a commission report. Still, the recommendations of each of these reports ought to be carefully considered and debated by Congress.

If this were not a Presidential election year, we might be able to even undertake this important work without playing the blame game in order to score political points. My hope is that we will, to the extent humanly possible, strive to do so. If not, we risk politicizing the process to the detriment of long-term solutions to our intelligence problems.

Some have used the occasion to criticize our Nation's policies in Iraq and the broader war on terror. Some say, on the one hand, that our leaders did too little before 9/11 to stop the horrible events of that day. Some say, on the other hand, that our leaders did too much in removing Saddam based in part on the remarkable clarity that comes with 20/20 hindsight.

I did not say, and consciously so, President Bush's policies but, rather, our Nation's policies because our policies in Iraq and in the broader war on terror have generally been a consensus policy authorized by the Congress and ultimately implemented by President Bush. In fact, the policy of regime change in Iraq was shared by the Clinton and Bush administrations and is now being criticized for political gain by some who voted for those very policies.

It is important that we set the record straight. The Senate Intelligence Committee report in particular directly rebuts some of the more outrageous claims that administration officials, including the President himself, intentionally misled the American people. Indeed, due to systemic flaws in our intelligence apparatus, it appears that it was the administration itself that was misled to some extent. But that does not mean we were wrong to remove Saddam Hussein from power. There were many good reasons for the regime change in Iraq in addition to those which have at least so far turned out to be mistaken.

There is no question that the world is better off with Saddam Hussein in a prison cell instead of remaining in his royal palaces. There is every reason to believe he is precisely where he belongs.

When the Senate voted overwhelmingly on a bipartisan basis in October 2002 to authorize military force to defend the national security of the United States and enforce all relevant United Nations security council resolutions, the resolution this body passed noted that Iraq, in 1991, entered into a United Nations-sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed among other things to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them and to end its support for international terrorism.

That resolution also noted that the efforts of international weapons inspectors, U.S. intelligence agencies, and Iraqi defectors led to the discovery in 1991 that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated.

That resolution also said that Iraq in direct and flagrant violation of the cease-fire attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction and development capabilities which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998.

That resolution went on to note that the current Iraqi regime at that time under Saddam Hussein has demonstrated its capability and willingness to use weapons of mass destruction against other nations and against its own people.

Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of U.S. citizens.

It was on this last point that Acting Director of Central Intelligence John McLaughlin said just yesterday in an interview:

> We could, through intelligence reporting, say with some credibility that there had been meetings between senior Iraqi officials and Al Qaida officials. We could also say that there had been some training that had flown back and forth between the two sides. And we could say that there was some degree of safe haven that Al Qaida-related people had obtained in Iraq for a variety of reasons. We could also say with some assurance that operating from Iraq, someone like Abu Musab Zarqawi had arranged the assassination of an American diplomat in Jordan.

Saddam dared the United Nations Security Council and the free nations of the world to act and act we, the coalition, did. Congress expressly recognized in the authorization it gave President Bush that ''the attacks on the United States of September 11, 2001, underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations.''

We knew that Saddam had them but we did not yet know what he did with them. Why he kicked out United Nations weapons inspectors in 1998 and never accounted for them, all the while defying resolution after resolution of the United Nations Security Council we may never know for sure.

I once thought that no one would question whether America was safer and that the Iraqi people are better off without Saddam but some, during this political season, have come awfully close. Put another way: Does any reasonable person truly believe that America and Iraq were better off with Saddam Hussein in power? Surely not. Surely not. But you simply can't have it both ways. You must choose, and choose we did.

I believe the Senate made the right decision in supporting our efforts in Iraq to remove Saddam Hussein from power. Nothing we learned since then has changed my mind. It has been our official consensus policy since 1998 under both Presidents Clinton and Bush, under both Democrat and Republican leadership in the Senate. For example, in the Iraq Liberation Act of 1998, we said:

> It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime.

Everyone, Republican and Democrat, knew that the dictatorship of Saddam raised the prospect of a dangerous and irrational government in the Middle East. Everyone knew that the Iraqi people were living under a brutal and murderous tyrant. And at that time everyone knew that Saddam was armed with weapons of mass destruction.

It was in a speech to the Joint Chiefs of Staff and the Pentagon staff generally that President Clinton eloquently described the consequences of inaction. He said:

> What if [he] fails to comply, and we fail to act, or we take some ambiguous third route which gives him yet more opportunities to develop this program of weapons of mass destruction. . . . He will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you, he'll use the arsenal.

That was President Clinton in 1998.

Our intelligence community told us before the Iraq war that Saddam Hussein had weapons of mass destruction programs—chemical, biological, and possibly nuclear. Now in the past, in 1991, our intelligence had sometimes underestimated Saddam's capabilities; so there was no question that there was reasonable cause for concern for an armed Saddam, ready to lash out, without warning, against Israel, Kuwait, or other countries in the region. We also feared that because of his hatred for America, Saddam might give the weapons he was developing to terrorists for whom he provided sanctuary. These concerns were nearly universally shared, as articulated in the quote I read from President Clinton.

At the outset of our military operations against Iraq in December of 1998, President Clinton described the risks of leaving Saddam in power. He said:

> The hard fact is that so long as Saddam remains in power, he threatens the well-being of his people, the peace of his region, the security of the world. The best way to end that threat once and for all is with the new Iraqi government, a government ready to live in peace with its neighbors, a government that respects the rights of its people.

Again, a statement by President Clinton in 1998.

We should all be glad Saddam Hussein is out of power. Iraq's fledgling government is taking the first steps toward freedom and democracy. Neither we nor they have to fear Saddam's regime cooperating at any level with al-Qaida or other terrorists who wish to do violence against the American people or our allies. But it is also true that the weapons programs we found in Iraq were not what our intelligence information predicted before hostilities broke out in 2003. Saddam Hussein had the capability and the raw resources to do many things, but he did not at that time have the fully operational weapons systems we believed he possessed.

So why, it is logical to ask, did we have this problem with our intelligence? We know, as the unanimous, bipartisan report of the Select Committee on Intelligence said, that despite the insinuations of administration critics, the intelligence we had was not rigged or interfered with in any way. The same conclusion was echoed by Lord Butler's report in Great Britain which found no evidence of deliberate distortion of the intelligence material or of culpable negligence. It is clear that any such allegations to the contrary are baseless, partisan, and have no foundation in the truth.

The Select Committee on Intelligence of the Senate found in conclusion 83:

> The Committee did not find any evidence that Administration officials attempted to coerce, influence or pressure analysts to change their judgments related to Iraq's weapons of mass destruction capabilities.''

In conclusion 84, the Senate Select Committee on Intelligence said:

> The Committee found no evidence that the Vice President's visits to the Central Intelligence Agency were attempts to pressure analysts, were perceived as intended to pressure analysts by those who participated . . . Or did pressure analysts to change their assessments.

And in conclusion 102:

> The Committee found that none of the analysts or other people interviewed by the Committee said that they were pressured to change their conclusions related to Iraq's links to terrorism.

How did we get here? How did we know that Saddam had these weapons of mass destruction, defied resolution after resolution of the U.N. Security Council, defied every request that he open his country to U.N. weapons inspectors and reveal what he had or, we might say, what he no longer had?

Consider in 1993 we saw the first successful terrorist strike by radical Islamists on U.S. soil—a car bomb that exploded in the basement garage of the World Trade Center, killing 6 and wounding 1,000. Then in 1996, there was another attack on the Khobar Towers barracks in Saudi Arabia, killing 19 Americans and wounding 515 Americans and Saudis. In 1998, the United States embassies in Kenya and Tanzania were attacked by al-Qaida suicide bombers who killed 234 people and wounded more than 5,000. And in 2000, al-Qaida attacked the USS Cole, killing 17 American sailors and wounding 39.

It was during these same years that Congress made dramatic cuts in funding for the Government agencies most involved in the fight against terror, particularly the Central Intelligence Agency. These cuts were significant, including letting go nearly 40 percent of those recruited to spy for America's interests. The number of officers in the clandestine service was downsized by roughly 25 percent and nearly one-third of our overseas offices were shut down. All of these cuts seriously hampered the intelligence community's ability to monitor and analyze the rising threat posed by terrorism. Again, Acting Director of the Central Intelligence Agency, John McLaughlin, said yesterday, because of these cuts, we were almost in Chapter 11 in terms of our human intelligence collection. This much seems clear: Our early warning system was blinded by a self-inflicted wound.

There is simply no way that President Bush's administration could have filled all the holes of an underfunded and demoralized intelligence community in a mere 8 months after it had been dismantled systematically and deliberately during the preceding years. So when President Bush came to office, he inherited an intelligence community that was ill prepared to meet the challenges of the war on terrorism.

We should not make this merely a game of election year ''gotcha.'' We must debate the causes of our intelligence flaws in a way that commands the confidence of the American people and in a way that makes them safer and freer. We must also remain committed to our task in Iraq, to finishing that task and not allow election-year politics to create a climate that undermines the morale of our brave troops in the field.

Let us finish the task we have undertaken in good faith and with the noblest of aspirations on behalf of free people around the world. Let us not let partisan politics lead us into the trap identified by Winston Churchill when he said:

> Nothing is more dangerous in wartime than to live in the temperamental atmosphere of the Gallup Poll, always feeling one's pulse and taking one's temperature.

September 11 forced the civilized world to realize that the terrorist foe we had been fighting for years sought a more deadly goal than we ever suspected. Once Congress and the administration came to grips with the horrible truth of this new breed of terrorism, we knew what had to be done. We knew we had to take action. Under President Bush's leadership, we resolved that our aim was to defeat terrorism as a threat to our very freedom and our very lives.

Nor could we achieve our aim merely by maintaining a defensive posture. Fighting terrorism on American soil is not enough. That is merely a holding pattern and a capitulation of our responsibility. When it comes to confrontation with terrorists, we must either change the way we live or we must change the way they live. We chose the latter, and I believe we chose wisely. It is a policy of action rather than inaction, and one clearly warranted by the new reality of our post-9/11 world.

Mr. President, I yield the floor.

HONORING OUR ARMED FORCES

ARMY PRIVATE FIRST CLASS GAVIN NEIGHBOR

Mr. DEWINE. Mr. President, I rise this afternoon to honor and remember a young man from Somerset, OH. I rise to honor Gavin Neighbor, a soldier who gave the last full measure of devotion to our Nation on June 10, 2003. On that date, Gavin was killed by a rocket-propelled grenade while serving in Iraq as part of Company C, 3rd Battalion, 325th Infantry Regiment, of the 82nd Airborne Division. At the time of his death, Gavin Neighbor was 20 years old.

When Gavin Neighbor was killed, Marisa Porto, who at the time was a journalist with the Zanesville Times Recorder, had a very difficult time writing about Gavin. She struggled to write about his life and his death because she said she knew she had to balance the reporting of the news with the personal connection she felt knowing that someone so young from her own community had just been killed. She managed, though, to find the right words and wrote the following:

> My thoughts [are] simple. Gavin Neighbor's family won't get the chance to see his wedding announcement in his newspaper. They won't ever have the opportunity to see his son's birth announced in this newspaper. These next few days may be the last time his name is ever published in this newspaper. . . . So, let's give him the homecoming he deserves.

Mr. President, Members of the Senate, since his death, I have learned that Gavin Neighbor, in his all-too-brief 20 years on this Earth, did, in fact, live life fully. He was an outgoing, determined young man, who felt great love and affection for his family, for his fiancee, his friends, and his country.

Gavin was born in Newark, OH, on November 25, 1982. He graduated from New Lexington High School in 2001, where high school friends described him as dependable and fun loving. Gavin was a gifted artist. He had a signature piece: a drawing of a dragon. His friends say he would draw that dragon anywhere, anytime.

He loved to draw, and he was good at it. According to his high school art teacher, Jody Bowen:

> Gavin would work on projects on the side, after his classwork was done. I saw something more in him. . . . He certainly impacted my life. I feel fortunate I met him and got to know him.

