

Mr. FRIST. The Senator from Maine, the distinguished chair of the Small Business Committee, is correct that while the vast majority of the Highway bill does not concern the Small Business Act or the Small Business Administration, the Highway bill conferees should secure the consent of the Chair of the Senate committee on Small Business and Entrepreneurship before making any changes to legislation or programs within that committee's jurisdiction.

Mr. INHOFE. I am grateful to the chair of the Small Business Committee for her concern about the interests of small business. As chairman of the Senate Environment and Public Works Committee and the manager of the Highway bill on the part of the Senate, I agree that the Senate conferees on the Highway bill will secure the Senate Small Business Committee's consent before negotiating or agreeing to any changes to the Small Business Act or to any program relating to the Small Business Administration.

Ms. SNOWE. I thank Chairman INHOFE and the majority leader for their commitment and support.

#### EXECUTIVE SESSION

#### NOMINATION OF JANICE R. BROWN TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Executive Calendar No. 72, the nomination of Janice R. Brown to be U.S. Circuit Judge for the DC Circuit.

The legislative clerk read the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

#### CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the cloture motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 72, the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

Bill Frist, Arlen Specter, Trent Lott, Lamar Alexander, Jon Kyl, Jim Talent, Wayne Allard, Richard G. Lugar, John Ensign, C.S. Bond, Norm Coleman, Saxby Chambliss, James Inhofe, Mel Martinez, Jim DeMint, George Allen, Kay Bailey Hutchison, John Cornyn.

#### NOMINATION OF WILLIAM H. PRYOR TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH DISTRICT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Executive Calendar No. 100, the nomination of William Pryor, of Alabama, to be U.S. Circuit Judge for the Eleventh Circuit.

The legislative clerk read the nomination of William H. Pryor, of Alabama, to be United States Circuit Judge for the Eleventh District.

#### CLOTURE MOTION

Mr. FRIST. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the cloture motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 100, William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

Bill Frist, Craig Thomas, Richard Burr, Pat Roberts, Mitch McConnell, Jeff Sessions, Wayne Allard, Jon Kyl, Richard G. Lugar, Jim DeMint, David Vitter, Richard Shelby, Lindsey Graham, John Ensign, Pete Domenici, Bob Bennett, George Allen.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum with respect to both cloture votes be waived.

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

#### NOMINATION OF ROBERT JOSEPH TO BE UNDER SECRETARY OF STATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Robert Joseph, PN 301, to be Under Secretary of State for Arms Control and International Security; provided further that the Senate proceed to its consideration, the nomination be confirmed, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

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

The nomination considered and confirmed is as follows:

#### DEPARTMENT OF STATE

Robert Joseph, of Virginia, to be Under Secretary of State for Arms Control and International Security.

#### JOINT REFERRAL

Mr. FRIST. Mr. President, I ask unanimous consent that the nomination of Israel Hernandez, of Texas, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Serv-

ice, received on Thursday, May 26, 2005, be jointly referred to the Committee on Commerce, Science, and Transportation and the Committee on Banking, Housing, and Urban Affairs.

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

#### EXECUTIVE CALENDAR

#### NOMINATIONS DISCHARGED

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to consider the following nominations on today's Executive Calendar: Nos. 104, 105, 106 through 111, 112, with the exception of BG Rita Broadway, 0000, Nos. 113, 114, with the exception of COL Donald M. Bradshaw, 0000, Nos. 115 through 132, 133, 134, 135, 136, and all nominations on the Secretary's desk. I further ask unanimous consent that the Commerce Committee be discharged from further consideration of Coast Guard nominations lists, PN 236 and PN 527, and a NOAA list, PN 452; provided further that the Senate proceed to their consideration, the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

#### DEPARTMENT OF EDUCATION

Raymond Simon, of Arkansas, to be Deputy Secretary of Education.

#### DEPARTMENT OF DEFENSE

Kenneth J. Kreig, of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

#### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Kathleen D. Close, 0000

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 610:

*To be lieutenant general*

Maj. Gen. Charles E. Croom, Jr., 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Benjamin J. Spraggins, 0000

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 610:

*To be general*

Lt. Gen. Ronald E. Keys, 0000

#### IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Benjamin C. Freakley, 0000

The following named Army National Guard of the United States officer for appointment as Director, Army National Guard and for appointment to the grade indicated under title 10, U.S.C., section 10506:

*To be lieutenant general*

Maj. Gen. Clyde A. Vaughn, 0000

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

*To be major general*

Brigadier General William H. Johnson, 0000  
Brigadier General Dennis E. Lutz, 0000

*To be brigadier general*

Colonel William H. Gerety, 0000  
Colonel William D. Frink, Jr., 0000  
Colonel Geoffrey A. Freeman, 0000  
Colonel Stuart M. Dyer, 0000  
Colonel Paul E. Crandall, 0000  
Colonel Lie-Ping Chang, 0000

