

From the day of his commissioning to his last formal day in the service, General Cody made an indelible mark as an aviator, not just as an officer who could wield an Apache or Blackhawk with impressive precision and skill, but as a leader who inspired other aviators and maintainers to do their best. He competently led such prestigious and capable aviation units as the 160th Special Operations Regiment and the 101st Airborne Division. In the early stages of the first gulf war, he headed up one of the earliest and strategically critical aerial attacks, paving the way for subsequent air and ground forces. He amassed an impressive 5,000 hours of flight time.

It was that quality to inspire and to lead through example that elevated General Cody to the higher ranks of the U.S. Army. His service as the Vice Chief of Staff has coincided with ongoing wars in Iraq and Afghanistan, and he has helped the Army restructure and reequip itself for that challenging undertaking. He has always been open about the Army's needs, clearly informing the service's civilian leaders, the media, and Congress about the tools necessary to carry out its missions. He has been involved in some vigorous debates in the Pentagon, out of which emerged sensible approaches to activation and equipping of the Reserves, including the National Guard. He always has in mind his view—built through that experience and knowledge—of what is best for the Army and the country. He is an articulate spokesperson and fierce advocate.

General Cody has always kept one foot in Vermont where his family has such strong roots, particularly around Montpelier where he was born and raised. Few in the State have not purchased a car at Cody Chevrolet, which is owned and operated by the General's family. He and his lovely wife Vicki have two proud sons, Capt. Clint Cody and Capt. Tyler Cody, both Apache pilots in the Army. His immediate family has had the chance to spend considerable time in the State, experiencing the deep patriotism that runs through the Green Mountains and the Champlain Valley. It was only fitting that Norwich University, the Nation's oldest military academy, recently honored General Cody.

General Cody has been open about the challenges that the Army faces. His forthright manner is matched only by the quiet energy he brings to tackling problems aggressively. He is the model Army officer, a doer as much as a thinker, a loyalist as much as someone speaking straight. As he retires, I know there are many in the Army, officers and enlisted, who will continue to strive to replicate the path that he blazed with such dynamic energy. I know he will continue to be engaged with the Army, and, for that—and, above all, that incredible 36 years of service—Vermont and the whole United States are grateful.

MEDICAL DEVICE SAFETY ACT

Mr. LEAHY. Mr. President, I am proud to join Senator KENNEDY and other Senators in the introduction of this legislation. The bill that we introduced yesterday will correct a decision of the Supreme Court that misconstrued the intent of Congress and cut off access to our Nation's courts for citizens injured or killed by defective medical devices.

The Senate Judiciary Committee held a hearing on June 11 to examine the way in which the Supreme Court's decisions in the areas of retirement benefits and consumer product safety have consistently trended against the rights of consumers and in favor of big business. In many cases that have profound effects on the lives of ordinary Americans, the Court has either ignored the intent of Congress, or sided with a Federal agency's flawed interpretation of a congressional statute's preemptive force to disadvantage consumers.

It is regrettable that an anonymous Republican Senator objected on procedural grounds to the committee completing that hearing. And it is disappointing that the same party that engages in so much partisan rhetoric complaining about activist judges refuses to hear about the judicial activism when it comes from the judges whose activism they embrace as sound judicial philosophy. The impact of the decisions that were the focus of that hearing are being felt by Americans today, whether they are prohibited from seeking redress in the courts for an injury caused by a defective product, or left without remedies to enforce rights granted by Congress relating to nondiscrimination, or retirement and health care benefits.

The bill we introduce today is an important step to correcting the Supreme Court's erroneous reading of Congress' intent in enacting the medical device amendments of 1976. Where the Court reaches to the extent it did in the Riegel decision to find Federal preemption contrary to what Congress intended, Congress is compelled to act. This legislation will make explicit that the preemption clause in the medical device amendments that the Court relied upon does not, and never was intended to preempt the common law claims of consumers injured by a federally approved medical device.

As I noted in the Judiciary Committee's recent hearing, many of the Court's decisions that have the most far reaching impact on Americans' wallets, retirement and health benefits, or access to justice, are the least publicized. But Americans should be deeply concerned when decisions of the Supreme Court override the policy judgments made by their elected representatives in Congress and negatively affect their day-to-day lives in significant ways. The extraordinary power to preempt State law and regulation lies with Congress alone. And as the Supreme Court has said on many occa-

sions, the fundamental inquiry into whether a Federal statute preempts State law is the intent of Congress. I hope the introduction of this legislation sends the strong signal that some Senators intend to hold the Court to its own often-repeated pronouncements about this important principle.

THE FEDERAL AVIATION ADMINISTRATION EMPLOYEE RETENTION ACT

Mr. INHOFE. Mr. President, I was pleased to join Senator LAUTENBERG yesterday in introducing S. 3416, The Federal Aviation Administration Employee Retention Act. I am supporting Senator LAUTENBERG in his efforts to correct what I believe is a very unfair process imposed upon employees of the Federal Aviation Administration, FAA, by Congress.

Essentially, S. 3416 will correct the collective bargaining process Congress established for FAA employees in the FAA Reauthorization Act of 1996—Public Law 104-264—in which we inserted ourselves as arbitrators in labor disputes. Under the 1996 act, if the FAA and the union with whom they are in negotiation can not reach an agreement, then Congress has 60 days to intervene and if we do not, the FAA is able to impose its terms on the employees. Mr. President, this is not fair, it has not worked and it is time that we correct it.

In addition to the widely published dispute between the FAA and the National Air Traffic Controllers Association, NATCA, the Professional Aviation Safety Specialists, PASS, also have been unable to negotiate a new contract with the FAA. Furthermore, in my State of Oklahoma, there has been an 8-year disagreement between the FAA and the FAA Academy Instructors represented by the Professional Association of Aeronautical Center Employees, PAACE. It is my understanding from PAACE that FAA has basically refused to come to the bargaining table, which has resulted in year to year extensions of an 8-year-old contract. This is not right.

The very reasonable procedure established by S. 3416 will provide both sides in a labor dispute with a means to resolve disagreements by allowing FAA employees the same collective bargaining protections that employees covered under the National Labor Relations Board currently have. The bill provides the option of resolving disputes through the Federal Mediation and Conciliation Service or through mutual agreement on an alternative procedure. If no agreement is reached, then matters of disagreements will be presented to the Federal Services Impasses Panel for binding arbitration.

Finally, the bill would require both sides go back to the negotiating table for any "personnel management system implemented" by the FAA Administrator on or after July 10, 2005. In