

slightly different unanimous consent agreement—but I think that most would agree that what is being proposed by Senator FRIST gives a fair series of votes that could be accomplished in a reasonable amount of floor time in a part of the year when floor time is becoming a precious quantity.

Stem cell research presents a great opportunity for scientists to gain knowledge that can help those families in America and around the world in which loved ones suffer from currently incurable diseases such as cancer, heart disease, Alzheimer's, diabetes and Parkinson's to name a few.

In order to develop a better understanding of the causes and cures of many diseases tomorrow, we must conduct a vigorous research program today.

And let me be clear, cures will not happen overnight or will come easily. We have years of hard work ahead of us. But we have much work to do today to bring about these future advances.

In my view, what this unanimous consent agreement does is to move the ball forward. I am pleased that no one appears to be objecting to this agreement so we can give this matter the debate and votes that it deserves.

The House has acted on an important bill and, in this case, I believe that the Senate should give the American people a simple, an up-or-down vote on this measure.

I think that each of these three bills can gain substantial majorities.

I support the unanimous consent agreement. I am prepared to vote and hope my colleagues will support this agreement that will allow us to debate and have votes in a manner that does not allow parliamentary tactics to unduly delay or otherwise obstruct debate on this important legislation.

This unanimous consent agreement is a step in the right direction and I look forward to the debate on these three bills which can benefit the American public so much down the road.

This is good news for individuals like young Cody Anderson of Utah, who suffers from juvenile diabetes. This is good news for many individuals.

I commend the majority leader and my colleagues for tonight's agreement on a way to move forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Sen-

ate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: 613, 621, 738, 739, 740, 741, 742, 743, 744, 746 through 750, 752 through 758, 759, and all nominations on the Secretary's desk.

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

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

The nominations considered and confirmed en bloc are as follows:

#### ENVIRONMENTAL PROTECTION AGENCY

James B. Gulliford, of Missouri, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

#### DEPARTMENT OF VETERANS AFFAIRS

Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits of the Department of Veterans Affairs for a term of four years.

#### DEPARTMENT OF DEFENSE

Michael L. Dominguez, of Virginia, to be Deputy Under Secretary of Defense for Personnel and Readiness, vice Charles S. Abell, resigned.

#### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be lieutenant general

Maj. Gen. Maurice L. McFann, Jr., 0000

#### IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

#### To be brigadier general

Col. Frank A. Cipolla, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

#### To be brigadier general

Col. Michael J. Silva, 0000

#### IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be vice admiral

Rear Adm. Robert B. Murrett, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### To be vice admiral

Rear Adm. Mark J. Edwards, 0000

#### LEGAL SERVICES CORPORATION

Jonann E. Chiles, of Arkansas, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2008, vice Robert J. Dieter.

#### DEPARTMENT OF STATE

John Clint Williamson, of Louisiana, to be Ambassador at Large for War Crimes Issues. Gaddi H. Vasquez, of California, for the rank of Ambassador during his tenure of

service as U.S. Representative to the United Nations Agencies for Food and Agriculture.

Michael E. Ranneberger, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Robert D. McCallum, Jr., of Georgia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

Eric M. Bost, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

Leslie V. Rowe, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Solomon Islands and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

W. Stuart Symington IV, of Missouri, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti.

Gayleatha Beatrice Brown, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin.

Peter R. Coneway, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

Clifford M. Sobel, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federative Republic of Brazil.

Robert O. Blake, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Thomas C. Foley, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

#### SMALL BUSINESS ADMINISTRATION

Steven G. Preston, of Illinois, to be Administrator of the Small Business Administration.

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

#### IN THE ARMY

PN1676 ARMY nomination of Con G. Pham, which was received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1677 ARMY nominations (7) beginning DARYL W. FRANCIS, and ending DWAIN M. TORGERSEN, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1678 ARMY nominations (6) beginning BRIAN E. BISHOP, and ending ALAN C. SAUNDERS, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1679 ARMY nominations (4) beginning JOSE R. ATENCIO III, and ending CHRISTOPHER J. MORGAN, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1680 ARMY nominations (3) beginning BRENT E. BRACEWELL, and ending ALLEN L. MEYER, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1681 ARMY nominations (9) beginning BRUCE R. DESCHERE, and ending MICHAEL B. ROUNTREE, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1682 ARMY nominations (3) beginning MICHAEL L. ELLIS, and ending KRISTINE KNUTSON, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1683 ARMY nomination of Debra R. Hernandez, which was received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1684 ARMY nomination of Anne M. Emschhoff, which was received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1685 ARMY nomination of Andrew P. Cap, which was received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1686 ARMY nominations (27) beginning MARK E. GANTS, and ending SAMUEL L. YINGST, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1687 ARMY nominations (32) beginning CATHLEEN A. BURGESS, and ending JEFFREY L. WELLS, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1688 ARMY nominations (99) beginning HAZEL P. HAYNES, and ending GIA K. YI, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1689 ARMY nominations (24) beginning Ben L. Clark, and ending JENNIFER L. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