Equal in his devotion to art, Gavin was committed to serving his country and making his family proud. Gavin had a strong sense of duty and a strong sense of family. He was always trying to take care of others and protect others. That is part of what compelled him

to join the military. He wanted to follow in the footsteps of several relatives. Like them, he wanted to protect his family and his friends and his country. So after his high school graduation in 2001, Gavin enlisted in the U.S. Army.

According to Gavin's grandmother, Gladys Hykes:

He was wonderful. He loved the service. That was his goal.

Gavin planned to make a career for himself in the military, aspiring to join an elite Ranger battalion. He was well on his way toward achieving that dream. Gavin earned his paratrooper wings and was known for performing, with ease, some of the most difficult airplane jumps. Known as a ''Javelin Jumper,'' he would jump from planes while carrying part of an antitank missile system strapped to his leg. Upon receiving an award of recognition for this accomplishment, Gavin dedicated it to his parents and had his thanks to them engraved on the plaque.

Gavin loved his family very much. He had an especially strong bond with his mother Cathy. Oh, he loved her cooking. He loved to spend time with her. He wrote and called home often, and when he did he had simple requests. According to his mom, Cathy:

I kept sending him letters and boxes. He wanted Kool-Aid and chips. And Copenhagen. He wanted Copenhagen. I didn't want to send it, but I did.

Gavin called home on February 13, 2003, to say his unit was leaving on Valentine's Day for Iraq. Soldiers only had an hour for family visits. Cathy and her husband Willie drove more than nine hours to visit one last time with Gavin. As Cathy said:

All I knew was that I had to get there. I had to be there to hug him.

Many of his fellow comrades have said that Gavin Neighbor was the kind of soldier you wanted by your side—any time, any place. He was dependable. He was tough. He was a real leader.

Gavin was also known for his ability to make light of serious situations—an admirable quality in the face of war. While training in California, to humor his comrades, he would walk around flapping his arms like a chicken and then claim to be a dinosaur. During a punishing mountain hike, Gavin lightheartedly asked his leader, ''Are we there yet? Are we there yet?'' The other members of the platoon could not help but smile. As Sergeant Arthur Swartz said at Gavin's memorial service:

When we were at our lowest, Gavin could turn the whole platoon around just by making a joke or saying something funny. . . . He was definitely the best, youngest soldier in my platoon.

Gavin's unique sense of humor did not cloak the fact that he was also a very hard worker and a very independent young man. Captain Todd Hollins, a chaplain with the 82nd Airborne Division, said that when he thinks of Gavin:

I see a young man who chose to walk the road less traveled—a man who gave 100 percent, all the way, all the time. . . . I see a young man, one who cared about others more than himself, a man with a zest for life, who was willing to face his fears. . . . I see a volunteer, a bold spirit. I see a young man who was genuine in all regards.

Gavin Neighbor's dependability, commitment, and fun-loving attitude will never be forgotten. His life is an example for us all. Left to cherish his memory are his parents; his sisters, Roxanne Lewis and Tracy Neighbor; brother Willie Neighbor, Jr.; and Gavin's special friend—his fiancé, his soulmate—Rachel Sanderson.

Gavin Neighbor was just a good kid, who died too young. I think that Brigadier General Abe Turner, assistant division commander of operations with the 82nd Airborne, said it best:

He quickly became a very important part of our band of brothers. We asked him if he'd be willing to pay the ultimate sacrifice, and he did. . . . He was our hero.

PATIENT SAFETY AND QUALITY IMPROVEMENT ACT

Mr. ENZI. Mr. President, I rise today to talk about patient safety. There is bipartisan legislation pending in the Senate that is absolutely critical to reducing health care errors and increasing health care quality. It is S. 720, the Patient Safety and Quality Improvement Act.

The HELP Committee reported this bill to the Senate in November of last year. It was approved in committee by a unanimous vote. It is past time for the Senate to vote on and pass this important legislation.

This patient safety legislation is an important step toward building a culture of safety and quality in health care. The Patient Safety and Quality Improvement Act would create a framework through which hospitals, doctors, and other health care providers can work to improve the health care quality in a protected legal environment.

The bill grants privilege and confidentiality protections to health care providers to allow them to report health care errors and near-misses to patient safety organizations.

The bill also allows these patient safety organizations to collect and analyze the data confidentially. After analyzing the data, patient safety organizations would report on trends in health care errors and offer guidance to providers on how to eliminate or minimize these errors.

Some of this takes place today, but much more information could be collected and analyzed if providers felt confident that reporting these errors did not increase the likelihood that they or their colleagues would be sued for honest mistakes.

This legislation would not permit anyone to hide information about a medical mistake. Under the bill, the lawyers still can access medical records or other information that would normally be recoverable in legal proceedings. However, the bill would ensure that the analysis of that information by patient safety organizations would take place on a separate track than in a protected legal environment.

Health care providers would be much more likely to share information about honest mistakes and how to prevent them if they have some assurance the analysis of their information will not result in a tidy package of information a personal injury lawyer could use against them in court.

Errors in medical treatment take place far too often today. Unfortunately, providers live in fear of our unpredictable and unfair medical litigation system, and this legal fear inhibits efforts to address the root causes of health care errors. Without appropriate protections for the collection and analysis of patient safety data, providers are unwilling to report mistakes and errors, which is one of the reasons health care quality today is not what it could be.

Litigation does nothing to improve quality or safety. The constant threat of litigation indeed stifles honest analysis of why health errors happen. This is one more reason why we need wholesale reform of our medical litigation system. We need to foster alternatives that restore trust between patients and providers and result in fair and reliable outcomes for both parties. We need to scrap the present system, not just cap it. Until we do so, we should take whatever steps we can to create an environment that protects the collection and analysis of patient safety data so providers can learn from their mistakes and the mistakes of others and prevent them from happening in the future.

The Patient Safety and Quality Improvement Act is one of these steps. Last week, our committee chairman, Senator GREGG, asked for unanimous consent that we move to consideration of this legislation in the Senate. This is the third time since November he has done so. Each time he has been blocked by our colleagues in the minority, even though the committee of jurisdiction was unanimous—you cannot get more bipartisan than that—in support for the bill.

My colleagues in the minority keep talking about problems with health care quality, as they keep on talking about the loss of American jobs. However, talk is cheap when their actions don't match their words.

If they are really so concerned about improving health care in our Nation, why would they object to a bill that would reduce errors and improve patient safety, particularly a bipartisan bill with unanimous committee support? If they are really so concerned about American workers and jobs, why won't they let a bill improving the Nation's job training system go to conference?

Another example of what is happening or not happening in the Senate: We have a bill, a bipartisan bill, that

will help workers get back to work or find better jobs. This bill will equip our workforce with skills necessary for America to compete and succeed in the global economy. It reauthorizes and improves the Nation's job training that was created under the Workforce Investment Act. The Workforce Investment Act provides job training and employment services to more than 900,000 unemployed workers each year. Just like the patient safety legislation, this bipartisan bill passed out of the Health, Education, Labor, and Pensions Committee unanimously. We passed it on the Senate floor by unanimous consent last November. Remember, that is as bipartisan as you can get.

Where is the bill now? Well, it passed in the House, too. The House has a somewhat different version. When there is a different version between the House and the Senate, you normally would have a conference committee, and the conference committee would work out the differences so that both Houses could pass it again as a unified bill that would then go to the President to be signed. It has to be one bill that goes to the President, not two bills that go to the President. You have a conference committee to work those bills out.

Now, the House appointed a conference committee. It is a very simple task. You just figure out how many Members are going to be in the conference committee, and Members are chosen from both sides of the aisle in both Chambers to meet together to talk about the differences, to propose alternatives, to vote on those alternatives, and to come up with a compromise bill. Sometimes the compromise is taking all of one Chamber's bill and eliminating the other one. Usually it is somewhere in between.

The first excuse I heard on this Workforce Investment Act, which will train 900,000 people to do jobs they do not have now or definitely to have better jobs than what they might have now, with a particular emphasis on moving women into higher paying jobs was how bad the outsourcing is in this country. Yes, because we do not have trained workers to take those jobs at the present time. We hear about the wages in this country. Yes, because the people do not have the higher skills for which you get paid higher wages.

This bill would provide training for jobs we are having to send overseas right now or better paying jobs for American workers. We passed it unanimously. The House passed it. The House appointed a conference committee. We are not even allowed to appoint a conference committee, to get together and talk about it with the House. That is nothing final. It would have to be voted on again before it could be passed. There is an opportunity for a filibuster at that final point. Instead what we are getting is a filibuster at this point, a very subtle filibuster but nevertheless a filibuster.

If jobs are important, why aren't we doing this JOBS bill that was unanimously passed out of committee and unanimously passed on the floor of the Senate? A lot of opportunity, and it is passing by. I guess because there is a Presidential election, and it might help President Bush if there were more jobs. Actually, the only ones it would help, if there are more jobs, is the people getting those jobs. None of us ought to be stopping people from getting jobs or getting better jobs. We recognize that. That is why we passed it unanimously.

So where is that bill now? We can't get a conference committee appointed to resolve the differences with the House. There was enough trust in what I did in committee that it passed unanimously. There was enough trust when it came to the Senate floor that we passed the bill unanimously. The only thing I can see that has happened in the meantime is that we have gotten closer to an election. That should not happen in America. We teach people bad things about elections when we hold up important things such as workforce investment for jobs. If we really want to take care of jobs and workers in this country, we should appoint conferees for the Workforce Investment Act legislation.

I could run through a few more excuses that I have heard on this bill. One of the excuses was that we might put something in that would allow faith-based groups to participate in job training and, under that scenario, put in something that would allow them to not hire people who are averse to their religion.

Members may be surprised to find out that we already have statutes that do provide that churches, when they are involved in government work, can't discriminate, except they don't have to hire people who are averse to their religion. That would be a very small change if it made it in there at all, but we are not even allowed to get together and discuss whether that would make it in there for fear that maybe it would. Again, that is just an excuse for not passing the bill, an excuse to keep jobs from being created which would make the economy better and which would improve the President's chances of getting reelected. That is not how politics is supposed to work.

I have to say there is a difference between Republicans and Democrats on most of the big issues facing our Nation. If my colleagues in the minority want to bottle up legislation with which they disagree, that is their prerogative. But that is not what I am talking about. I am not talking about bottling up issues with which they disagree. We have members of the minority party holding up bipartisan bills that received unanimous approval in committee—that is where the patients safety bill is—and holding up conferences on a bill that received unanimous support on the Senate floor. That is where the workforce bill is.

The only logical conclusion I could draw to these roadblocks is based on politics, not policy, and that is a shame.

Right now, the Senate floor reminds me of the airspace above a busy airport. We have a number of bipartisan bills lined up for final approach, but our colleagues in the minority are holding those bills up and won't allow them to land. The tactics of my colleagues in the minority give new meaning to the term ''holding pattern.'' That should not happen. There is going to be a crash.

It is time for our Democratic colleagues to break this holding pattern so we can pass bipartisan bills such as the Patient Safety Act and the reauthorization of the Workforce Investment Act. These are not only bipartisan bills, they received unanimous committee support. Let's set election politics aside for a moment. These are bipartisan bills, so no one party can claim credit for their passage.

The Patient Safety Act was introduced by the distinguished Senator from Vermont, Mr. JEFFORDS, who is the lone independent in the Senate. This bill is more than bipartisan. My distinguished Senator from Nevada, Mr. REID, suggested last week that we should approve the House-passed patient safety bill. He suggested we should take up the House bill rather than pass the Senate bill because Members of the House are the true experts on such complex legislation.

I wonder if my colleague's opinion would be the same on medical liability reform. After all, the expert legislators in the House have sent us some excellent legislation to reform our medical litigation system. Perhaps we should stop working on this in the Senate and approve the House bill, as he is suggesting we should do with patient safety.

I mentioned the Workforce Investment Act. The House passed that one. Their version is considerably more difficult, perhaps more conservative than the version I worked through with unanimous consent on this side, but if we are going to consider them the experts on patient safety, why don't we consider them the experts on workforce investment and take their version of the bill? We didn't do that on that bill.

