

does the Administration seem to be taking the position that the Second Amendment protects the international trafficking of shoulder-launched missiles?

If an American citizen cannot freely transport a sawed-off shotgun across state lines, why can't we work to stop the international transportation of grenade launchers and high powered, military sniper rifles?

This second amendment argument simply makes no sense, and has no place in this debate.

Second, Mr. Bolton's opening statement attacked language that calls on governments to "seriously consider" curtailing "unrestricted sales and ownership" of arms specifically designed for military purposes.

So Mr. Bolton essentially objected to even considering merely curtailing the "unrestricted sales and ownership" of military weapons.

In point of fact the United States already curtails the sale and ownership of many of these guns.

The National Firearms Act, for instance, places severe restrictions on the manufacture and possession of machine guns, sawed-off shotguns, grenades, bombs, rockets, missiles, and mines.

We also passed the 1994 assault weapons ban, which stopped the production of semi-automatic, military-style assault weapons.

These firearms have no sporting purpose, and our laws recognize that fact. Yet these guns contribute enormously to terrorist threats, drug cartel violence, and civil strife throughout the world.

Congress has already recognized that curtailing the use of military-style weapons is reasonable, appropriate, and even life-saving. To now object to a clause that would call upon other governments around the world to do the same is nonsensical at best, and undermines U.S. security interests—and the lives of U.S. military personnel—at worst.

Next, Mr. Bolton stated that the United States would "not support measures that would constrain legal trade and legal manufacturing of small arms and light weapons." That may be legitimate read on its face. People can understand that.

Although it is my belief that the United States is not the biggest contributor to the problem of the global proliferation of small arms and light weapons—the United Nations has found that almost 300 companies in 50 countries now manufacture small arms and related equipment—in 1999 the U.S. licensed for export more than \$470 million in light military weapons.

With the average price of \$100–\$300 per weapon, this represents a huge volume of weapons.

The problem is that in addressing the issue of the international proliferation of small arms and light weapons one cannot simply address the illicit side of the equation without also looking at

the interactions between the legal trade and the illegal trade.

In fact, there is good evidence of an increased incidence of U.S. manufactured weapons—legally manufactured and legally traded or transferred—flowing into the international black market.

In April, 1998, for example, The New York Times reported that the United States had to rescind pending licenses for sale of U.S. firearms to the United Kingdom based on the European Union practice allowing retransfer of guns between EU members without review or oversight.

In 1999 the State Department stopped issuing licenses from the U.S. to dealers in Venezuela because of concern that many of the guns—legally exported and sold—were in fact ending up in the hands of narco-traffickers and guerrillas in Colombia.

In 2000 and to date in 2001, the ATF has processed more than 19,000 trace requests from foreign countries for firearms used in crimes: 8,000 of these guns were sold legally in the United States. So they are sold legally and they get into the black market and they become part of a crime.

In 1994, Mexico reported 3,376 illegally acquired U.S.-origin firearms. Many of these weapons were originally sold legally to legitimate buyers but then transferred illegally, to many Mexican drug cartels. Between 1989 and 1993, the State Department approved 108 licenses for the export of \$34 million in small arms to Mexico, but it performed only three follow-up inspections to ensure that the weapons were delivered to and stayed in the hands of the intended users.

According to the South African Institute for Security Studies, an estimated 30,000 stolen firearms—again, firearms originally manufactured and traded, sold or transferred in a legal manner—enter the illegal marketplace annually in South Africa.

Given this undeniable connection between legal sales and illicit trade, the approach suggested by Mr. Bolton to the Conference—that it should only address one part of the equation while ignoring the other, appears to me to be untenable.

I would also suggest that certain measures which may be seen by some as constraints on legal manufacture and trade—such as international agreements for the marking and tracing small arms and light weapons, or seeing that there are international regulations governing the activities of arms brokers—are in fact wise policy.

Mr. Bolton also stated:

Neither will we, at this time, commit to begin negotiations and reach agreements on legally binding instruments, the feasibility and necessity of which may be in question and in need of review over time.

Yet, as Mr. Bolton himself points out in his statement, the United States has some of the best laws and regulations on the books regarding the sale and transfers of light weapons.