PN1690 ARMY nominations (699) beginning LYNN F. ABRAMS, and ending ROBERT T. ZABENKO, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

#### IN THE MARINE CORPS

PN1691 MARINE CORPS nominations (6) beginning CHRISTOPHER J. GALFANO, and ending RUSSELL W. PARKER, which nominations were received by the Senate and appeared in the Congressional Record of June 14, 2006.

#### IN THE NAVY

PN1692 NAVY nomination of Zina L. Rawlins, which was received by the Senate and appeared in the Congressional Record of June 14, 2006.

#### NOMINATION OF KENNETH WAINSTEIN

Mr. LEAHY. Mr. President, today we consider a nominee for the new position of Assistant Attorney General for the National Security Division. All too often, in the Bush-Cheney administration, national security has been cited as a justification for overriding the rule of law and for imposing unprecedented secrecy. With the acquiescence of the Republican-controlled Congress, this administration may be the most unresponsive in history and the most unaccountable.

Ken Wainstein is President Bush's selection to be the first Assistant Attor-

ney General for National Security, a new position created by Congress. I will not oppose this nomination in the hope that Mr. Wainstein will work with us and be responsive to the Senate.

I have concerns about this administration's unilateral approach to national security issues. Four years ago, the Office of Legal Counsel at the Justice Department issued a secret legal opinion concluding that the President of the United States had the power to override domestic and international laws outlawing torture. The memo sought to redefine torture and asserted that the President enjoys "complete authority over the conduct of war" and asserted that application of the criminal law passed by Congress prohibiting torture "in a manner that interferes with the President's direction of such core war matters as the detention and interrogation of enemy combatants would be unconstitutional." It seemed to assert that the President could immunize people from prosecution for violations of U.S. criminal laws that prohibit torture. This Justice Department memo was withdrawn only after it became public because it could not withstand public scrutiny.

We have learned through the media of warrantless wiretapping and data-mining conducted by this administration. This, despite the Foreign Surveillance Intelligence Act and its express provisions and the actions on the Senate in voting to curtail the data-mining programs by Admiral Poindexter at the Defense Department. We have yet to be provided with a convincing legal justification for these programs. We have yet to be able to investigate or hold the administration accountable. Instead, every effort at oversight and accountability have been obstructed or curtailed by the administration. The administration refuses to follow the law and submit matters to the FISA court and claims state secrets to force court challenges to be dismissed. The administration tells the Senate when, what and how it may investigate. The Department of Justice's own, internal Office of Professional Responsibility's probe of whether or not lawyers at the Department violated ethical rules in justifying these activities was shut down by the Attorney General and the White House.

As this administration continues to expand its power, the Department of Justice should be advising the President to obey the law and respect the Congress and the courts, not just helping to rationalize actions and forestall oversight.

In theory, this new position might help Department of Justice attorneys to act responsibly on national security issues, rather than just to do the White House's bidding. It should put national security issues into the hands of experts, not political cronies. In fact, the WMD Commission recommended in March of last year that the different components of the Department's dealing with national security, terrorism,

counterintelligence, and foreign intelligence surveillance be combined to eliminate deficiencies and inefficiencies in the Department's national security efforts. Congress acted to create the post. This new Assistant Attorney General position can only serve a useful role if the person who occupies it is willing to think independently. This administration has consistently prized loyalty over independence and expertise.

Mr. Wainstein has some experience as a prosecutor, but he has also been a loyal official of this administration for some time now. I hope that he will be able to look at the crucial national security issues to be handled by this new office with a critical eye and a view toward respecting law and the Congress. If he does, he will be a breath of fresh air in the Bush-Cheney administration.