*To be major general*

Brigadier General Bruce E. Zukauskas, 0000  
Brigadier General William Terpeluk, 0000  
Brigadier General Robert A. Pollmann, 0000

*To be brigadier general*

Colonel Richard A. Stone, 0000  
Colonel Steven W. Smith, 0000  
Colonel Eldon P. Regua, 0000  
Colonel Bert K. Mizusawa, 0000  
Colonel Charles D. Luckey, 0000  
Colonel Douglas E. Lee, 0000  
Colonel Dempsey D. Kee, 0000  
Colonel Jeffrey A. Jacobs, 0000  
Colonel George R. Harris, 0000  
Colonel Margaret C. Wilmoth, 0000  
Colonel Robin B. Umberg, 0000

*To be major general*

Brigadier General Larry Knightner, 0000  
Brigadier General David L. Evans, 0000  
Brigadier General Bruce A. Casella, 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. Neil Dial, 0000

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. David A. Rubenstein, 0000  
Col. James K. Gilman, 0000

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps 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. John W. Bergman, 0000

The following named officer for appointment in the United States Marine Corps 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*

Lt. Gen. Robert R. Blackman, Jr., 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 admiral*

Vice Adm. Gary Roughead, 0000

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Captain William R. Burke, 0000

Captain Nevin P. Carr, Jr., 0000  
Captain Philip H. Cullom, 0000  
Captain Mark I. Fox, 0000  
Captain William D. French, 0000  
Captain Michael S. Frick, 0000  
Captain Timothy M. Giardina, 0000  
Captain Robert S. Harward, Jr., 0000  
Captain William H. Hilarides, 0000  
Captain Daniel P. Holloway, 0000  
Captain Douglas J. McAneny, 0000  
Captain Terence E. McKnight, 0000  
Captain John W. Miller, 0000  
Captain Michael S. Obryan, 0000  
Captain Frank C. Pandolfe, 0000  
Captain David L. Philman, 0000  
Captain Brian C. Prindle, 0000  
Captain Donald P. Quinn, 0000  
Captain William E. Shannon, III, 0000  
Captain James A. Symonds, 0000  
Captain Stephen S. Voetsch, 0000  
Captain James P. Wisecup, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Alan S. Thompson, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Nancy J. Lescavage, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Jeffrey A. Brooks, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Robert B. Murrett, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Capt. Victor C. See, Jr., 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C. section 624:

*To be rear admiral (lower half)*

Capt. Christine M. Bruzek-Kohler

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C. section 624:

*To be rear admiral (lower half)*

Capt. Mark W. Balmert, 0000

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C. section 624:

*To be rear admiral (lower half)*

Capt. Raymond E. Berube, 0000  
Capt. John J. Predegast, III, 0000

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C. section 624:

*To be rear admiral (lower half)*

Capt. Kevin M. McCoy, 0000  
Capt. William D. Rodriguez, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C. section 624:

*To be rear admiral*

Rear Adm. (lh) David J. Venlet, 0000

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C. section 624:

*To be rear admiral*

Rear Adm. (lh) Bruce W. Clingan, 0000  
Rear Adm. (lh) Derwood C. Curtis, 0000

Rear Adm. (lh) Peter H. Daly, 0000  
Rear Adm. (lh) Kenneth W. Deutsch, 0000  
Rear Adm. (lh) Mark T. Emerson, 0000  
Rear Adm. (lh) Jeffrey L. Fowler, 0000  
Rear Adm. (lh) Garry E. Hall, 0000  
Rear Adm. (lh) Leendert R. Hering, Sr., 0000  
Rear Adm. (lh) Alan B. Hicks, 0000  
Rear Adm. (lh) Stephen E. Johnson, 0000  
Rear Adm. (lh) Carl V. Mauney, 0000  
Rear Adm. (lh) Bernard J. McCullough, III  
Rear Adm. (lh) Michael Miller, 0000  
Rear Adm. (lh) Allen G. Myers, 0000  
Rear Adm. (lh) Joseph A. Walsh, 0000  
Rear Adm. (lh) Melvin G. Williams, Jr., 0000  
Rear Adm. (lh) James A. Winnefeld, Jr., 0000

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

*To be rear admiral (lower half)*

Capt. Carol M. Pottenger, 0000

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

*To be rear admiral (lower half)*

Capt. Nathan E. Jones, 0000

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

*To be rear admiral (lower half)*

Capt. Albert Garcia, III, 0000

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

Charles P. Ruch, of South Dakota, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 2010.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Harry Robinson, Jr., of Texas, to be a Member of the National Museum Services Board for a term expiring December 6, 2008. (Reappointment)

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

Kin Wang, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2009. (Reappointment)

POSTAL RATE COMMISSION

Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission for a term expiring October 14, 2010. (Reappointment)

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN311 AIR FORCE nominations (445) beginning DONNELLE E. ADAMS, and ending DANIEL J. ZALEWSKI, which nominations were received by the Senate and appeared in the Congressional Record of March 14, 2005.