In my view it is clearly in the U.S. interest to see that those standards are replicated by the world community.

Mr. Bolton's statement is fulsome in its praise of U.S. brokering regulations. Why do we not want to see others rise to the same standards?

Mr. Bolton's statement cites U.S. regulations governing the transfer of military articles of U.S. origin and U.S. exports of small arms and light weapons.

Instead of going it alone—with limited success even when it comes to some of our closest allies, like the United Kingdom, as the example I cited above indicates—shouldn't we be working to see to it that the rest of the international community adopts similar standards? I think so.

In approaching the United Nations Conference, the U.S. government should negotiate and support making the trafficking of small arms traceable, strengthen international regulations of transfers, bolster rules governing arms brokers, and eliminate the secrecy that permits thousands of weapons to fuel crime and war without anyone's knowledge of their source.

We should be taking the lead on this issue based on our foreign policy and national security interests, not taking the NRA line based on domestic political considerations.

And U.S. leadership should ensure that the Conference is the first step, not the last, in the international community's efforts to control the spread of small arms and light weapons.

The problem is you cannot look at the illicit trade of small arms and light weapons, which is killing millions upon millions of people, 50 percent of them innocent civilians, without increasing the transparency of the legal market because so many of these weapons go from the legal market into the black market—the illicit market.

I yield the floor.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Arizona.

Mr. KYL. Mr. President, I ask consent to speak in morning business for 5 minutes, and following my remarks, the Senator from Washington speak.

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

Mr. KYL. Mr. President, I first thank the Senator from Washington State for her kindness letting me speak next. I hope to make an appointment in my office. I will cut my remarks short and give a summary and put the remainder in the RECORD. I appreciate her generosity and that of the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from Arizona.

#### CONFIRMATION OF NOMINEES

Mr. KYL. We started this session of Congress, I think, on a fairly high note of bipartisanship. While there have been some recent events that may have detracted from that, I think most of us would like to proceed with as much bipartisanship as possible. Part of this,

of course, concerns relationships between the Congress and the President.

Since the majority in the Senate and the President are of different parties, that may be a little more difficult, but I have a suggestion today which I hope will enable us to move in that direction.

The President has a number of nominees, executive branch nominees, there are a few legislative branch nominees that require our actions, and then there are some judicial nominees. I hope in a real spirit of bipartisanship we can get those nominees cleared; that is to say, the Senate can confirm the President's nominations and the personnel that he needs in the executive branch to get his work done, and that we can confirm the judges the courts need. These are people who need to be put into place so our country can move forward for all of the American people.

Up until last week, unfortunately, the Senate had been acting at a relatively slow pace. I might also add the change from the majority to the minority, and vice versa, undoubtedly complicated this, but we were not making very good progress.

Last week, I note that 54 nominees were confirmed by the Senate. In fact, 36 were confirmed just last Thursday. So we are finally beginning to make some progress. I urge my colleagues to continue this progress because, by my count, there are 93 executive branch nominees pending as of today. Only 26 have had hearings. But as we know, it does not take too much for the committee work to follow shortly after a hearing so the nominees can actually come to the Senate for full debate and confirmation by the full Senate.

As of today, according to the administration's figures, approximately 347 nominees have come to the Senate, and only 187 have been confirmed. So we still have a fair amount of work to do.

In terms of judicial nominees, my understanding is that there are 29 nominations pending, 3 of which have had hearings. Of those, 20 are circuit court nominees, 9 are district court nominees. The bottom line with regard to the courts is that as of today, no circuit or district court judges have been confirmed this year. We are, of course, now past the midway point of this year.

We are going to have to get going. Again, I do not want to point any fingers in the spirit of bipartisanship which I am invoking here today. I am hoping Republicans and Democrats in the Senate and the administration can work very closely together.

What I would like to do, and I will do at the end of my remarks, is submit for the RECORD the names of the nominees who are pending. I was going to read the names of the people who are currently pending, but I do not need to do that. I will submit those for the RECORD. But I would note some of these have been pending going back to the month of April. Clearly the Senate can

act on those nominees who have been before us for a long period of time, and we should expedite those who have come before us, even fairly recently. It should be our goal that by the time we conclude our work in July and return to our States for the August recess, that all of the nominees who have come to the Senate, except maybe in the last couple of days before that period of time, will have been cleared; that is to say, they will have had their hearings, come out of committee, and been acted upon by the full Senate. Very few of them are controversial, as I go down the list.