No, the right way to do it is to pass the patient safety bill, hopefully, by unanimous consent over here because there is no dissension on it. The dissension is with what they are doing over on the House side. So we would go ahead and pass it, and then we have a conference committee, a conference committee in the old-fashioned style. Not this ''let's preconference and give somebody on the minority side a veto right over anything that is done.'' That is a brandnew twist around here. What we have always done is appointed the conference committee, recognizing that there are majorities and minorities even on the conference committee,

but that the point is to get the agreement between the House and the Senate. We will get that agreement between the House and the Senate, and will have better patient safety.

I hope our colleagues in the minority will agree to take 2 hours of their time to debate and vote on the bipartisan safety act. Two hours is not a lot of time. It is the least we can do on such an important piece of legislation. We have spent hour upon hour working on this bill in committee and crafting a bill that received unanimous bipartisan support. Let's spend 2 more hours on the Patient Safety Act so that we can improve the quality and safety of health care in America. I don't think that is too much to ask.

DEPARTURE OF REPRESENTATIVE C.J. (CHIEN-JEN) CHEN

Mr. ALLEN. Mr. President, a good friend of the Senate Taiwan caucus, Ambassador C.J. (Chien-Jen) Chen, will soon be leaving Washington, D.C., after having served for nearly 4 years here as Taiwan's principle representative. We are going to miss him very much. As chairman of the Taiwan caucus, I would like to bring special attention to his accomplishments for his country and his commitment to the advancement of freedom.

Ambassador Chen brought a wealth of experience to his job. He was first assigned to Washington, D.C. in 1971, and he spent most of his distinguished 37-year career promoting good relations between Taiwan and the United States. Over the years, he won many friends for himself and for his country. An eloquent speaker and polished diplomat, Ambassador Chen also has a reputation for being a ''straight shooter.'' He was always prepared to provide an informed, balanced, and fair opinion on the complex relationship between Taiwan and the United States as well as the broad range of political, economic, cultural and other issues of common interest to our two countries.

Ambassador Chen's skill and determination as a representative of Taiwan have been made plain in many ways, but I want to mention one in particular. He has persistently pushed for Taiwan to have a role in international organizations. That is a real challenge, because Beijing opposes it at every turn, but Mr. Chen has pressed on. Owing in large part to his efforts, much progress has been made on these issues. During his most recent assignment in Washington, with U.S. support, Taiwan has acceded to the World Trade Organization and become our eighth largest trading partner. At the same time, Taiwan has also contributed greatly to U.S.-led international humanitarian efforts in places such as Afghanistan and Iraq, and it has cooperated with the United States in fighting proliferation, terrorism, and money laundering in Asia.

All these matters required intensive communication and coordination, and we were lucky to have someone like C.J. Chen in place to lead the way. He understands that the people of Taiwan are as entitled to the blessings of liberty such as shared knowledge and the free exchange of information. Fighting for this freedom, he has had a special determination to secure Taiwan's entrance into the World Health Organization, an issue on which he and I have worked together. As the SARS virus swept Asia and frightened the entire globe, he seized the moral initiative to say the Taiwanese people are also vulnerable to this disease and that Taiwanese doctors also may heal. He clearly stated that they have a right to seek help and to give it, and that no petty, technical political agenda should stand in the way of that simple affirmation of humanity. When the doors to the WHO are thrown open for Taiwan, and they will be, people will remember with gratitude how C.J. Chen moved us toward that day.

One of the most notable and likable things about C.J. is his inexhaustible optimism. While the United States-Taiwan relationship has certainly experienced its fair share of twists and turns, ups and downs—as Mr. Chen will surely attest—he has always remained consistently upbeat. His confidence is contagious, and I agree wholeheartedly with his observation, that Taiwan and the United States—united by shared values and common interests—will continue to work closely together, not only for their mutual benefit but also for the sake of lasting peace and prosperity in the Asia-Pacific.

Now, after having served as his chief representative in the United States, as his country's foreign minister, as member of Taiwan's Legislative Yuan, and as a university professor, this man of extraordinary talent and vision is leaving Washington, DC. While he will be sorely missed, I am certain that he has established an admirable legacy of friendship, trust, and cooperation that will long endure.

WOMEN IN TECHNOLOGY

Mr. INOUYE. Mr. President. Today I would like to recognize women in technology. While gender equity is not found on the agenda when discussing homeland security, it certainly is a key strategy for maintaining our Nation's preeminent status in science and technical innovation. The last 30 years have seen women make great strides in education and employment. Women are receiving more than 50 percent of the bachelor degrees conferred and are close to reaching parity in the once male-dominated fields, such as law. Unfortunately, these gains have not been uniform in all fields. Women continue to be persistently underrepresented in high-demand, high-wage science, technology, engineering and math, STEM, education and employment. While women make up 46 percent of the American labor force, they are less than 25 percent of the total science and engineering workforce, and have not been able to break through a 10 percent ceiling in engineering.

At a time when we face a shortage of skilled STEM workers who are U.S. citizens, women provide an untapped national resource to fill the workforce pipeline. Recent studies from the National Science Foundation and the Department of Commerce confirm these conclusions, including the September 2000 Report of the Congressional Commission on the Advancement of Women and Minorities in Science, Engineering and Technology, which concludes that, ''Unless the STEM labor market becomes more representative of the general U.S. workforce, the nation may likely face severe shortages in [STEM] workers and thus risks undermining its global competitiveness.''

We are at a serendipitous time, when our Nation's economic and security imperatives are aligned with social justice. We must leverage this opportunity to build the requisite partnerships with stakeholders in government, academia, and industry to recruit, train, and retain women and underrepresented minorities in STEM fields. Not only is it a strategy that will ensure our global competitiveness and national security, but it is the right thing to do to ensure that all our citizens have equal access to the education and training needed to succeed.

In 1999, when I recognized that the jobs at the Maui High Performance Computer Center and other related research and development contract activities were being filled by males recruited from the mainland, I secured Department of Labor funding to launch the Women in Technology project designed to bring Hawaii's women into these emerging STEM fields. The island of Maui reflects the characteristics of many rural American communities: professional isolationism, limited access to higher education, overdependence on a single economic engine, and perceived limited career opportunities for its young people. These conditions uniquely position Maui to pilot workforce development programming that can be exported to other rural communities.

The Women in Technology, WIT, project is administered by the Maui Economic Development Board, a private nonprofit organization well respected for its leadership in helping to diversify the economy through high technology industry development. The board of directors, comprised of community leaders in industry, academia, business, and government gave the project access to key partners. Interviews, focus groups, and roundtable discussions helped establish the workforce challenges and skill sets needed to sustain industry growth projections. Workshops were designed to provide tools to educators and industry on how to overcome the barriers that had created the chilly climate for women. Buy-in was established that even though teachers and employers had no

intent to track girls and women into different fields than boys and men, long-established cultural stereotypes of gender roles were imbedded throughout society and insidious messages of what were appropriate female jobs versus male jobs were very strong. The WIT project provides ongoing technical assistance to educators, guidance counselors, and industry partners on recruitment and retention skills to overcome these societal barriers.

We must start young. By middle school our girls lose interest in math and science, unless proactive efforts are exerted. In a survey of Maui students, boys were five times more likely than girls to express interest in careers in computer science and engineering. Despite the fact that girls outperformed boys academically in math and science, their personal esteem in these areas was significantly lower and they did not self-select into the physical sciences. After compiling a database of female industry role models, WIT has developed a multitrack program to keep girls engaged in the STEM pipeline. Job shadowing programs, career days, science camps, and mentoring are anchor events in the program designed to influence career intent.

Attrition has been another factor in keeping the number of women in STEM low. Mentoring has been identified as the most successful intervention strategy. WIT successfully negotiated with MentorNet, a Presidential award winning program that has been deployed at elite engineering research universities. Maui Community College was accepted into MentorNet's first community college cohort and the program has significantly reduced the female attrition from its STEM courses.

The Women in Technology project continues to work with local industry to develop internship and apprenticeship programs. Four years later, the number of women in technical employment at the Maui Research & Technical Park has gone from 0 percent in November 1999 to 23 percent in June 2004. This is the direct result of a local industry and education commitment to build a qualified resident workforce that reflects the diverse demographics of its community, including gender balance.

We must use this time when both our Nation's security and its economic strength are dependent on producing more citizens trained in STEM fields, to assure that we do not perpetuate the climate which has precluded women and minorities from entering these fields. Gender equity in science, technology, engineering, math, education, and employment equals homeland security.

VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, I would like the record to reflect that I was necessarily absent for the vote on the DeWine-Kennedy Amendment offered to the FSC/ETI bill on Thursday, July 15, 2004. Had I been present, I would have voted in favor of the amendment.

ADDITIONAL STATEMENTS

RETIREMENT OF NEWMAN A. FLANAGAN

• Mr. KENNEDY. Mr. President, it is a privilege to pay tribute to Newman Flanagan, a dedicated public servant from Massachusetts who is retiring after a distinguished career in law enforcement. Mr. Flanagan served as a Boston prosecutor for 32 years, with the last 14 of those years as Boston District Attorney. For the last 12 years, he has served as the Executive Director of the National District Attorneys Association, a position from which he is now retiring. I commend him on his many years of outstanding work and dedication.

Newman is a son of Boston who graduated from Boston College and the New England School of Law. I had the privilege of serving under him and learning from him when I was an assistant district attorney in the office in the early 1960s, before I came to the Senate. He was elected district attorney in 1978, and was re-elected for four additional terms. During his long and impressive career, he represented the state in more than 2,500 criminal prosecutions, including 75 murder cases. Scott Harshbarger, former Attorney General of Massachusetts, described him as ''Mister District Attorney of the United States.''

Newman also deserves great credit, in his years at NDAA, for his leadership in creating the National Advocacy Center, which trains local and Federal prosecutors, and is one of the finest training centers of its kind in the country. As James C. Backstrom, Dakota County Attorney in Minnesota and a past vice president at NDAA said, ''He will be deeply missed by all members of NDAA's Board of Directors and prosecutors throughout America. Newman Flagagan has been a timeless leader of America's prosecutors for more than three decades. We all owe him our thanks and gratitude for his efforts on our behalf.''

I know that his wife, Eileen, and his children and grandchildren are proud of all he has accomplished. Newman Flanagan has served the people of Massachusetts and our country well, and I wish him a long and happy retirement.•

LOCAL LAW ENFORCEMENT ACT OF 2003

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On October 14, 2003, a gay man named Ricardo Lorenzana, 47, was struck in the head with a baseball bat and needed 14 stitches to close the wound. He said the attack makes him constantly worry about his safety. Soon after Lorenzana was attacked, a 19-year-old gay man was assaulted, warding off blows from the bat but getting cut by a knife. Authorities said the assailants used antigay slurs during that attack.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.•

TRIBUTE TO LAURANCE SPELMAN ROCKEFELLER

• Mr. JEFFORDS. Mr. President, I wish to recognize a great American, a true Vermonter and a good friend who passed away on July 11th. That friend is Laurance Spelman Rockefeller.

Thirty-five years ago, Mr. Rockefeller received the highest honor that our country can bestow upon a civilian when President Johnson awarded him the Presidential Medal of Freedom for his philanthropic and conservation efforts. That award did not culminate a lifetime of accomplishment, but rather served as a milestone for the beginning of another three-and-a-half decades of benevolent contributions by Mr. Rockefeller. In 1991, Laurance Rockefeller was again honored with the Congressional Gold Medal awarded by President George H.W. Bush.

Laurance Rockefeller was instrumental in establishing the Virgin Islands National Park and donated land for, or helped with the acquisition of 11 other national parks, national battlefields and national monuments.

In 1958 Mr. Rockefeller chaired the Outdoor Recreation Resources Review Commission. The Commission's landmark report led to creation of our national system of wilderness areas, wild and scenic rivers, and Federally protected trails.

I knew Laurance Rockefeller and his wife, Mary French Rockefeller, as residents of and benefactors to the town of Woodstock, VT. Laurance and Mary Rockefeller preserved the character of Woodstock, as an historic village surrounded by rolling hills and farms, while also building its economic vitality. The Rockefellers built the Woodstock Inn and Suicide Six ski area into successful economic engines for the area, and established the Billings Farm and Museum. Conservation easements were also secured on surrounding lands to help protect the village from sprawl.

