

Thank you for your letter of June 10, 2003, requesting the views of the President's Working Group on Financial Markets [PWG] on proposed Amendment No. 876—

That is the Feinstein amendment—
to S. 14, the pending energy bill.

As this amendment is similar to a proposed amendment on which you sought the views of the PWG last year, we reassert the positions expressed in the PWG's response dated September 18, 2002, a copy of which is enclosed. The proposed amendment could have significant unintended consequences for an extremely important risk management market—serving businesses, financial institutions, and investors throughout the U.S. economy. For that reason, we believe that adoption of this amendment is ill-advised.

We would also point out that, since we wrote that letter last year, various federal agencies have initiated actions against wrongdoing in the energy markets. As you note, the CFTC has brought formal actions against Enron, Dynegy, and El Paso for market manipulation, wash (or roundtrip) trades, false reporting of prices, and operation of illegal markets. The Securities and Exchange Commission, the Federal Energy Regulatory Commission, and the Department of Justice have also initiated formal actions in the energy sector. Some of these actions have already resulted in substantial monetary penalties and other sanctions. These initial actions alone make clear that wrongdoing in the energy markets are fully subject to the existing enforcement authority of federal regulators.

The Commodity Futures Modernization Act of 2000 brought important legal certainty to the risk management marketplace. Businesses, financial institutions, and investors throughout the economy rely upon derivatives to protect themselves from market volatility triggered by unexpected economic events. This ability to manage risks makes the economy more resilient and its importance cannot be underestimated. In our judgment, the ability of private counterpart surveillance to effectively regulate these markets can be undermined by inappropriate extensions of government regulation.

It is clear from the letter that the Senate has received no response to inquiries from Senator CRAPO and Senator MILLER clearly explaining the dangers in adopting the Feinstein amendment.

At the appropriate time it will be our intention to move to table the Feinstein amendment and ask for the yeas and nays at that time. I hope Senators will carefully review the information we now have available on each Senator's desk and vote to table the Feinstein amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FRIST. Madam President, I ask unanimous consent that the vote in relation to the Feinstein amendment No. 876 occur at 3:15 today, with no amendments in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, it is my understanding that would be a motion to table.

Mr. FRIST. That is correct.
The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF J. RONNIE GREER, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant bill clerk read the nomination of J. Ronnie Greer, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Mr. FRIST. Madam President, in a few moments, I believe at 2:15, the vote for J. Ronnie Greer's nomination as a United States District Court Judge for the Eastern District of Tennessee will take place.

As we come to the final few moments before that vote, I want to express my strong support for a very good friend over the years, Ronnie Greer.

People who come from the mountains of northeast Tennessee are known in our State for certain qualities. They are the qualities of loyalty, of steadfastness, of a can-do spirit. This individual, who we will be voting on in a few minutes, really personifies that tradition. He is a highly accomplished public servant who has served as an attorney in Tennessee's judicial system with great distinction for more than 20 years. His academic career speaks for itself—he graduated at the top of his class at the University of Tennessee Law School and was invited to be on Law Review. Since starting his own law office in Greeneville, he has represented numerous clients on a wide range of issues, and he has considerable experience before the Federal courts. Recognizing the need to help his fellow man, he has not hesitated to accept the appointments of indigent clients, representing them in both the District Court and the Sixth Circuit Court of Appeals.

Ronnie has also had a distinguished career in politics and public service outside of his law practice. He was a State Senator in Tennessee's General Assembly for nine years, ably serving the people of District One. He served on both the Judiciary Committee and as Chairman of the Environment, Conservation and Tourism Committee. Ronnie also served as a Special Assistant in then-Governor LAMAR ALEXANDER's first term, forming a friendship and a bond that continues to this day.

You can't demand respect from the people of northeast Tennessee, you

have to earn it, and Ronnie has without question. He is known for his sense of fair play and his compassion for others. With his easy-going, thoughtful manner, yet quick mind and keen legal ability, he has the temperament and judgement required for the Federal bench. For the last nineteen years, Judge Thomas Hull has served as District Judge in Tennessee's Eastern District, and his distinguished career will long be remembered. While Judge Hull leaves big shoes to fill, I am confident Ronnie is up to the task.