Recently, Judiciary Committee Chairman SPECTER and I received a letter from the Fraternal Order of Police. The FOP "endorsed" Mr. Wainstein "in order to facilitate his departure from the U.S. Attorney's Office." They criticized him for being "unwilling to perform" the function of investigating and prosecuting an alleged attack on a police officer. That is not what I would term high praise for his judgment. I ask that a copy of the letter be printed in the RECORD.

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

GRAND LODGE,  
FRATERNAL ORDER OF POLICE,  
Washington, DC, June 9, 2006.

Hon. ARLEN SPECTER,  
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*

Hon. PATRICK J. LEAHY,  
*Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN SPECTER AND SENATOR LEAHY, I am writing on behalf of the members of the Fraternal Order of Police to advise you of our position on the nomination of Kenneth L. Wainstein, currently the U.S. Attorney for the District of Columbia, to be the Assistant Attorney General for the National Security Division at the U.S. Department of Justice.

The F.O.P. is very frustrated by the manner in which Mr. Wainstein is handling the investigation into the attack on a Federal law enforcement officer by U.S. Representative Cynthia L. McKinney. The grand jury has held this case for more than two months when the usual practice of a Federal prosecutor is to immediately arrest and swiftly indict people that attack police officers. It is clear to us that the accused in this case is receiving special treatment from Mr. Wainstein. This is unacceptable—had the officer's attacker in this case been a visitor to the Capitol instead of a U.S. Representative, it is likely that he or she would have already stood trial. Instead, under the stewardship of Mr. Wainstein, we have a seemingly endless grand jury proceeding and rumored talks of a plea deal, despite the fact that there has not even been an indictment.

Given that the basic function of a prosecutor is to investigate and prosecute cases, and given that Mr. Wainstein seems unwilling to perform this function in a simple assault case, the F.O.P. was initially reluctant to support his nomination to Assistant Attorney General. However, upon further reflection, we have reconsidered. There is a

genuine need to have an effective and appropriately aggressive Federal prosecutor in the District of Columbia and, because the responsibilities of the position for which he has been nominated are largely advisory in nature, we have decided to advocate his swift and immediate confirmation in order to facilitate his departure from the U.S. Attorney's office. In so doing, we hope that his replacement will prove to be better able to handle pending cases—particularly those involving assaults on law enforcement officers.

Justice is something that must be vigorously pursued and Mr. Wainstein is waffling. We feel that someone of his temperament is better suited to a less operational position and, for this reason, on behalf of the more than 324,000 members of the Fraternal Order of Police, we urge his expeditious confirmation. I thank you both in advance for your consideration of our views on this matter. If I can be of any further help, please feel free to contact me or Executive Director Jim Pasco at my Washington office.

Sincerely,

CHUCK CANTERBURY,  
*National President.*

#### SMALL BUSINESS ADMINISTRATION

Mr. KERRY. Mr. President, today the Senate Committee on Small Business and Entrepreneurship unanimously reported the President's nomination of Steven Preston to serve as Administrator for the Small Business Administration. I would like to thank Chair SNOWE and her staff for their work on this nomination.

Mr. Preston brings keen business sense and a wealth of management experience to an agency woefully in need of better management. From the disaster loan program to oversight of federal contracting, the SBA has failed small businesses under the current administration. Hurricane Katrina is now 10 months behind us, and still we are witnessing delays in getting loan money to the residents of the Gulf Coast. Deep budget cuts have bled the agency of key staff. Efforts to eliminate key programs like the Microloan program, PRIME and New Markets Venture Capital have undermined access to capital and business counseling for small businesses, especially the smallest of firms. As Mr. Preston stated many times throughout the nomination process, morale at the SBA is dangerously low. There is a vacuum of leadership into which Mr. Preston now steps, and there is much for him to do to reinvigorate this agency.

I am hopeful that Mr. Preston will prove to be an aggressive advocate for small business. His career and his actions demonstrate that he is not a political person, and I hope his instincts lead him to do the right thing rather than the political thing. With investment, commitment, and most of all, strong leadership, the SBA can make a real difference in people's lives.