These projects were all undertaken with a careful eye towards sustainability. The businesses are viable enterprises and the nonprofit entities are

generously endowed and tended to by the Woodstock Foundation, also created by the Rockefellers.

Mr. Rockefeller was a quiet and unassuming man who sought no personal recognition for his work in Woodstock and truly loved the small villages and agricultural landscape of rural Vermont.

The crown jewel of the Rockefellers' contributions to Woodstock and to the Nation is the Marsh-Billings-Rockefeller National Historical Park, encompassing the buildings and grounds of their family estate, which they donated to the United States. As the only national park dedicated to the history and future of conservation thought and practice, the park is a fitting legacy for a man known as America's leading conservationist.

Laurance will be sorely missed by all those who knew him and by those who have been able to enjoy the fruits of his conservation efforts.●

LEWIS AND CLARK EXPEDITION: PRESERVING HISTORY AND PERPETUATING TRADITION

● Mr. NELSON of Nebraska. Mr. President, today I would like to share with you and my colleagues my appreciation for Neal Corey of McCook, NE. Neal is my cousin and a role model to Americans, a preserver of history, and a perpetuator of tradition.

Neal Corey, who is now a retired conductor for Burlington Northern Railroad, is the third generation of his family to maintain a farm in Red Willow County, a homestead that is still on its original site in Nebraska. A pioneer of subsurface irrigation in his county, Neal has helped others in his area to set up similar irrigation systems during his retirement to improve farming efficiency.

As you can see, Neal has been perpetuating tradition and preserving history through a lifetime of service to his family at the farm, to the railroad, and to his neighbors. History has always interested him, but it literally took a greater vessel to move him to become an active part in preserving it. Neal's curiosities were piqued when he read a small article in the hometown newspaper we share, the McCook Gazette, about the recreation of the Lewis and Clark Expedition.

After Neal sent in his $50 membership fee to the Discovery Expedition of Saint Charles, MO, he decided that wasn't enough. No, Neal decided he wanted to contribute something more than $50. So he looked into what it would take to be a part of this expedition.

He thought it might be fun to get out and do some ''camping'' during his retirement. It was only during his training for the expedition, when he found himself wearing historical fashions that include long-sleeved cotton shirts, canvas pants, and a wool army coat during the summertime, that he realized just which kind of camping he would do.

To this day, Neal selflessly contributes his time, his enthusiasm, and his energy to the Discovery Expedition of Saint Charles, MO. Through this expedition, Neal's goal is to preserve the history made by Meriwether Lewis and William Clark when they first set out to explore the unknown of a new Nation.

Each year, the Discovery Expedition reenacts a different part of the original river journey—a journey that began in 1803 in Elizabeth, PA, and extends to Great Falls, MT.

This year, Neal will be participating in the Nebraska portion of the river journey of the Lewis and Clark Expedition. This portion is scheduled to reach the Missouri River around July 16, and will include week-long activities at Fort Calhoun, NE, beginning July 30.

I have been so inspired by Neal's energy and enthusiasm that I, too, will take part in a portion of this great commemoration. Through his example and his service, Neal Corey has been a force in both the preservation of American history, and the perpetuation of American traditions.●

HONORING THE CITY OF FREEMAN

● Mr. JOHNSON. Mr. President, today I wish to publicly recognize and acknowledge the 125th anniversary of the founding of the city of Freeman, SD.

Freeman was settled throughout the 1870s by German and Russian immigrants. By 1879, like many cities throughout South Dakota, a railroad stop had been established in Freeman and was a center for immigrants arriving at that period of time. In 1893, the town was officially incorporated.

By 1893, Freeman had established numerous businesses, schools, and many residences. The town of Freeman combines a rich heritage with strong hopes for the future. The Freeman Area Veterans Memorial and the Heritage Hall Museum are two examples of the town's appreciation for its rich history. Two strong schools give the town an appeal to families raising children and comprehensive medical services attract people to retire in Freeman. A strong, diverse economy including retail businesses, professional services, and manufacturing components keeps Freeman strong.

Freeman is the type of town that forms the backbone of rural life in South Dakota. Hometown values, respect for neighbors, and a commitment to its past all point to a prosperous future for Freeman. It is with great honor that I advise my colleagues of the achievements made by this great community.●

TRIBUTE TO FRANCIS MATTHEW McFAUN

● Mr. JEFFORDS. Mr. President, I wish to congratulate and thank Francis Matthew McFaun, an outstanding citizen and a Vermont leader in the fight against poverty. As he prepares to retire from his position as manager of the Central Vermont and White River district offices of the Vermont Department of Employment and Training, it is significant to recognize how much one person can achieve in serving others.

''Topper,'' as he is known to his colleagues, family, and friends, has had a distinguished 37-year career with the State of Vermont. He moved to Vermont in 1966 to start a pilot of the Neighborhood Youth Corps Program with the Central Vermont Community Action Agency. He moved up through the organization, quickly becoming director of the Vermont Office of Economic Opportunity. From there he began working for the Vermont Department of Employment and Training, where he has become an institution. Topper is deeply committed to improving the quality of life of Vermonters through strengthening communities and improving our workforce. He has also served with great distinction and exhibited leadership at both the State and local level and is involved with numerous community activities. From his current role as chairperson of the Barre Town Select Board to his veteran position as the Spaulding High School Varsity Ice Hockey coach, Topper is tireless in his devotion to his State.

I also have the pleasure of having his daughter, Molly McFaun, on my State staff. Molly exhibits the work ethic and compassion that has driven her father throughout his career. Topper established himself through his efforts to help others, and the legacy of his work lives on in his daughter. We are truly fortunate to have Topper and Molly working in a field where the benefits of their kindness and support are reaped by people all around the State. I thank Topper not only for his many years of exemplary service, but also for teaching his children the value that is public service.

It is people like Topper, who give so greatly of themselves without expectation of recognition or personal gain, that make our communities stronger, better places to live. I want Topper McFaun to know that his years of dedicated service have not gone unnoticed. I am proud to stand here and tell you about such a great Vermonter. I wish him and his wife, Mary Ann, best wishes as they venture into the next chapter of their lives.●

HONORING THE CITY OF BROOKINGS

● Mr. JOHNSON. Mr. President, today I would like to honor and publicly recognize the 125th anniversary of the founding of the city of Brookings, SD.

The city and the county were both named for Wilmot W. Brookings, one of the first settlers in the Dakota Territory. Arriving in June of 1857, Brookings was a highly respected explorer with great amounts of courage, energy, ability, and perseverance. He settled in Sioux Falls on August 27, 1857. Beginning the trip in January of 1858, he was

soon set upon by a heavy blizzard, the result of which required the amputation of both feet. Not to be deterred, Brookings continued settle the area, eventually becoming a leader in a number of government entities. The town and county were named for him in his honor and out of respect for all he did in the settlement of Dakota Territory.

Before Brookings' arrival, the area was populated by American Indians. Large mounds that were used as burial grounds have been found in the area, as well as stone hammers and other stone tools. Fur traders entered the area as early as 1750.

Originally, settlers founded the town of Medary in 1857 in what would become Brookings County. Oakwood and Fountain, two other small settlements, were also founded at this time and all were hopeful that railroad tracks would be laid through the city. On October 18, 1879, the railroad passed through Main Street in Brookings, which greatly helped the town to grow and prosper. Many of the residents and businessmen in Medary and Fountain would eventually move to Brookings.

Currently, over 18,000 people live in Brookings. The town boasts numerous businesses, as well as South Dakota State University. The city has already started celebrations for its 125th anniversary and will continue them throughout the year. These include a ''Crazy Days'' celebration, a large art exhibit, and a tour of historic homes throughout the city. It is with great honor that I advise my colleagues of the achievements made by this great community.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1914. An act to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

H.R. 2768. an act to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

H.R. 3277. An act to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

H.R. 4012. An act to amend the District of Columbia College Access Act of 1999 to reauthorize for 5 additional years the public school and private school tuition assistance programs established under the Act..

H.R. 4818. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 462. Concurrent resolution reaffirming unwavering commitment to the Taiwan Relations Act, and for other purposes.

MEASURES REFERRED

The following bills were read the first time and the second times by unanimous consent, and referred as indicated:

H.R. 4012. An act to amend the District of Columbia College Access Act of 1999 to reauthorize for five additional years the public school and private school tuition assistance programs established under the Act; to the Committee on Governmental Affairs.

H.R. 4818. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes; to the Committee on Appropriations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 462. Concurrent resolution reaffirming unwavering commitment to the Taiwan Relations Act, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2678. A bill to ensure that Members of Congress do not receive better prescription drug benefits than Medicare beneficiaries.

S. 2679. A bill to strengthen anti-terrorism investigative tools, promote information sharing, punish terrorist offenses, and for other purposes.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3277. An act to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

H.R. 1914. An act to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8569. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report relative to the Family Subsistence Supplemental Allowance (FSSA) program; to the Committee on Armed Services.

EC–8570. A communication from the Federal Register Liaison Officer, Plans and Policy Directorate, Department of the Air Force, transmitting, pursuant to law, the report of a rule entitled ''Department of Defense Commercial Air Transportation Quality and Safety Review Program'' (RIN0701–AA67) received on July 15, 2004; to the Committee on Armed Services.

EC–8571. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–8572. A communication from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Chief Financial Officer, Department of Housing and Urban Development, received on July 15, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–8573. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986; to the Committee on Banking, Housing, and Urban Affairs.

EC–8574. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report relative to the Administration's notification of its 2004 compensation program adjustments; to the Committee on Banking, Housing, and Urban Affairs.

EC–8575. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Inseason Adjustments Management Measures'' (ID062304A) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8576. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Modify the Management of the 'Other Species' Community Development Quota (CDQ) Reserve'' (RIN0648–AQ88) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8577. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Prohibiting Directed Fishing for Atka Mackerel with Gears Other Than Jig in the Eastern Aleutian District (Statistical Area 541) and the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area, and Announcing Opening and Closure Dates of the First and Second Directed Fisheries Within the Harvest Limit Area (HLA) in Statistical Areas 542 and 543'' received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8578. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Inseason Adjustment Opening Directed Fishing for Pollock in Statistical Area 630 of the Gulf of Alaska (GOA) for 12 Hours'' (ID020204B) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8579. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Notification to Owners and Operators of Registered Vessels of Their Assignments for the A Season Atka Mackerel Fishery in Harvest Limit Area (HLA) 542 and/or 543 of the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area'' received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8580. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to foreign-policy based export controls on certain energetic materials and other chemicals; to the Committee on Commerce, Science, and Transportation.

EC–8581. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'') (Central Air Costs)'' (RIN3084–AA74) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8582. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Dinosaur and Rangely, CO, Frankin and Preson, ID, Beaver, Coalville, Elsinore, Manilla, Monroe, Nephi, Richfield, Smithfield, and Tremonton, UT, and Fort Brider, Green River, Lyman, Rock Springs, Saratoga, and Wamsutter, WY'' (MD Doc. No. 02–290) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8583. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Sierra Vista and Corona de Tuscon, AZ'' (MB Doc. No. 03–141) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8584. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Newcastle, Pine Haven, Warren AFB, Centennial, Casper, Wright, Douglas, and Kaycee, WY, Rapid City, SD, and Gering and Scottsbluff, NE'' (MB Doc. No. 03–258) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8585. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations: Roswell, NM'' (MB Doc. No. 04–16) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8586. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Anniston, AL'' (MB Doc. No. 03–229) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8587. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Arlington, The Dalles, Moro, Fossil, Astoria, Gladstone, Portland, Tillamook, Coos Bay, Springfield-Eugene, Manzanita and Mermiston, OR, and Covington, Trout Lake, Shoreline, Bellingham, Forks, Hoquiam, Aberdeen, Walla Walla, Kent, College Place, Long Beach, and Ilwaco, WA'' (MB Doc. No. 02–136) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8588. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Amboy, Baker, and Desert Center, CA; Kingman, Mohave Valley, Parker, and Seligman, AZ, and Boulder City, Caliente, Henderson, and Pahrump, NV'' (MB Doc. No. 02–124) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8589. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Tullahoma, TN and New Market, AL'' (MB Doc. No. 03–244) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8590. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations: Ponce, PR'' (MB Doc. No. 04–78) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8591. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations: Jackson, MS'' (MM Doc. No. 01–43) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8592. A communication from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Mitigation of Orbital Debris'' (IB Doc. No. 02–54) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8593. A communication from the Associate Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Forfeiture Maxima to Reflect Inflation'' (FCC04–139) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8594. A communication from the AMD-Performance Evaluation and Records Management, Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 2004'' (FCC04–146) received on July 15, 2004; to the Committee on Commerce, Science, and Transportation.