I do note in a couple of cases nominees are being held up by Senators—actually in four or five cases. A couple of those are being held up by Republicans, and a few more are being held up by Democrats. I am going to urge my Republican colleagues to cooperate so the concerns they have expressed can be dealt with and the nominees can move forward. I hope my Democratic colleagues will do the same on their side of the aisle. I think it is important that while a Member of the Senate may put a technical hold on a nomination, we all appreciate all that means is that they have requested to be notified if the majority leader is going to call that nominee up for a full Senate consideration so that Senator will then have an opportunity to object. Obviously, we do not want to put Members in that position, but I do think it is important for the full Senate to be able to work its will on these nominees. That is why I am going to ask both Republicans and Democrats, where they have a problem with somebody, to try to work that out with the administration so we can proceed.

Finally, last week I worked with the distinguished majority leader and the assistant majority leader in ensuring we could both bring the appropriations bills that we have to deal with to the Senate floor and to get these nominees done at the same time. There is nothing to prevent us from bringing an appropriations bill to the floor and then toward the end of the day, for those nominees that do not require debate and rollcall vote, having them considered in the wrap-up.

I will continue to do that because it is my expectation that we will not have to use the rules of parliamentary procedure that we all have available to us to hold up business of the Senate in order to get these nominees done since they are the top priority; that we can actually do both at the same time.

That is my request of the majority leader and of the assistant majority leader—to continue to work in that spirit moving forward both with the appropriations bill and with the nominees. I will have more to say about this later.

I ask unanimous consent that the names of the nominees who are currently pending be printed in the RECORD.

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

BUSH ADMINISTRATION NOMINEES PENDING  
SENATE ACTION  
AGRICULTURE

Thomas C. Dorr, Undersecretary for Rural Development.  
Hilda Gay Legg, Administrator, Rural Utilities Services.

Mark Edward Rey, Undersecretary for Natural Resources and Environment.

COMMERCE

Samuel W. Bodman, Deputy Secretary of Commerce.

David Sampson, Assistant Secretary for Economic Development.

Michael J. Garcia, Assistant Secretary for Export Enforcement.

William Henry Lash III, Assistant Secretary for Market Access and Compliance.

James Edward Rogan, Undersecretary for Intellectual Property and Director of the United States Patent and Trademark Office.

DEFENSE

Jack Dyer Crouch II, Assistant Secretary for International Security.

Stephen A. Cambone, Principal Deputy Undersecretary for Policy.

Susan Morrissey Linvingstone, Undersecretary of the Navy.

Alberto Jose Mora, General Counsel, Navy.  
Michael Parker, Assistant Secretary for Civil Works, Army.

John Stenbit, Assistant Secretary for Command, Control, Communications & Intelligence.

Ronald M. Sega, Director, Defense Research and Engineering.

Joseph E. Schmitz, Inspector General.  
Michael L. Dominguez, Assistant Secretary (Air Force) for Manpower, Reserve Affairs.

Nelson F. Gibbs, Assistant Secretary (Air Force) for Installations & Environment.

H.T. Johnson, Assistant Secretary (Navy) for Installations & Environment.

Mario P. Fiori, Assistant Secretary (Army) for Installations & Environment.

EDUCATION

Carol D'Amico, Assistant Secretary for Vocational and Adult Education.

Brian Jones, General Counsel.  
Laurie Rich, Assistant Secretary for Intergovernmental and Interagency Affairs.

Robert Pasternack, Assistant Secretary for Special Education and Rehabilitative Services.

Joanne M. Wilson, Commissioner, Rehabilitation Services Administration.

ENERGY

Dan R. Brouillette, Assistant Secretary for Congressional and Intergovernmental Affairs.

Theresa Alvarar-Speake, Director, of Minority Economic Impact.

HEALTH AND HUMAN SERVICES

Wade F. Horn, Assistant Secretary for Family Support.

Kevin Keane, Assistant Secretary for Public Affairs.

Janet Hale, Assistant Secretary for Management and Budget.

