

AMENDMENT NO. 1434 TO AMENDMENT NO. 1433

Mr. FRIST. Mr. President, I send a second-degree amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 1434 to amendment No. 1433.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On line 3 of the amendment strike "one day" and insert "two days."

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 Chair directs the clerk to read the 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 the pending motion.

Bill Frist, Pete Domenici, Orrin G. Hatch, Rick Santorum, Saxby Chambliss, Larry E. Craig, Jon Kyl, Craig Thomas, Charles Grassley, Sam Brownback, Lamar Alexander, Norm Coleman, Mike DeWine, John Cornyn, Mitch McConnell, Gordon H. Smith.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum be waived.

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

UNANIMOUS CONSENT REQUEST—
EXECUTIVE CALENDAR NO. 169

Mr. FRIST. Mr. President, I now ask unanimous consent that at a time de-

termined by the majority leader, after consultation with the Democratic leader, the Senate proceed to executive session for the consideration of Calendar No. 169, the nomination of Carolyn Kuhl, to be U.S. Circuit Judge for the Ninth Circuit; further, that there be 4 hours of debate equally divided in the usual form, and that following that debate, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate; finally, I ask consent that following that vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. The Senator from Nevada objects.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. I would ask if the request were modified to 10 or 12 hours, would it be agreed to?

Mr. REID. At this time, it would not.

EXECUTIVE SESSION

NOMINATION OF CAROLYN B. KUHL, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

Mr. FRIST. Mr. President, I now ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar No. 169, the Kuhl nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read the nomination of Carolyn B. Kuhl, of California, to be United States Circuit Judge for the Ninth Circuit.

CLOTURE MOTION

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the 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. 169, the nomination of Carolyn Hill, of California, to be United States Circuit Judge for the Ninth Circuit.

Bill Frist, Orrin G. Hatch, Ben Nighthorse Campbell, Craig Thomas, Charles Grassley, John Cornyn, Chuck Hagel, Jim Talent, Thad Cochran, Richard Shelby, Wayne Allard, Elizabeth Dole, Conrad Burns, Larry E. Craig, Jeff Sessions, Lindsey Graham of South Carolina, and Rick Santorum.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum provided for under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that we resume legislative session.

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

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

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ORDERS FOR THURSDAY, JULY 31,
2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, July 31. I further ask that following the prayer and pledge, the Journal of proceedings be approved, the time for the two leaders be reserved for their use later in the day, and the Senate then begin debate in relation to the motion to invoke cloture on the nomination of William Pryor, to be U.S. Circuit Judge for the Eleventh Circuit, with the time until 10 a.m. equally divided between the chairman and the ranking member of the Judiciary Committee, or their designees; provided that at 10 a.m. the Senate proceed to

the vote on the motion to invoke cloture.

I further ask unanimous consent that following the cloture vote, regardless of the outcome, the Senate resume consideration of S. 14, the Energy bill.

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

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, tomorrow morning the Senate will debate the cloture motion relating to the Pryor nomination until 10 a.m. Following that debate, the Senate will proceed with the cloture vote. Therefore, the first vote of tomorrow's session will be at 10 a.m.

Following the cloture vote, the Senate will resume consideration of S. 14, the Energy bill. It is the chairman's intention to continue to work through amendments tomorrow, and Senators should expect votes throughout the day. As a reminder, cloture was filed in relation to the bill tonight, and that cloture vote will occur on Friday morning.

We have a lot of work to complete prior to adjourning for the scheduled recess. I encourage all Members to make themselves available for a busy day tomorrow.

Mr. REID. Mr. President, if I can say briefly to the majority leader—I am speaking only for this Senator; the ultimate decision will be made, of course,

by the distinguished Democratic leader—from what has gone on today and the fact the distinguished majority leader has filed cloture on still another judge, I do not think there will be much done in the way of the Energy bill tomorrow on this side. We have to get ready for the Kuhl nomination, about which the two Senators from California feel very strongly.

I know it is the chairman's intention to work through amendments tomorrow on S. 14, but I think there will be a lot of other issues done and there will not be amendments offered on that bill. As I indicated when I started this brief statement, the ultimate decision will be made by Senator DASCHLE, but I am giving the majority my thoughts this evening.

Mr. FRIST. Mr. President, I thank the Senator. I have talked to both the Democratic leader and the chairman, and we agree after the cloture vote to go to the bill to work through the amendments. I am very hopeful over the course of the morning and over the course of the day that we will be able to make substantial progress on this important bill.

RECESS UNTIL TOMORROW AT 9
A.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate recess under the previous order.