EC–8595. A communication from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Removal of Transitional Rule for Vested Accrued Vacation Pay'' (RIN1545–BD12) received on July 15, 2004; to the Committee on Finance.

EC–8596. A communication from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Partnership Transactions Involving Long-term Contracts'' (RIN1545–BA81) received on July 15, 2004; to the Committee on Finance.

EC–8597. A communication from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: IRC 351 Contingent Liability Capital Loss Transactions'' (UIL9300.17–00) received on July 15, 2004; to the Committee on Finance.

EC–8598. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, documents related to the United States-Morocco Free Trade Agreement; to the Committee on Finance.

EC–8599. A communication from the Acting Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Offsets Under 6402 and the Community Property Laws of Texas'' (Rev. Rul. 2004–74) received on July 15, 2004; to the Committee on Finance.

EC–8600. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–8601. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC–8602. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Sweden; to the Committee on Foreign Relations.

EC–8603. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates; Proposed Rule'' (RIN1400–AB94) received on July 16, 2004; to the Committee on Foreign Relations.

EC–8604. A communication from the Chairman, Parole Commission, Department of Justice, transmitting, pursuant to law, the Commission's annual report for calendar year 2003; to the Committee on Governmental Affairs.

EC–8605. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's report to Congress on law enforcement classification, pay, and benefits; to the Committee on Governmental Affairs.

EC–8606. A communication from the Human Resources Specialist, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Policy, Department of Labor, received on July 15, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8607. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a change in previously submitted reported

information for the position of Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, received on July 15, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8608. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary, Office of Civil Rights, Department of Education, received on July 15, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8609. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of Assistant Secretary, Office of Civil Rights, Department of Education, received on July 15, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8610. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, received on July 15, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–8611. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Three Threatened Mussels and Eight Endangered Mussels in the Mobile River Basin'' (RIN1018–AI73) received on July 16, 2004; to the Committee on Energy and Natural Resources.

EC–8612. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Removal of Federal Protection Status from Two Manatee Protection Areas in Florida'' (RIN1018–AJ23) received on July 16, 2004; to the Committee on Energy and Natural Resources.

EC–8613. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Arabis Perstellata (Braun's Rock-cress)'' (RIN1018–AI74) received on July 16, 2004; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD:

S. 2683. A bill for the relief of Majan Jean; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2684. A bill for the relief of Maria Cristina Degrassi; to the Committee on the Judiciary.

By Mr. GRAHAM of Florida:

S. 2685. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs; to the Committee on Finance.

By Mr. ENZI (for himself, Mr. GREGG, Mr. KENNEDY, Mr. DODD, Mr. ALEXANDER, Mr. JEFFORDS, Mr. SESSIONS, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mrs. CLINTON):

S. 2686. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 2687. A bill to provide coverage under the Railway Labor Act to employees of certain air and surface transportation entities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FITZGERALD (for himself and Mr. AKAKA):

S. 2688. A bill to provide for a report of Federal entities without annually audited financial statements; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 740

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 740, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Minnesota (Mr. DAYTON), the Senator from Rhode Island (Mr. REED) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1411

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1704

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1704, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 1735

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1735, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 2158

At the request of Ms. COLLINS, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2302

At the request of Mr. BROWNBACK, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2302, a bill to improve access to physicians in medically underserved areas.

S. 2351

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2351, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

S. 2361

At the request of Mr. DEWINE, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2361, a bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes.

S. 2370

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2370, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 2449

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2449, a bill to require congressional renewal of trade and travel restrictions with respect to Cuba.

S. 2461

At the request of Mr. DEWINE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2461, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2505

At the request of Mr. MCCAIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2505, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service.

S. 2519

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2519, a bill to authorize

assistance for education and health care for women and children in Iraq during the reconstruction of Iraq and thereafter, to authorize assistance for the enhancement of political participation, economic empowerment, civil society, and personal security for women in Iraq, to state the sense of Congress on the preservation and protection of the human rights of women and children in Iraq, and for other purposes.

S. 2526

At the request of Mr. BOND, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2526, a bill to reauthorize the Children's Hospitals Graduate Medical Education Program.

S. 2568

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2568, a bill to require the Secretary of the Treasury to mint coins in commemoration of the tercentenary of the birth of Benjamin Franklin, and for other purposes.

S. 2602

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2602, a bill to provide for a circulating quarter dollar coin program to honor the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

S. 2603

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 2603, a bill to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

At the request of Mr. SMITH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2603, supra.

S. 2623

At the request of Mr. SMITH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2623, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a 2-year extension of supplemental security income in fiscal years 2005 through 2007 for refugees, asylees, and certain other humanitarian immigrants.

S.J. RES. 41

At the request of Mr. CAMPBELL, the names of the Senator from Nevada (Mr. REID) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S.J. Res. 41, a joint resolution commemorating the opening of the National Museum of the American Indian.

S. CON. RES. 41

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Con. Res. 41, a concurrent resolution directing Congress to enact legislation by October 2005 that provides access to comprehensive health care for all Americans.

S. CON. RES. 106

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 106, a concurrent resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process for the presidential election on October 31, 2004.

S. CON. RES. 113

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Con. Res. 113, a concurrent resolution recognizing the importance of early diagnosis, proper treatment, and enhanced public awareness of Tourette Syndrome and supporting the goals and ideals of National Tourette Syndrome Awareness Month.

S. CON. RES. 119

At the request of Mr. CAMPBELL, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from North Carolina (Mr. EDWARDS), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Con. Res. 119, a concurrent resolution recognizing that prevention of suicide is a compelling national priority.

S. CON. RES. 124

At the request of Mr. CORZINE, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Con. Res. 124, a concurrent resolution declaring genocide in Darfur, Sudan.

At the request of Mr. BROWNBACK, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. Con. Res. 124, supra.

S. CON. RES. 126

At the request of Mr. COLEMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Con. Res. 126, a concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and expressing the concern of the United States regarding the continuing, decade-long delay in the resolution of this case.

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. Con. Res. 126, supra.

S. RES. 271

At the request of Mr. COLEMAN, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 271, a resolution urging the President of the United States diplomatic corps to dissuade member states of the United Nations from supporting resolutions that unfairly castigate Israel and to promote within the United Nations General Assembly more balanced and constructive approaches to resolving conflict in the Middle East.

S. RES. 389

At the request of Mr. CAMPBELL, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Virginia (Mr. WARNER), the Senator from New York (Mr. SCHUMER), the Senator from Minnesota (Mr. DAYTON), the Senator from Oregon (Mr. WYDEN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 389, a resolution expressing the sense of the Senate with respect to prostate cancer information.

S. RES. 404

At the request of Mr. SMITH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Res. 404, a resolution designating August 9, 2004, as ''Smokey Bear's 60th Anniversary.''

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM of Florida:

S. 2685. A bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the Medicaid and State children's health insurance programs; to the Committee on Finance.

Mr. GRAHAM. Mr. President, I am introducing the Immigrant Children's Health Improvement Act today.

This legislation would allow States the option to once again provide Medicaid and State Children's Health Insurance Program (SCHIP) coverage to legal immigrant children and pregnant women.

Traditionally, Medicaid and SCHIP have served as vital components of our nation's health care safety net. These programs have provided coverage to over 50 million non-elderly, low-income Americans, most of them children, and have helped to dramatically reduce infant mortality and provide health care for millions of poor children whose families cannot afford the high cost of private health insurance.

However, for many low-income families that are income eligible for Medicaid and SCHIP, these safety programs are today little more than a mirage—an illusion to those who need them most. The 1996 welfare reform law arbitrarily barred states from using Federal funds to provide health coverage to low-income legal immigrants during their first 5 years in the United States.

While the goal of welfare reform was to encourage self-sufficiency in adults, the legislation unfortunately has punished children. Today, half of all legal immigrant children from families making less than 200 percent of the Federal Poverty Level are uninsured. That's over two and a half times the uninsured rate for children who are United States citizens.

In the long term, ignoring the health care needs of legal immigrant children

and pregnant women will prove more costly than providing care today. Children and pregnant women who do not have access to preventive care often use the emergency room as a first resort—an expensive treatment for conditions that could have been treated at a fraction of the cost or possibly even prevented.

The American Journal of Obstetrics and Gynecology in 2000 estimated that $1 spent on prenatal care for immigrant women saved $3 in short-term postnatal costs and $5 in longer-term costs. By spending on prevention today, we can reduce health care costs in the future.

Another result of the 1996 legislation was to push the costs of care to the States. The 20 states with the highest number of legal immigrants all used to have state-financed health care programs for legal immigrant children or pregnant women. States put these programs in place because they recognized the enormous toll the 1996 rules have taken on state budgets, when states have to provide preventable emergency-room care to thousands of uninsured legal immigrants.

But due to the recent State budget crisis, some of these states cannot now afford programs that are exclusively state-financed. In my home state of Florida, for example, new enrollment in the program has been frozen.

This amendment allows states the option to use Medicaid and SCHIP funding to cover legal immigrant children and pregnant women. Over the last 6 years, Senator CHAFEE and I, along with our colleagues in the House and Senate, have worked to restore this option and we've come very close to achieving our goal.

Last year, a 3-year restoration provision was included in the Senate-passed Medicare prescription drug bill, with 65 Members supporting it. Over 400 national, state, and local organizations have supported this legislation, including the National Governors Association, the National Conference of State Legislatures, the American Academy of Pediatrics, and numerous immigrant, ethnic, labor, health and faith-based organizations.

Despite this support, Congress has yet to enact legislation that restores health benefits to legal immigrant families.

Why?

Some Members argued it didn't belong on a Medicare bill but instead on a welfare reauthorization bill. That was one of the reasons it was dropped from the Medicare bill. But the same argument has been made when it was discussed in the context of welfare—that it is not a welfare issue, it's a health care issue.

Well, while this volleyball match continues, legal immigrant families in this country continue to work hard and pay taxes, while being denied the benefits of the system they are paying into. Meanwhile, States continue to provide as much care as they can from strapped state budgets. We need to send a clear message about our concern for uninsured children and we need to stop pretending that our federal penny-pinching is cost free to the states or to taxpayers.

Mr. President, legal immigrants pay taxes, serve in the military, and have the same social obligations as United States citizens. Legal immigrant children are, as much as citizen children, the next generation of Americans. It is important that all children start off on the right foot towards good health. This provision can help them do just that.

This legislation is offset by a custom user fee extension included in the President's budget.

I hope that we will begin consideration of this important measure before the August recess. The health and lives of many children is at stake, and there is simply no reason to delay any further.

By Mr. ENZI (for himself, Mr. GREGG, Mr. KENNEDY, Mr. DODD, Mr. ALEXANDER, Mr. JEFFORDS, Mr. SESSIONS, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mrs. CLINTON):

S. 2686. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today to introduce the Carl D. Perkins Vocational and Technical Education Improvement Act of 2004. The Perkins Act is a central part of a combination of federal education and training programs that provide opportunities for lifelong learning to our workforce. The Perkins Act, together with the Workforce Investment Act, the Higher Education Act, and other federal education programs, provides the resources that are needed to help adequately prepare students of all ages for jobs in high-wage and high-skilled occupations. In this technology driven, global economy, everyone is a student who must adapt to the changing needs of their jobs and the workforce by continuing to pursue an education in their chosen field. In turn, Congress must ensure that education and training are connected to the needs of business, including small businesses, now and into the future as well.