Mr. President, Ronnie Greer's dedication to the citizens of our State, his love of the law, and his desire to serve his country make him an ideal choice to serve as a U.S. District Judge. He has my highest recommendation and unqualified support, and I am delighted to urge my colleagues to vote for his confirmation today.

Mr. ALEXANDER. Madam President, within a few minutes, we will be voting on the President's nomination of J. Ronnie Greer, of Greeneville, TN, to be a Federal District Judge for the Eastern District of Tennessee. I want to just say a word about that.

The President has made a superb nomination. Ronnie Greer is a distinguished lawyer. He knows the people of east Tennessee. He has earned our respect. I am delighted the Senate has moved so expeditiously to consider this exceptional nominee.

I had the privilege, as Governor, of appointing nearly 50 men and women as judges, and I know how important it can be. What I always looked for was intelligence and good character; someone who knew and understood the people; and someone who would be courteous to the men and women to come before the judge once the judge assumes the bench. In this case, it is a lifetime position, and it is even more important that the judge have those qualities.

Ronnie Greer has all those qualities. I have known him since he was student body president at East Tennessee State University. He was a champion debater. That was some 30 years ago. I knew then he would amount to something special, and he already has.

He has served his community in many ways. He has served his political party, the Republican party, in many important ways. He has been a State senator from his part of upper east Tennessee. He has been active on issues that have to do with solid waste and the environment. He has been chairman of his local committee.

I think one of the things that most strongly recommends Ronnie Greer is he takes this most important position in what we call in upper east Tennessee having been a trial judge. He will have lots of people before him, litigants before him trying cases, making decisions on many different kinds of things. He has actually practiced law in the grand manner. He has been the kind of lawyer we used to see all over the country, where a single lawyer

would try many different kinds of cases. They would have a criminal case one day, a civil case the next day, and a domestic relations case the next day. The lawyer had many talents and was broad gauged. Today, so much of our legal profession is in very large law firms, where we have very specialized lawyers. They do not see big slices of life. As a result, many of them are not very well prepared for a Federal judgeship, particularly a district judgeship where many slices of life come before that judge.

Ronnie Greer is well prepared. He has tried hundreds of cases in his career. He has represented the people of his area. The fact the President nominated him and that this Senate has moved so quickly to confirm him suggests his reputation goes well before him.

Mr. Greer was born and raised in Mountain City, TN. He received his Bachelor of Science degree from the East Tennessee State University in 1974. He received his Juris Doctorate from the University Of Tennessee College Of Law in 1980.

Mr. Greer served in the Tennessee General Assembly as a Senator for 8 years and served on the judiciary committee for 5 years. During his term of service, the committee considered legislation relative to the judiciary, State criminal code and criminal sentencing. This committee approved bills: that rewrote the Tennessee Criminal Code; that dealt with the appointment and retention of State appellate court judges; and that revised the Tennessee Rules of Evidence; the Tennessee Rules of Civil Procedure; and the Tennessee Rules of Criminal Procedure.

While in the Tennessee General Assembly, Mr. Greer also served as Chairman of the Senate Environment, Conservation and Tourism Committee for 7 years. This committee considered bills related to environmental issues, wildlife, State parks and tourism. He also authored and was chief sponsor of the Tennessee Solid Waste Management Act and sponsored and cosponsored numerous pieces of significant environmental legislation.

Mr. Greer has vast litigation experience in civil and criminal law. He served as County Attorney for Greene County, TN. In his capacity of County Attorney and in private practice, Mr. Greer tried approximately 200 lawsuits in State or Federal courts as sole or chief counsel. As a practicing attorney, he practiced general civil litigation primarily in the areas of personal injury, environmental law and bankruptcy. Mr. Greer has represented many defendants in criminal cases in both State and Federal courts. Mr. Greer has represented numerous cases for indigent clients on a pro bono basis and routinely accepted two to three criminal cases appointed by federal courts per year.