There being no objection, the Senate, at 10:17 p.m., recessed until Thursday, July 31, 2003, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 30, 2003:

DEPARTMENT OF STATE

JAMES CASEY KENNY, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

PAMELA P. WILLEFORD, 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.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CRISTINA BEATO, OF NEW MEXICO, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO THE QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE EVE SLATER, RESIGNED.

THE JUDICIARY

GEORGE W. MILLER, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR THE TERM OF FIFTEEN YEARS, VICE JAMES T. TURNER, TERM EXPIRED.

F. DENNIS SAYLOR IV, OF MASSACHUSETTS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS, VICE ROBERT E. KEETON, RETIRED.

ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES 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. JERRY M. RIVERA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064.

To be major

STEPHEN W. AUSTIN, 0000

PATRICK R. BASAL, 0000
DAVID S. BOWERMAN, 0000
CLAUDE W. BRITTMAN, 0000
STEPHEN L. BROADUS, 0000
ANDREW W. CHOI, 0000
JOHN CHUN, 0000
DOYLE M. COFFMAN, 0000
CLOYD L. COLBY, 0000
TAMMIE E. CREWS, 0000
STEPHEN G. CRUYS, 0000
PETER O. DISSMORE, 0000
BETH M. ECHOLS, 0000
STEVEN R. FIRTKO, 0000
MARK A. FREDERICK, 0000
ALBERT J. GHERGICH JR., 0000
ROBERT B. GILLETTE, 0000
WILLIAM C. HARRISON, 0000
DARRYL E. HOLLOWELL, 0000
MILTON JOHNSON, 0000
MARK R. JOHNSTON, 0000
GARRY R. KERR, 0000
WILLIAM R. KILMER, 0000
JOHN W. KISER JR., 0000
JOSEPH H. KO, 0000
VICTORIO S. LANUEVO, 0000
DOUGLAS R. LAX JR., 0000
SAMUEL S. LEE, 0000
DAVID M. LOCKHART, 0000
GIAN S. MARTIN, 0000
TIMOTHY S. MEADOR, 0000
DENISE S. MERRITT, 0000
MARK E. MOSS, 0000
SAMUEL H. MURRAY, 0000
ROBERT NAY, 0000
LEE W. NELSON, 0000
DARIN A. NIELSEN, 0000
PABLO PEREZMAISONET, 0000
KEVIN M. PIES, 0000
SCOTT RIEDEL, 0000
CHARLES B. RIZER, 0000
STEVEN J. ROBERTS, 0000
PERRY J. SCHMITT, 0000
DAVID L. SHOFFNER, 0000
JERRY C. SIEG, 0000
DAVID L. SPEARS, 0000
SID A. TAYLOR SR., 0000
HENRY T. VAKOC, 0000
EARL W. VANDERHOFF, 0000
JOSEPH F. VIEIRA III, 0000
DAVID E. WAKE, 0000
DALLAS M. WALKER, 0000
DAVID G. WAWERU, 0000
NATHAN L. ZIMMERMAN, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203 AND 12211:

To be colonel

MICHAEL J. BULLOCK, 0000
DANIEL E. CAMERON, 0000
STEPHEN M. DOYLE, 0000
SHERYL E. GORDON, 0000
LEODIS T. JENNINGS, 0000
CHRISTOPHER R. KEMP, 0000
ELTON LEWIS, 0000
JAMES F. MULVEHILL, 0000
RAYMOND F. SHIELDS JR., 0000
PAUL A. TRAPANI, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

STEPHEN M. SAIA, 0000

To be commander

LINDA C. C. CHAN, 0000
CHRISTOPHER J. COBB, 0000
KENNETH J. KELLY, 0000
FERNANDO MORENO, 0000
JOHN T. NEFF, 0000
LOREN J. STEENSON, 0000

To be lieutenant commander

RICHARD D. BERGTHOLD, 0000
VORRICE J. BURKS, 0000
JACK L. CARVER, 0000
LAURIE A. HALE, 0000
MELVIN J. HENDRICKS, 0000
SCOTT D. LOESCHKE, 0000
MICHAEL J. LYDON, 0000
WAYNE A. MACRAE, 0000
JAMES F. MCALLISTER, 0000
CARLOS B. ORTIZ, 0000
JOHN A. RALPH, 0000
MICHAEL J. RECKLING, 0000
RANDALL H. RUSSELL, 0000
JEFFREY N. SAVILLE, 0000
MICHAEL S. SEXTON, 0000
BRIAN J. STAMM, 0000
JOHN A. SWANSON, 0000
SCOTT A. SWOPE, 0000
DAVID A. TUBLEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ROLAND E. ARELLANO, 0000
LEA A. BELLMAN, 0000