It is my hope that this body will take the necessary action to reauthorize the Carl D. Perkins Vocational and Technical Education Act. The Act is an essential part of a combination of federal education and training programs that will strengthen our workforce and enable America to compete—and succeed—in the global economy.

At a hearing held on June 24, 2004, before the Health, Education, Labor and Pensions Committee, members heard testimonies from leaders in career and technical training emphasizing the importance of constant training, retraining and upgrading of the skills today's jobs require. Many students leaving high school or college and entering the workforce find that they are unprepared for life because they lack the skills they need to succeed in the workforce. This country created over 1 million new jobs since January. That's great news. Unfortunately, the complaint heard from employers is that there are too few skilled workers to meet their needs. We have a strong interest in making sure this is corrected. The Perkins Act, along with the Higher Education and Workforce Investment Act would provide both strong academic and relevant job skill training to promote and sustain the long-term competitiveness of this country.

A unique aspect of the Perkins program that addresses the needs of the changing workforce is that it targets funds to both secondary and postsecondary schools. This unique aspect also provides a good platform from which we can better coordinate workforce preparation policy and training with an emphasis on lifelong learning. It is essential to facilitate a sequence of career or technical education courses that a student can complete before they even get to college, and that they can continue at the postsecondary level, whenever they decide to go on. Dr. Michael Rush, the Idaho Division of Professional-Technical Education, Boise, ID, Administrator, used the example of student Chelsie Lea Marier in his testimony to stress this point. He said Chelsie took professional-technical classes in welding, auto technology, mechanics and power technology at her home high school, Meridian High. As a high school senior, she enrolled in an automotive collision repair program at the Dehryl Dennis Technology Center. During this time, Chelsie took advanced placement academic classes and was President of her Skills-USA chapter. She is now enrolled in the auto body program at the College of Southern Idaho, and she intends to continue her education and become an auto collision forensics investigator. She is an excellent example of how linking academic and technical skills attainment can lead to success in the workforce.

In order to strengthen schools programs at both the secondary and postsecondary level that meet local workforce needs, provisions in the Perkins Act must include the participation of business, including small business. In my home state of Wyoming, a career and technical education instructor by the name of Ted Schroeder is doing a lot of what I've just described. He has met with the local Chamber of Commerce in Rock Springs, WY, to identify workforce needs and matched his programs with industry standards to meet those needs. When the local business community suggested they needed students with computerized accounting skills, he took on the task of designing curriculum to help his students acquire the skills the businesses had requested. His efforts are a good example of what

Perkins funds are intended to accomplish. It is my hope that we can increase the successes of the Perkins program, just like Ted has done in the community of Rock Springs.

I'm pleased to have worked with the Members of the Committee and stakeholders on a bipartisan bill that will improve the Perkins Act to better meet the needs of students, workers, and business. The legislation I am introducing today, with my colleagues Senators GREGG, KENNEDY, ALEXANDER, DODD, JEFFORDS, BINGAMAN, MURRAY, SESSIONS, REED and CLINTON, will help strengthen the Perkins program by improving accountability, involving businesses in career and technical education programs, emphasizing challenging academic instruction, and advancing the field of career and technical education by linking those programs to advances in industry.

This legislation would also encourage greater collaboration between state agencies responsible for education and workforce activities. This legislation requires state agencies to work together on identifying the needs of the workforce and designing curriculum to match those needs. It also emphasizes the needs of nontraditional students and other lifelong learners, who are returning to school for the first time, or those who are seeking additional skill training.

This legislation also continues to emphasize the need to introduce women and girls to high skill, high wage jobs. It is important that we help expand the vision of our students to ensure they consider all the options that are available to them, not just the ones that fit general, and sometimes erroneous, conceptions.

I hope our bipartisan efforts will continue to produce results as we move the bill through the Senate and into Conference. I do not wish to see another piece of bipartisan legislation lost in the legislative limbo of election year politics. An important step that the Senate must take is to appoint conferees to finish the reauthorization of the Workforce Investment Act. That program offers the resources that are needed to help adequately prepare more than 900,000 unemployed workers find work each year. It passed the Senate unanimously, both in Committee and the floor. Conferees must now be appointed before the August recess. It we are going to help workers in this country, we must send this important legislation to Conference so that it will ultimately reach the President and be signed into law.

I cannot stress enough the importance of federal initiatives like the Carl D. Perkins Vocational and Technical Education Act and the Workforce Investment Act to keep American workers and businesses competitive. The Perkins Act can help close the gap that threatens America's long-term competitiveness. It is essential that we take advantage of the opportunity we have during this reauthorization process to improve the link between education and relevant academic and skills preparation. By so doing, we will create a pathway to prosperity for American workers and businesses alike, that both will make good use of for years to come.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues, Senators GREGG, ENZI, DODD, JEFFORDS, BINGAMAN, MURRAY, REED and CLINTON in introducing the bipartisan reauthorization of the Carl Perkins Vocational Education Act. We have worked closely with leaders of the secondary and post-secondary vocational education community to make important improvements in this important program in current law. Among the key issues we addressed are the more effective integration of academic and technical education, the use of funds for secondary and post-secondary programs, the Tech Prep Programs that form the bridge between the high school and college training programs, and the need for students to have access to good information about emerging and existing job opportunities in high-wage, high-skill and high-demand careers.

Since passage of the original Smith-Hughes Act in 1917, the Federal Government has recognized the importance of good preparation for technical occupations. Over the years, we have made a series of revisions in the law to reflect the growing importance of combining academic learning with technical skill learning in order to meet the changing needs of American business and industry.

This bill is an example of how we can work well together when we focus on good policy. I look forward to action on this bill in our Labor Committee before the recess, and to its enactment into law this year.

By Mr. HARKIN:

S. 2687. A bill to provide coverage under the Railway Labor Act to employees of certain air and surface transportation entities; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I am introducing a bill that will help ensure that employees of ''express carrier'' delivery companies are treated like employees who perform the same duties for other delivery, companies when it comes to Federal labor law jurisdiction.

Over the years, there have been many advances made in the way citizens and businesses ship goods from city to city. Numerous air-carrier and cargo services make the delivery of goods speedy, reliable and affordable. Truck, air and rail delivery networks are in place across the country. These operations employ large workforces that perform various types of work in a range of conditions.

Some of the leading delivery companies appear to have similar organizational structure and clientele. But there is a disparity in the terms and conditions of their workers' employment. Some of the companies provide full- and part-time workers with good wages and benefits, including medical plans, dental coverage and paid vacation time. Others take a lower road, in part by using independent contractors and anti-union campaigns.

Unfortunately, Federal law facilitates this difference. It ensures that all of the workers at one of the largest companies which delivers by air are covered by the Railway Labor Act (RLA), even when those workers do the same jobs as employees at other delivery companies who are covered by the National Labor Relations Act (NLRA). What is the difference? Under the NLRA, workers can act locally in seeking to organize and bargain collectively. Under the RLA, workers must organize nationally, an enormous challenge in today's labor environment.

Congress created the concept of an ''express carrier'' in 1996, putting all the employees of one large company under RLA jurisdiction, regardless of individual employees' relation to air transportation. That means those workers cannot organize a union chapter locally, weakening their opportunity to bargain for better wages, benefits and workplace conditions.

This bill provides that employees of an express carrier will be governed under the RLA only if they are licensed airmen, aircraft maintenance technicians or aircraft dispatchers. That is consistent with the treatment of other delivery companies' workers.

The bill delivers fairness to responsible employers trying to do the right thing for workers while remaining competitive. It seeks to raise living standards, not encourage a race to the bottom. Workers can decide for themselves whether or not to collectively bargain, but in all businesses similarly situated, workers should be regulated the same.

Let's deliver fairness to those who deliver for us.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Monday, July 19, 2004, at 2:30 p.m., to consider the nominations of Neil McPhie to be Chairman, Merit Systems Protection Board, and Barbara J. Sapin to be Member, Merit Systems Protection Board.

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

SPECIAL COMMITTEE ON AGING

Mr. HATCH. Mr. President, I ask unanimous consent that the Special Committee on Aging by authorized to meet Monday, July 19, 2004 from 2 p.m.–5 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

PRIVILEGES OF THE FLOOR

Mr. CRAIG. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Angie Williams and Romney Hogaboam, law clerks in my office, during the consideration of the nomination of William Myers.

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

Mr. HATCH. Mr. President, I ask unanimous consent Spencer Kiggins, James Mainord, and Anand Singh be granted floor privileges during the debate on the nomination of Mr. Myers.

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

NOTICE—REGISTRATION OF MASS MAILINGS

The filing date for 2004 second quarter mass mailings is Monday, July 26, 2004. 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.

MEASURES PLACED ON CALENDER—S. 2678 and S. 2679

Mr. ENZI. Mr. President, I understand there are two bills at the desk which are due for a second reading. I ask unanimous consent that the bills be given a second reading en bloc, and then in order to place the bills on the calendar under the provisions of rule XIV, I object to further proceedings on the measures en bloc at this time.

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

The clerk will report the bills en bloc.

The legislative clerk read as follows:

A bill (S. 2678) to ensure that Members of Congress do not receive better prescription drug benefits than Medicare beneficiaries.

A bill (S. 2679) to strengthen the antiterrorism investigative tools, promote information sharing, punish terrorist offenses, and for other purposes.

The PRESIDING OFFICER. Objection is heard.

The bills will be placed on the calendar.

SANTIAGO E. CAMPOS UNITED STATES COURTHOUSE

JAMES V. HANSEN UNITED STATES COURTHOUSE

WINSTON E. ARNOW UNITED STATES COURTHOUSE

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 596, 597, and 598, en bloc.

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

The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (S. 2385) to designate the United States courthouse at South Federal Place in Sante Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse.''

A bill (S. 2398) to designate the Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, as the ''James V. Hansen Federal Building.''

A bill (H.R. 1572) to designate the United States courthouse located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow United States Courthouse.''

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. ENZI. Mr. President, I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bills be printed in the RECORD.

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

The bill (H.R. 1572) was read the third time and passed.

The bills (S. 2385 and S. 2398) were read the third time and passed, as follows:

S. 2385

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

SECTION 1. DESIGNATION OF SANTIAGO E. CAMPOS UNITED STATES COURTHOUSE.

The United States courthouse at South Federal Place in Santa Fe, New Mexico, shall be known and designated as the ''Santiago E. Campos United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Santiago E. Campos United States Courthouse''.

S. 2398

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

SECTION 1. DESIGNATION.

The Federal building located at 324 Twenty-Fifth Street in Ogden, Utah, shall be known and designated as the ''James V. Hansen Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''James V. Hansen Federal Building''.

SERGEANT FIRST CLASS PAUL RAY SMITH POST OFFICE BUILDING

Mr. ENZI. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 4380, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4380) to designate the facility of the United States Postal Service located at 4737 Mile Stretch Drive in Holiday, Florida, as the ''Sergeant First Class Paul Ray Smith Post Office Building''.

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

Mr. ENZI. Mr. President, I ask unanimous consent that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

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

The bill (H.R. 4380) was read the third time and passed.

AMENDING THE ACT OF NOVEMBER 2, 1966

Mr. ENZI. Mr. President, I ask unanimous consent that the Indian Affairs Committee be discharged from further consideration of S. 2277, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2277) to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

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

Mr. ENZI. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2277) was read the third time and passed, as follows:

S. 2277

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

SECTION 1. BINDING ARBITRATION FOR SALT RIVER PIMA-MARICOPA INDIAN RESERVATION CONTRACTS.

(a) IN GENERAL.—Section 2(c) of the Act of November 2, 1966 (25 U.S.C. 416a(c)), is amended—

(1) in the first sentence—

(A) by striking ''Any lease'' and all that follows through ''affecting land'' and inserting ''Any contract, including a lease, affecting land''; and

(B) by striking ''such lease or contract'' and inserting ''such contract''; and

(2) in the second sentence, by striking ''Such leases or contracts entered into pursuant to such Acts'' and inserting ''Such contracts''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the Indian Tribal Economic Development and Contract Encouragement Act of 2000 (Public Law 106–179).