I am also hopeful that as Administrator, Mr. Preston will fight for realistic budgets. The budget delivered to Congress by President Bush this past year had no basis in reality. The former SBA Administrator's reaction was to travel the country to support Administration proposals that often had little to do with the needs of small

businesses. Meanwhile, the SBA budget was being slashed. The SBA needs someone who will consider the impact of the budget on small businesses and disaster victims and will fight budgets that hurt these communities. The President is proposing to assess unprecedented administrative fees on small business loans, on top of the high fees that are already passed on to small businesses in this zero subsidy environment. He is also trying to balance the Federal budget on the backs of disaster victims by raising interest rates on disaster loans. These are not recipes for helping small business, and I hope Mr. Preston recognizes that.

The SBA also needs to be a more vigilant watchdog for small business contracting. The record of the last few years is appalling. Federal small business contracting numbers have been manipulated and overstated to score political points. The SBA's office dedicated to veterans contracting has been shut down. Implementation of the women's contracting program has been delayed for 6 years. The SBA IG reports and GAO reports make it clear: There is a pattern of neglect when it comes to SBA's oversight of federal contracting to ensure fair access for small firms. Report after report indicates that there needs to be more staff to oversee federal contracting, and the agency continues to deny our efforts to get more accurate small business contracting numbers. This is a serious problem, and through this nomination process, Mr. Preston has been made well aware that I and my fellow committee members expect it to be addressed.

Above all, I am tired of hearing the administration's claim that it is doing "more with less." At some point, this catch phrase gives way to the reality that an agency can no longer even fulfill its mandate with any less. It is my belief that we have reached that point. Small Business Development Centers have been forced to reduce services. Women's Business Centers are on the verge of shutting down. Lending to minorities has been generally flat or has gone down, particularly dollars loaned to African Americans and women. This agency has a unique role to play in fostering entrepreneurship in underserved communities. It is clear from his history of charitable involvement that Mr. Preston understands the needs of these underserved communities, and I hope that this spirit is evident in his work at the SBA on behalf of underserved and disadvantaged businesses.

I have served on the Committee on Small Business and Entrepreneurship for 21 years, as ranking member or Chairman since 1997, and I have worked with a number of SBA Administrators. Too often, a nominee comes before the Committee and says all the right things to get confirmed. My hope for Mr. Preston is that he will not simply talk the talk, but that he will walk the walk. By living up to his promises, I think Mr. Preston will see that he and

Congress can work side by side to help small businesses across the Nation.

Ms. LANDRIEU. Mr. President, I welcome the confirmation of Steven Preston to be U.S. Small Business Administration, BSA Administrator. I had the pleasure of meeting with Mr. Preston a few weeks ago, and I believe that he has the management experience to take on the many challenges facing the Small Business Administration. More importantly, I was impressed with his passion to serve and to take on this particularly challenging position.

For too long this agency, which serves the backbone of our Nation's economy, has been a second-class citizen in this administration. The SBA enjoyed Cabinet-level status under President Clinton but has since been downgraded to a second-tier agency. The SBA's budget has been cut by nearly 40 percent since 2001—more than any other Federal agency. This sends the wrong signal to small businesses, especially our small businesses down in the gulf coast. It tells them that they are not worth the investment, that small businesses are not a national priority.

We need a SBA Administrator who is a "work horse" not a "show horse." Washington has plenty of show horses, but they should not be running Federal agencies. We have seen that in the gulf, and we don't want to see it again. I am willing to work with Mr. Preston and with my colleagues on the Senate Committee on Small Business and Entrepreneurship to help the SBA be more effective and responsive in good times and bad.

One of the first challenges Mr. Preston will face is to ensure that the SBA is ready for this year's hurricane season. Experts forecast that this will be a very active season, and the SBA has to be ready. Last year, we had the sense that the agency was acting by the seat of their pants. Under the circumstances, that is not so surprising. The country had never seen anything like Katrina before. But now Mr. Preston and the SBA have the opportunity to take the lessons of last year to better prepared for this year.

The emergency supplemental appropriations bill we most recently passed contains language that I sponsored to require SBA to submit a comprehensive disaster preparedness plan to Congress by July 15. SBA did not have one in place for Katrina, so my colleagues and I want to ensure that they are more prepared for hurricane season this year and future disasters as well. I look forward to receiving this report next week.

I mentioned that Mr. Preston's management experience will serve him well as he works to make the SBA a more efficient and responsive agency. Congress also needs to give SBA the tools to allow it to improve. After Katrina, small businesses in Louisiana had nothing but complaints about SBA's service in the Disaster Loan Program.