PN499 AIR FORCE nomination of Michael E. Van Valkenburg, which was received by the Senate and appeared in the Congressional Record of May 9, 2005.

IN THE ARMY

PN222 ARMY nominations (12) beginning ROBERT D. BOWMAN, and ending THE-RESA M. SULLIVAN, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2005.

PN500 ARMY nominations (75) beginning CATHERINE D. SCHOONOVER, and ending VINCENT M. YZNAGA, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2005.

IN THE NAVY

PN435 NAVY nominations (35) beginning JOEL P. BERNARD, and ending MARC K.

WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2005.

#### IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

#### *To be rear admiral*

Rear Adm. (lh) Larry L. Hereth, 0000  
Rear Adm. (lh) Robert J. Papp, 0000  
Rear Adm. (lh) Clifford I. Pearson, 0000  
Rear Adm. (lh) James C. Van Sice, 0000

The following named individual for appointment as a permanent regular officer in the United States Coast Guard in the grade indicated under Title 14, U.S.C., section 211:

#### *To be lieutenant commander*

Kathryn C. Dunbar, 0000

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration.

#### *To be lieutenant*

Daniel J Price  
Stephen Z Kroening  
Jessica S Kondel  
Shannon M Ristau  
Nicole S Lambert  
Chadwick A Brown  
Nicole D Colasacco  
Chad M Cary  
Jennifer E Pralgo  
Sean D Cimilluca  
Charles J Yoos III  
Keith A Golden  
Shawn Maddock  
William D Whitmore  
Douglas E MacIntyre  
Sarah L Dunsford  
Sarah K Mrozek  
Joshua D Bauman

#### *To be lieutenant (junior grade)*

Michael C Davidson  
David E Fischman  
Silas M Ayers  
Paul A Householder  
Nicola Samuelson  
Patrick L Murphy  
Colin D Little  
Lean A Harman  
Jason R Mansour  
Michael J Stevenson  
Briana J Welton  
Abigail S Higgins  
Brent J Pounds  
Amanda L Goeller  
Sarah E Jackson  
Timothy D Salisbury  
Benjamin S Sniffen  
Mark A Blankenship  
Fionna J Matheson  
Jonathan E Taylor  
Andrew P Halbach  
Nathan S Priester  
William I Wells  
Sarah K Jones  
Stephen P Barry

#### NOMINATIONS DISCHARGED

Mr. FRIST. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations:

Victoria Nuland, PN 511, permanent representative on the Council of NATO; John Tefft, PN 523, Ambassador to Georgia; David Wilkins, PN-455, Ambassador to Canada; William Eaton,

PN-503, Ambassador to Republic of Panama; James Derham, PN-480, Ambassador to Guatemala; Paul Trivelli, PN-509, Ambassador to Republic of Nicaragua; Linda Jewell, PN-522, Ambassador to Republic of Ecuador; Sean Ian McCormack, PN-351, Assistant Secretary of State; provided further that the Senate proceed to their consideration en bloc, the nominations be confirmed, that the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

#### DEPARTMENT OF STATE

Victoria Nuland, of Connecticut, a Career Member of the Senior Foreign Services, Class of Minister-Counselor, to be Permanent Representative of the United States of America on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

John F. Tefft, 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 Georgia.

David Horton Wilkins, of South Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

William Alan Eaton, 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 Panama.

James M. Derham, 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 Guatemala.

Paul A. Trivelli, of Virginia, 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 Nicaragua.

Linda Jewell, of the District of Columbia, 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 Ecuador.

Sean Ian McCormack, of the District of Columbia, to be an Assistant Secretary of State (Public Affairs).

#### LEGISLATIVE SESSION

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

#### PROVIDING FOR CONDITIONAL RECESS OR ADJOURNMENT OF BOTH HOUSES OF CONGRESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H. Con. Res. 167, the adjournment resolution, which is at the desk. I further ask consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 167) was agreed to, as follows:

#### H. CON. RES. 167

*Resolved by the House of Representatives (the Senate concurring).* That when the House adjourns on the legislative day of Thursday, May 26, 2005, or Friday, May 27, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 7, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, May 26, 2005, or Friday, May 27, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 6, 2005, or Tuesday, June 7, 2005, or until such other time on either of those days as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

#### AUTHORIZATION TO MAKE APPOINTMENTS

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law and by concurrent action of the two Houses or by order of the Senate.

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

#### SIGNING AUTHORIZATION

Mr. FRIST. I ask unanimous consent that during the adjournment of the Senate, the majority leader, majority whip, and senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

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

#### AUTHORITY FOR COMMITTEES TO REPORT

Mr. FRIST. I ask unanimous consent that notwithstanding the Senate's adjournment, committees be authorized to report legislative and executive matters on June 1 from 10 a.m. to 12 noon.

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