ORDERS FOR TUESDAY, JULY 20, 2004

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, July 20.

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 for their use later in the day, and the Senate then begin a period for the transaction of morning business for statements only for up to 60 minutes, with the first 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; provided that following morning business, the Senate proceed to executive session and resume consideration of Executive Calendar No. 603, the nomination of William Myers III; provided further that the time until 12:30 p.m. be equally divided for debate only between the chairman and the ranking member or their designees. I further ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party luncheons; provided that at 2:15 p.m. the Senate proceed to the cloture vote on the nomination, as provided under the previous order.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, I wish to express, through the Chair, to my friend from Wyoming my appreciation for waiting. I am sorry he had to wait for me to close shop tonight.

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

PROGRAM

Mr. ENZI. Mr. President, tomorrow, following morning business, the Senate will resume consideration of the nomination of William Myers III to be a U.S. Circuit Court Judge for the Ninth Circuit. Under the previous order, the Senate will vote on the motion to invoke cloture on the nomination at 2:15 p.m.

Over the next several days, it is the leader's intention to move forward with several important issues. We need to complete action with respect to the Department of Defense appropriations conference report and the conference report to accompany the Tax Relief, Simplification, and Equity Act. The House is expected to act on these items this week, and it is the leader's intention to bring them before the Senate. In addition, the Senate may act on the Morocco free trade bill and any appropriations bills which can be dispensed with in a timely manner. Therefore, Senators are encouraged to expect a busy week with rollcall votes throughout.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ENZI. Mr. President, if there is no further business to come before the Senate, I thank the Democratic whip for being here and I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:03 p.m., adjourned until Tuesday, July 20, 2004, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 19, 2004:

DEPARTMENT OF COMMERCE

MICHAEL D. GALLAGHER, OF WASHINGTON, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION, VICE NANCY VICTORY, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

THEODORE WILLIAMS KASSINGER, OF MARYLAND, TO BE DEPUTY SECRETARY OF COMMERCE, VICE SAMUEL W. BODMAN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

AMTRAK

FLOYD HALL, OF NEW JERSEY, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE AMY M. ROSEN, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

JACK EDWIN MCGREGOR, OF CONNECTICUT, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE VINCENT J. SORRENTINO, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

MISSISSIPPI RIVER COMMISSION

BRIGADIER GENERAL DON T. RILEY, UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 1879 (21 STAT. 37) (33 USC 642).

DEPARTMENT OF STATE

B. LYNN PASCOE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DANIEL R. LEVINSON, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE JANET REHNQUIST, RESIGNED.

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

To be medical director

TIMOTHY D. MASTRO
STEPHEN C. REDD

To be senior surgeon

DAVID R. ARDAY
DIANE E. BENNETT
DAVID B. CANTON
LOUISA E. CHAPMAN
ISABELLA A. DANEL
KAREN M. FARIZO
JAMES R. GRAHAM
STEPHEN G. KALER
MARCEL E. SALIVE
GAIL M. STENNIES
KIM M. WILLARD-JELKS

To be surgeon

JOHN T. BROOKS
ELIZABETH C. CLARK
RODNEY W. CUNY
REUBEN GRANICH
LISA A. GROHSKOPF
PAUL T. HARVEY
DANIEL B. JERNIGAN
AMY J. KHAN
MATTHEW J. KUEHNERT
RACHEL E. LOCKER
SHARON L. LUDWIG
JEFFREY B. NEMHAUSER
LISA D. ROTZ
JEFFREY C. SALVON-HARMAN
LAURA A. TILLMAN
STEPHEN H. WATERMAN
CYNTHIA G. WHITNEY

To be senior assistant surgeon

ROXANNE Y. BARROW
MARK E. BEATTY
FELICIA L. COLLINS
SRIPARNA D. DATTA
LISA K. FITZPATRICK
IDALIA M. GONZALEZ
SHANNON L. HADER
JAMES D. HEFFELFINGER
TERRI B. HYDE
DAVID E. JOHNSON
SHERYL B. LYSS
LOIS R. NISKA
KELTON H. OLIVER
BERNARD W. PARKER
FARAH M. PARVEZ
MICHALE D. RATZLAFF
SCOTT S. SANTIBANEZ

To be dental director

GERALYN S. JOHNSON

To be senior dental surgeon

JOEL J. AIMONE
HIROFUMI NAKATSUCHI
WILLIAM V. STENBERG

To be dental surgeon

RANDOLPH A. COFFEY
MARK R. FREESE
ARLENE M. LESTER
JAMES M. SCHAEFFER

To be senior assistant dental surgeon

KENNETH S. CHO
CIELO C. DOHERTY
RONALD L. FULLER
TAMEKA D. LEWIS-BAKER
LAURA J. LUND
ROBIN G. SCHEPER
ROBERT P. SEWELL
ANTHONY VITALI
JAMES H. WEBB JR.

To be senior nurse officer

MARJORIE E. EDDINGER
ROSE A. JENKINS

To be nurse officer

ROSA J. CLARK
PHILIP JARRES
IVY L. MANNING
JOYCE A. PRINCE
DORIS L. RAYMOND
MICHAEL L. ROBINSON

To be senior assistant nurse officer

DIANE M. AKER
ILEANA BARRETO-PETTIT
KELLY L. BARRY
THEODORA R. BRADLEY
FRANK L. CORDOVA
WILLIAM F. COYNER
DERWENT O. DANIEL
BELINDA E. DEAN
JENNY DOAN
DEANNA M. GEPHART
JOHN S. HARTFORD
ERIK S. HIERHOLZER
ERIC M. HOWSER
CHAD W. KORATICH
DELIA MARQUEZ-ELLIS
LISA A. MARUNYCZ
CAROLYN J. MCKEOWN
ANTONIO PALLADINO
SHELLY K. PAYNTER
THUYLE T. PHAM
PHIL B. SARGENT
DONNA K. STRONG
JUDITH B. SUTCLIFFE
AMY O. TAYLOR
NANCY L. TONE
THERESA TSOSIE-ROBLEDO
VICTORIA F. VACHON
DAWN L. WILL
ZENJA D. WOODLEY

To be assistant nurse officer

GLENN R. ARCHAMBAULT
JOYCE T. DAVIS
CHANNEL R. MANGUM
HUNG P. PHAN
MONICA D. RANKINS

To be senior engineer officer

VERNON L. TOMANEK

To be engineer officer

DANIELLE DEVONEY
KELLY B. LESEMAN
KARL R. POWERS
ARTHUR D. RONIMUS III

To be senior assistant engineer officer

KENNETH J. GRANT
DAVID E. HARVEY
DAVID E. JOHNSON
MARCUS C. MARTINEZ
ANDREW M. MELTZER
JAMIE D. NATOUR
RICK A. RIVERS
ERIC Y. SHIH
JACK S. SORUM
CHARLES H. WEIR

To be senior scientist

PAMELA L. CHING

To be scientist

LAILA H. ALI
CLEMENT J. WELSH

To be senior assistant scientist

CARMA S. AYALA

DIANA M. BENSYL
AMANDA S. BROWN
MICHAEL J. COOPER
KAREN A. HENNESSEY
DAPHNE B. MOFFETT
MEREDITH A. REYNOLDS
CYNTHIA A. STRILEY

To be sanitarian

JAN C. MANWARING

To be senior assistant sanitarian

GARY W. CARTER
JULIA E. CHERVONI
VIVIAN GARCIA
KIT C. GROSCH
WAYNE L. HALL
BRIAN E. HROCH
HARRICHAND RHAMBAROSE
DONALD B. WILLIAMS JR.

To be senior veterinary officer

YVETTE M. DAVIS
STEPHANIE R. OSTROWSKI
LOWREY L. RHODES JR.

To be veterinary officer

ESTELLA Z. JONES-MILLER

To be senior assistant veterinary officer

GREGORY L. LANGHAM

To be pharmacist director

DIANE L. FRANKENFIELD

To be senior pharmacist

SHARON K. GERSHON
GEORGE A. LYGHT
JO ANN M. SPEARMON

To be pharmacist

MICHAEL S. FORMAN
PAMELA M. SCHWEITZER
PAUL N. SHEDD
SHARON K. THOMA
ADOLPH E. VEZZA

To be senior assistant pharmacist

SEAN J. BELOUIN
SEAN K. BRADLEY
ROSALIND P. CHORAK
CARMEN C. CLELLAND
JAMES L. COBBS
THOMAS C. DURAN
JENNIFER E. FAN
CAROL A. FELDOTTO
REBECCA E. GARNER
PATRICIA N. GARVEY
EUGENE HAMPTON JR.
CLINT E. HINMAN
TOMMY E. HOREIS
KRISTINA M. JOYCE
MARIANN KOCSIS
YOON J. KONG
REY V. MARBELLO
JEEN S. MIN
DENISE A. NORMAN
LISA D. OLIVER
MARGARET A. RINCON
AMY D. RUBIN
JANE J. RUSSELL
SPENCER S. SALIS
MELISSA R. SCHWEISS
CATHERINE W. WITTE

To be assistant pharmacist

KRISTEN L. MAVES
PARAS M. PATEL
EMILY T. THAKUR

To be senior assistant dietitian

KARI R. BLASIUS
ALEXANDRA M. COSSI
CAROL A. TREAT
KIRSTEN M. WARWAR

To be senior assistant therapist

ANDRA F. BATTOCCHIO
CYNTHIA E. CARTER
FREDERICK V. LIEF
WILLIAM H. PEARCE JR.
TARRI ANN RANDALL
JEFFREY D. RICHARDSON
JOSEPH B. STRUNCE
CHRISTA L. THEMANN

To be health services officer

MALCOLM B. JOHNS
HENRY LOPEZ JR.
GUY J. MAHONEY
GEORGE J. MAJUS
NICOLE M. SMITH
LOLA R. STAPLES

To be senior assistant health services officer

JANE M. BARNES
MICHAEL A. CANDREVA
ROBERT P. CHELBERG
DAVID S. DE LA CRUZ
BETH D. FINNSON
GREGORY J. FLAITZ
ARNOLD L. HOWARD
ERICH KLEINSCHMIDT
AUDREY G. LUM
MARSHA R. MCCRIMMON
DANIEL H. REED
RUBEN T. SABATER
DAVID C. STATEN JR.
MICHAEL D. WEAHKEE

To be assistant health services officer

MICHELLE M. BLETH
CARRIE L. EARNHEART
CHERYL L. FAJARDO
RYAN D. HILL
DAVID J. LUSCHE
ANTHONY A. WALKER

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JACQUELINE BELL, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

ZAC T. BAO, OF FLORIDA
GEORGE H. BUZBY, OF FLORIDA
THOMAS L. MCCLANAHAN, OF COLORADO
JOHN P. NICHOLSON, OF FLORIDA
JOHN D. VERNON, OF VIRGINIA
TERRY G. YOUNGBLOOD, OF TEXAS