Alex Azar, III, General Counsel.  
Janet Rehnquist, Inspector General.

Josefina Carbonell, Assistant Secretary for Aging.

Joan E. Ohl, Commissioner, Administration for Children, Youth and Families.

HOUSING AND URBAN DEVELOPMENT

Michael Minoru Fawn Liu, Assistant Secretary for Public and Indian Housing.

Melody H. Fennel, Assistant Secretary for Congressional and Intergovernmental Affairs.

## JUSTICE

Ralph F. Boyd, Jr., Assistant Attorney General for Civil Rights.

Deborah J. Daniels, Assistant Attorney General for the Office of Justice.

Thomas L. Sansonetti, Assistant Attorney General for Environment & Natural Resources.

Robert D. McCallum, Jr., Assistant Attorney General for the Civil Division.

Eileen J. O'Connor, Assistant Attorney General for Tax Division.

Sarah V. Hart, Director, National Institute of Justice.

Richard R. Nedelkoff, Director of the Bureau of Justice Assistance.

J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention.

James W. Ziglar, Commissioner, Immigration and Naturalization Service.

John W. Gillis, Director, Office for Victims of Crime.

Asa Hutchinson, Administrator, Drug Enforcement Agency.

Sharee M. Freeman, Director, Community Relations Service.

Mauricio J. Tamargo, Chairman, Foreign Claims Settlement Commission.

## LABOR

Eugene Scalia, Solicitor of Labor.

John Lester Henshaw, Assistant Secretary, Occupational Safety and Health.

Emily Stover DeRocco, Assistant Secretary for Employment Training Administration.

## STATE

John D. Negroponte, Representative to the United Nations.

Otto J. Reich, Assistant Secretary for Western Hemisphere Affairs.

Charlotte L. Beers, Undersecretary for Public Diplomacy.

Clark Kevin Ervin, Inspector General.

Dennis L. Schornack, Commissioner, International Joint Commission.

William A. Eaton, Assistant Secretary for Administration.

## TRANSPORTATION

Allan Rutter, Administrator, Federal Railroad Administration.

Kirk Van Tine, General Counsel.

Ellen G. Engleman, Administrator, Research and Special Programs.

Jeffrey William Runge, Administrator, National Highway Traffic Safety Administration.

## TREASURY

Michele Davis, Assistant Secretary for Public Affairs.

Kenneth Dam, Deputy Secretary of the Treasury.

Peter R. Fisher, Undersecretary for Domestic Finance.

Jimmy Gurule, Undersecretary for Enforcement.

Rosario Marin, Treasurer of the United States.

Brian Carlton Roseboro, Assistant for Financial Markets.

Henrietta Holsman Fore, Director, U.S. Mint.

Robert C. Bonner, Commissioner of Customs.

Sheila C. Bair, Assistant Secretary for Financial Institutions.

## VETERANS AFFAIRS

Gordon H. Mansfield, Assistant Secretary for Congressional Affairs.

Claude Kickligher, Assistant Secretary for Policy and Planning.

## EXECUTIVE BRANCH

John D. Graham, Administrator of the Office of Information and Regulatory Affairs.

Jon M. Huntsman, Deputy USTR.

Mark B. McClellan, Member, Council of Economic Advisors.

Allen Frederick Johnson, Chief Agricultural Negotiator, USTR.

John Walters, Director, Office of Drug Control Policy.

## AGENCIES

Robert E. Fabricant, General Counsel, EPA.

Hector Baretto, Administrator, Small Business Administration.

Roger Walton Ferguson, Governor, Federal Reserve System.

Jeffrey R. Holmstead, Assistant Administrator for Air and Radiation, EPA.

George Tracey Megan, III, Assistant Administrator for Water, EPA.

Eduardo Aguirre, Jr., First Vice President & Vice Chair, Export-Import Administration.

Cari Dominguez, Chairwoman, Equal Employment Opportunity Commission.

Harvey L. Pitt, Chairman, Securities and Exchange Commission.

Ross J. Connelly, Executive Vice President, OPIC.

Carole L. Brookins, US Executive Director of the International Bank for Reconstruction.

Judith Elizabeth Ayres, Assistant Administrator for International Activities.

Daniel R. Levinson, Inspector General, GSA.