JO A. J. BLANDO, 0000
LANNY L. BOSWELL JR., 0000
MARK J. BOURNE, 0000
JAMES C. BRENNAN, 0000
CHRISTINE L. CONGDON, 0000
GLENN C. CONTE, 0000
ALBERT E. COOMBS, 0000
ANTHONY P. DORAN, 0000
MICHAEL E. EBY, 0000
DEMETRI ECONOMOS, 0000
ANTHONY W. FRABUTT, 0000
DAVID L. HAMMELL, 0000
LINDA S. HITE, 0000
PHILLIP E. JACKSON, 0000
WILSON G. KNIGHT, 0000
TRACY J. KOLOSIK, 0000
KIM L. LEFEBVRE, 0000
MARGARET A. LLUY, 0000
GARY W. MOSMAN, 0000
RONALD A. NOSEK JR., 0000
REGINA P. ONAN, 0000
KELLY S. PAUL, 0000
JAMES B. POINDEXTER III, 0000
MARY C. POLKOSKI, 0000
CELIA A. QUIVERS, 0000
ROBERT A. RAHAL, 0000
DARIN P. ROGERS, 0000
MARK C. RUSSELL, 0000
WILLIAM E. SCHUTT, 0000
ALAN V. SIEWERTSEN, 0000
LESLIE L. SIMS, 0000
ANNA H. STALCUP, 0000
CARL V. TRESNAK, 0000
RESA L. WARNER, 0000
DANIEL W. WATTS, 0000
MARVA L. WHEELER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

VIDA M. ANTOLINJENKINS, 0000
STEVEN M. BARNNEY, 0000
MICHAEL M. BATES, 0000
KEVIN M. BREW, 0000
KENNETH B. BROWN, 0000
FRANCIS J. BUSTAMANTE, 0000
JAMES R. CRISFIELD JR., 0000
JEFFREY A. FISCHER, 0000
STEPHEN A. JAMROZY, 0000
RANDALL G. JOHNSON, 0000
TODD M. KRAFT, 0000
SCOTT J. LAURER, 0000
PAUL C. LEBLANC, 0000
JONATHAN S. THOW, 0000
JONATHAN H. WAGSHUL, 0000
DOMINICK G. YACONO JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JAMES J. ANDERSON, 0000
CHARLES R. BAILEY, 0000
PATRICK W. BLESCH, 0000
GEORGE D. BOWLING, 0000
CATHERINE L. BUTLER, 0000
WILBERT R. BYNUM, 0000
JAMES F. COONEY, 0000
MARK P. DIBBLE, 0000
TEDDIE L. DYSON, 0000
ANDREW C. ESCRIVA, 0000
DIONISIO S. GAMBOA, 0000
MICHAEL J. GARDELLA, 0000
RUDOLPH K. GEISLER, 0000
PAUL A. GODEK, 0000
SHAWN D. GRUNZKE, 0000
MICHAEL S. HANSEN, 0000
ERNEST D. HARDEN JR., 0000
CARL R. HERRON, 0000
SCOTT J. HOFFMAN, 0000
ARISTIDES ILIAKIS, 0000
MICHAEL P. KOLSTER, 0000
RICKY A. KUSTURIN, 0000
THOMAS A. LACOSTE, 0000
JEFFREY S. LECLAIRE, 0000
JAMES M. LOWTHER, 0000
JOSEPH F. MAHAN, 0000
MATTHEW K. MARTIN, 0000
PAUL E. MARTIN, 0000
KENNETH W. MCKINLEY, 0000
JAMES W. MELONE, 0000
MIGUEL D. MIRANO II, 0000
JOSEPH D. NOBLE JR., 0000
DAVID C. NYSTROM, 0000
JOAN R. OLDMIXON, 0000
TIMOTHY L. PHILLIPS, 0000
MARK R. PIMPO, 0000
FRANK M. RENDON, 0000
DAWN D. RICHARDSON, 0000
WALTER W. ROBOHN, 0000
RICHARD P. RUIZ, 0000
DANIEL P. SEEP, 0000
MARCOS A. SEVILLA, 0000
MELVIN A. SHAFER, 0000
ANTHONY A. SORRELL, 0000
DEBORAH A. STARK, 0000
VAUGHN L. STOCKER, 0000
KEITH E. SYKES, 0000
MICHAEL L. TAYLOR, 0000
TIMOTHY J. THATE, 0000
HARRY T. THETFORD JR., 0000
MICHAEL E. THOMAS, 0000
BARBARA D. TUCKER, 0000
JOSEPH M. VITELLI, 0000