DEPARTMENT OF COMMERCE

CHRISTOPHER R. QUINLIVAN, OF WASHINGTON

DEPARTMENT OF STATE

KATELYN CHOE, OF FLORIDA
LYNN M. FERENC, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ALICIA P. ALLISON, OF THE DISTRICT OF COLUMBIA
JOSEPH RAY BABB, OF CALIFORNIA
JULIANA KINAL BALLARD, OF THE DISTRICT OF COLUMBIA
DANA LYNN BANKS, OF PENNSYLVANIA
ALEXANDER LUCIAN BARRASSO, OF THE DISTRICT OF COLUMBIA
ROIS MEGHAN BEAL, OF GEORGIA
SCOTT A. BLOMQUIST, OF FLORIDA
TOMEKAH L. BURL, OF ARKANSAS
YAN CHANG, OF GEORGIA
JOHN REID CROSBY, OF TEXAS
MARY EILEEN DASCHBACH, OF NEW HAMPSHIRE
GENE J. DEL BIANCO, OF MASSACHUSETTS
BRADLEY RICHARD EVANS, OF TEXAS
FIONA SCHOLAND EVANS, OF TEXAS
DAN O. FULWILER, OF WASHINGTON
ANN ELISE GABRIELSON, OF MINNESOTA
MICHELLE MARIE GIDASPOVA, OF NEW YORK
DAVID LINDGREN GEHRENBECK, OF RHODE ISLAND
STEPHEN P. GOLDRUP, OF CALIFORNIA
JOHN GORKOWSKI, OF VIRGINIA
CHRISTOPHER LEE GREEN, OF TEXAS
DANIEL O'CONNELL HAMILTON, OF MISSOURI
PATRICK N. HANISH, OF WASHINGTON
MARGARET REIKO HARTLEY, OF CALIFORNIA
IDA EVE HECKENBACH, OF LOUISIANA
JANELLE S. HIRONIMUS, OF CALIFORNIA
JOEY ROBERT HOOD, OF NEW HAMPSHIRE
PATRICK WYNTERS HORNBUCKLE, OF NEW YORK
DARRAGH JONES, OF OREGON
DENNIS T.P. KEENE, OF FLORIDA
ROBERT L. KINGMAN, OF WASHINGTON
LAURA HOPE KIRKPATRICK, OF VIRGINIA
JAMES GORDON LAND, OF FLORIDA
KAMAL IMHOTEP LATHAM, OF NEW YORK
CLAIRE LE CLAIRE, OF MINNESOTA
JASON ROSS MACK, OF NEW YORK
BETTINA ANNE MALONE, OF VIRGINIA
TYLER L. MASON, OF NEW YORK
GREGORY CHARLES MAY, OF TEXAS
KARA CHERISE MCDONALD, OF VIRGINIA
JOHN W. MCINTYRE, OF MISSOURI
EMILY ANN MESTETSKY, OF NEW JERSEY
SHANTE J. MOORE, OF MICHIGAN
CARLA J. MUDGETT, OF VERMONT
ADRIENNE B. NUTZMAN, OF TEXAS
NICHOLAS PAPP III, OF FLORIDA
SUSAN PARKER-BURNS, OF MASSACHUSETTS
JONATHAN P. POST, OF CALIFORNIA
GABRIELLE M. PRICE, OF PENNSYLVANIA
MARCO GLEN PROUTY, OF WASHINGTON
DANIEL J. RICCI, OF CALIFORNIA
JOHN G. ROBINSON, OF MISSISSIPPI
PETER A. SCHROEDER, OF WASHINGTON
MARC LONDON SHAW, OF MISSOURI
ANDREW KENNETH SHERR, OF COLORADO
JEFFERSON DAVID SMITH, OF TEXAS
TIMOTHY LYLE SMITH, OF MICHIGAN
TIMOTHY M. STANDAERT, OF FLORIDA
DANIEL ALEXANDER STEWART, OF VIRGINIA
TOM S. TARGOS, OF WISCONSIN
TIMOTHY P. TRENKLE, OF KANSAS
JOSEPH FINCH TRIMBLE JR., OF TEXAS
DAVID NATHANIEL GARTLAND WHITING, OF SOUTH DAKOTA
DANA RENEE WILLIAMS, OF TEXAS
MICHELLE ELIZABETH WOLLAM, OF CALIFORNIA
EBONI YORK, OF MICHIGAN

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

GEOFFREY S. BOGART, OF CALIFORNIA
VAL E. HUSTON, OF INDIANA
JUSTIN D. MYLROIE, OF WASHINGTON
CHRISTOPHER D. WOOSLEY, OF VIRGINIA

DEPARTMENT OF STATE

JASON ANDREW ABELL, OF ILLINOIS
ANGELA C. ALEXANDER, OF VIRGINIA
ANTHONY ALEXANDER, OF CALIFORNIA
CHRISTOPHER C. ALLISON, OF MISSOURI
FARIS Y. ASAD, OF OHIO
BENJAMIN S. BAILEY, OF WASHINGTON
ANNE ELIZABETH BAKER, OF PENNSYLVANIA
ERIN C. BARCUS, OF MARYLAND
ALISTAIR C. BASKEY, OF THE DISTRICT OF COLUMBIA
MATTHEW HAROLD BLONG, OF MARYLAND
SCOTT CHARLES BOLZ, OF WASHINGTON
PAULINE N. BORDERIES, OF VIRGINIA
JENNIFER F. BOSWORTH, OF THE DISTRICT OF COLUMBIA
RYAN E. BOWLES, OF MINNESOTA
TOBIAS ALYN BRADFORD, OF TEXAS
ROBIN S. BROOKS, OF COLORADO
JUSTIN PATRICK BROWN, OF CALIFORNIA
TIMOTHY PATRICK BUCKLEY, OF NEW YORK
TODD A. CAMPBELL, OF ILLINOIS
CHERYL BARNES CARSON, OF VIRGINIA
CHRISTOPHER JAMES CHAISSON, OF VIRGINIA
MIN CHANG, OF CALIFORNIA
ALICE RUTH CHU, OF VIRGINIA
THEODORE H. CLARK, OF VIRGINIA
ELISE C. COCKE, OF THE DISTRICT OF COLUMBIA
JOHN D. CULP, OF VIRGINIA
KIM D'AURIA-VAZIRA, OF CALIFORNIA
MARK G. DAVENPORT, OF VIRGINIA
ERFANA S. DAR, OF WASHINGTON
TIMMY T. DAVIS, OF MISSISSIPPI
GREGORY W. DEPUTY, OF VIRGINIA
DAVID DOLAHER, OF VIRGINIA
ANDREA SUSANA MARTINEZ DONNALLY, OF TEXAS
JED TARO DORNBURG, OF THE DISTRICT OF COLUMBIA
JULIE A. EADEH, OF MICHIGAN
MICHAEL G. EDWARDS, OF WASHINGTON
RICHARD J. FAILLACE, OF NEW JERSEY
MAHA GAMAL FARID, OF THE DISTRICT OF COLUMBIA
SITA M. FARRELL, OF VIRGINIA
YURIY R. FEDKIW, OF OHIO
JULIA C. FENDRICK, OF MARYLAND
MARY ANN FREEMAN, OF CALIFORNIA
ENRIQUE RODRIGO GALLEGO, OF ILLINOIS
JULIE C. GIBSON, OF VIRGINIA
ALEXANDER PAUL GOGULSKI, OF VIRGINIA
MATTHEW B. GOLDEN, OF CALIFORNIA
LYNNETTE LYNN GORDON, OF TEXAS
JOHN HARRISON GREGG, OF ALABAMA
LINDA A. GREGUS, OF VIRGINIA
JOHN ARTHUR HAID, OF VIRGINIA
MATTHEW S. HAND, OF VIRGINIA
ALEXANDER KEITH HARDIN, OF OHIO
GAYLE R. HARNEST, OF VIRGINIA
ANBEREEN HASAN, OF VIRGINIA
PRISCILLA ANN HERNANDEZ, OF TEXAS
TRACY E. HILL, OF THE DISTRICT OF COLUMBIA
JULIUS E. HOFFMAN JR., OF THE DISTRICT OF COLUMBIA
MICHAEL JOHN HOUGAARD, OF VIRGINIA
KEVIN E. HULBERT, OF THE DISTRICT OF COLUMBIA
AARON L. HUMMELDORF, OF VIRGINIA
JERRY ISMAIL, OF NEW YORK
ROBERT A. IVEY, OF VIRGINIA
JOSEPH SAMUEL JACANIN, OF VIRGINIA
DAYLE REBECCA JOHNS, OF TEXAS
MATTHEW P. JOHNSON, OF VIRGINIA
TODD M. KATSCHKE, OF THE DISTRICT OF COLUMBIA
PAMELA R. KAZI, OF MINNESOTA
CHARLES J. KELLY, OF VIRGINIA
STEPHEN GYULA KOVACSICS, OF FLORIDA
ERIC J. KRAMP, OF FLORIDA
COBY DAWNE LASTUKA, OF WASHINGTON
THADDEUS C. LAW, OF VIRGINIA
JEFFREY MICHAEL LOREE, OF THE DISTRICT OF COLUMBIA
ADHAM ZIBAS LOUTFI, OF CALIFORNIA
KATHERINE M. F. LOWNDES, OF VIRGINIA
ROSE A. MANOR, OF VIRGINIA
JOHN A. MARCINEK, OF VIRGINIA
MICHAEL H. MARGOLIES, OF LOUISIANA
ANN L. MASON, OF MICHIGAN
JOSIAH D. MAYNE, OF VIRGINIA
JOHN WILLIAM MCCLURE, OF VIRGINIA
JAMES P. MCDONALD, OF MASSACHUSETTS
BERNADETTE M. MEEHAN, OF NEW YORK
LAURA P. MERKLE, OF VIRGINIA
GREGORY C. MORRIS, OF VIRGINIA
JAMES M. MORRIS, OF MASSACHUSETTS
HEATHER MULVENNA, OF VIRGINIA
JUNAID MUNIR, OF MICHIGAN
FAHEZ A. NADI, OF NEW YORK
DAVID C. NG, OF ARIZONA
SADIA NIAZI, OF VIRGINIA
MARLENE E. OLSEN, OF FLORIDA

TREVOR R. OLSON, OF IDAHO
ADAM PACKER, OF THE DISTRICT OF COLUMBIA
CHRISTINE D. PARKER, OF ILLINOIS
VANESSA M. PAULOS, OF TEXAS
DEXTER C. PAYNE, OF VIRGINIA
ELIZABETH LYNNE PERRY, OF MASSACHUSETTS
MICHAEL E. PIGNATELLO, OF NEVADA
MATTHEW P. POLITTE, OF VIRGINIA
MAURICIO H. PUERTO, OF VIRGINIA
HELAENA W. RATHORE, OF TENNESSEE
NAZIMA H. RAZICK, OF VIRGINIA
KELSEY THOMAS RIDEOUT, OF VIRGINIA
RYAN J. ROBERTS, OF TEXAS
JEFF ROTERING, OF KANSAS
LENORE MARIE SANTONE, OF VIRGINIA
JULIE MICHELLE SCHOHN, OF NORTH CAROLINA
MAHVASH SIDDIQUI, OF CALIFORNIA
DANIEL E. SLAVEN, OF TEXAS
PATRICK T. SLOWINSKI, OF UTAH
ALYSSA SMITH, OF THE DISTRICT OF COLUMBIA
WILLIAM H. STEELE JR., OF FLORIDA
WILLIAM B. STEVENS, OF VIRGINIA
BRIAN K. STIMMLER, OF NEW JERSEY
AMY L. STORROW, OF TEXAS
RACHEL ELIZABETH SUBLER, OF VIRGINIA
KARAN ELIZABETH SWANER, OF VIRGINIA
B. RICHARD SWITZER, OF VIRGINIA
DMITRI TARAKHOVSKY, OF MICHIGAN
SHAWN HARRIS TRIBE, OF CALIFORNIA
KAREN K. TSAI, OF NEW YORK
FRANK F. TU, OF CALIFORNIA
DILLON R. TWOMBLY, OF VIRGINIA
KEVIN D. VAIL, OF VIRGINIA
KEVIN A. VAILLANCOURT, OF VIRGINIA
PERRY M. VENTURINI, OF VIRGINIA
SCOTT LEE WHITMORE, OF MASSACHUSETTS
BRENDAN R. WHITWORTH, OF VIRGINIA
PATRICK C. WILLIAMS III, OF WEST VIRGINIA
MAMIE WILLIS, OF VIRGINIA
WOODS, JODY L., OF VIRGINIA
ELIZABETH L. WOUDENBERG, OF MARYLAND
CARSON H. WU, OF MICHIGAN
BAIMBA M. YILLA, OF VIRGINIA
MICHAEL H. YOUNG, OF CALIFORNIA
ALEXANDER YUAN, OF NEW YORK
JIM ZIX, OF OREGON

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 19, 2004, withdrawing from further Senate consideration the following nomination:

ALBERT CASEY, OF TEXAS, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2009, WHICH WAS SENT TO THE SENATE ON JANUARY 21, 2004.