Marion Blakey, Chairman, National Transportation Safety Board.

John Arthur Hammerschmidt, Member, National Transportation Safety Board.

Donald Schregardus, Assistant Administrator for Enforcement.

## JUDICIARY

John G. Roberts, Jr., U.S. Circuit Court, District of Columbia.

Miguel A. Estrada, U.S. Circuit Court, District of Columbia.

Edith Brown Clement, U.S. Circuit Court, Fifth Circuit.

Priscilla Richman Owen, U.S. Circuit Court, Fifth Circuit.

Dennis W. Shedd, U.S. Circuit Court, Fourth Circuit.

Roger L. Gregory, U.S. Circuit Court, Fourth Circuit.

Terrence W. Boyle, U.S. Circuit Court, Fourth Circuit.

Barrington D. Parker, U.S. Circuit Court, Second Circuit.

Deborah L. Cook, U.S. Circuit Court, Sixth Circuit.

Jeffrey S. Sutton, U.S. Circuit Court, Sixth Circuit.

Michael E. McConnell, U.S. Circuit Court, Tenth Circuit.

Sharon Prost, U.S. Circuit Court, Federal Circuit.

Lavenski R. Smith, U.S. Circuit Court, Eighth Circuit.

William J. Riley, U.S. Circuit Court, Eighth Circuit.

Charles W. Pickering, Sr., U.S. Circuit Court, Fifth Circuit.

Timothy M. Tymkovich, U.S. Circuit Court, Tenth Circuit.

Harris L. Hartz, U.S. Circuit Court, Tenth Circuit.

Carolyn B. Kuhl, U.S. Circuit Court, Ninth Circuit.

Richard R. Clifton, U.S. Circuit Court, Ninth Circuit.

Michael J. Melloy, U.S. Circuit Court, Eighth Circuit.

Richard F. Cebull, U.S. District Court, District of Montana.

Sam E. Haddon, U.S. District Court, District of Montana.

Terry L. Wooten, U.S. District Court, District of South Carolina.

Laurie Smith Camp, U.S. District Court, District of Nebraska.

Paul G. Cassell, U.S. District Court, District of Utah.

John D. Bates, U.S. District Court, District of the District of Columbia.

Reggie B. Walton, U.S. District Court, District of the District of Columbia.

Michael P. Mills, U.S. District Court, Northern District of Mississippi.

James E. Gritzner, U.S. District Court, Southern District of Iowa.

Mr. KYL. Mr. President, I will continue to work with the majority and minority leaders to ensure that we can consider these nominees.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Thank you, Mr. President.

## REGULATION OF ENERGY MARKETS

Ms. CANTWELL. Mr. President, I rise today to address an issue of extraordinary importance to the State of Washington, the Pacific Northwest, and the entire west coast. That is the role of the Federal Energy Regulatory Commission in regulating our Nation's energy markets and righting the wrongs that have been visited upon ratepayers in the West by runaway energy prices over the last year.

We are now 22 days into an expedited review process by the Federal Energy Regulatory Commission, designed to determine refunds for the unjust and unreasonable rates paid by Western consumers.

At the urging of my colleagues from the Northwest, Senators MURRAY, WYDEN, SMITH, and myself, FERC finally recognized the realities of the energy markets in the West when they allowed Pacific Northwest utilities to participate in these proceedings and the expedited review process. But my main concern is that in the haste of putting the California debacle behind it, FERC will again overlook the Northwest and consumers who have been impacted by as much as 50-percent rate increases.

I am afraid my suspicions were borne out last week when the administrative law judge charged with overseeing this refund matter issued his recommendations to FERC, again paying little attention to the Northwest problem. It is now up to FERC to determine what to do with the judge's recommendation.

I believe the Commission should not—and cannot—in the interest of fairness ignore the Northwest in its refund calculation. While many of my colleagues are well aware of the toll this crisis has taken on California, we—and FERC—cannot disregard the impact that it has had on Northwest citizens, businesses, and communities of Washington State.

Equitable treatment in this refund proceeding requires that the Commission recognize a certain fundamental truth: That Northwest consumers have been harmed, and they have been harmed by unjust and unreasonable prices that have prevailed in all energy markets throughout the West—inside