Mr. Greer has received honors and awards for his outstanding service to the community. To name a few, he was the 1989 recipient of the Tennessee Con-

servation League's Legislator of the Year Award and, in 1993, he received the Environmental Action Fund's Legislator of the Year Award.

Madam President, I join Senator FRIST in saying how proud we both are of his nomination. I look forward to casting my vote for him in a few minutes and urge all my colleagues to support this nomination.

Mr. HATCH. Madam President, I rise in support of the nomination of James Ronnie Greer to the U.S. District Court for the Eastern District of Tennessee. Mr. Greer has extensive experience in both the private and public sectors of the legal community.

Upon graduating from the University of Tennessee College of Law, Mr. Greer became the special assistant to then-Gov. LAMAR ALEXANDER.

For the past 20 years, Mr. Greer has maintained a successful general legal practice. During this time, his practice has consisted of considerable litigation involving both jury and bench trials in the areas of State and Federal criminal defense, personal injury, and workers compensation. He has also practiced in the areas of domestic relations and has represented a number of clients on environmental issues. From 1985 to 1986, Mr. Greer was county attorney for Green County, TN.

From 1986 to 1994, Mr. Greer served as a State senator in the Tennessee General Assembly, during which time he was a member of the Judiciary Committee, and chairman of the Environment, Conservation and Tourism Committee. During his tenure, he helped pass bills which rewrote the Tennessee Criminal Code, revised the Rules of Evidence, Civil Procedure, and Criminal Procedure. Mr. Greer was also the author and chief sponsor of the Tennessee Solid Waste Management Act.

I am confident that he will serve on the bench with integrity and fairness, and I urge my colleagues to confirm him today.

Mr. LEAHY. Madam President, today, we vote to confirm J. Ronnie Greer to the United States District Court. With this confirmation we will have filled the sole vacancy on this court, one that arose in October 2002. Judge Greer will join Judge J. Daniel Breen and Judge Thomas Varlan, who we confirmed to lifetime appointments to the Western District of Tennessee and Eastern District of Tennessee, respectively, earlier in March of this year. These three confirmations build on the progress we were able to make while I chaired the Judiciary Committee during the 107th Congress. During those months we proceeded expeditiously to consider and confirm Judge Thomas Phillips to the Eastern District of Tennessee and Samuel Hardy Mays, Jr. to the Western District of Tennessee. In addition, during my tenure as chairman we broke the logjam on appointments to the United States Court of Appeals to the Sixth Circuit by confirming Judge Julia Smith Gibbons of Tennessee to that circuit court.

She was the first Sixth Circuit confirmation in almost 5 years during which the Republican Senate majority had refused to proceed on three of President Clinton's Sixth Circuit nominees and vacancies grew to half the circuit court.

The Tennessee total during the last few years now stands at six and its Federal bench is completely filled. Working with Senator FRIST, Senator ALEXANDER, and before them my good friend Senator Thompson, we have been able to make tremendous progress during the last 2 years.

Mr. FRIST. Madam President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of J. Ronnie Greer, of Tennessee, to be United States District Judge for the Eastern District of Tennessee?

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Illinois (Mr. FITZGERALD) is necessarily absent.

Mr. REID. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the the Senator from Massachusetts (Mr. KERRY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 216 Ex.]

YEAS—97

Akaka	Dodd	Lugar
Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Miller
Bayh	Edwards	Murkowski
Bennett	Ensign	Murray
Biden	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Nickles
Boxer	Frist	Pryor
Breaux	Graham (FL)	Reed
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Byrd	Hagel	Santorum
Campbell	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Chambliss	Inouye	Smith
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Coleman	Kennedy	Stabenow
Collins	Kohl	Stevens
Conrad	Kyl	Sununu
Cornyn	Landrieu	Talent
Corzine	Lautenberg	Thomas
Craig	Leahy	Voinovich
Crapo	Levin	Warner
Daschle	Lieberman	Wyden
Dayton	Lincoln	
DeWine	Lott	

NOT VOTING—3

Fitzgerald	Hollings	Kerry
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The nomination was confirmed.