

The American Bar Association rated Judge Davis as well-qualified for a judgeship on the United States District Court for the Eastern District of Pennsylvania.

Judge Davis presently serves on the Court of the Common Pleas of Philadelphia County, a position he has held since 1987.

From 1992 until January 2001, Judge Davis served as the Supervising Judge of the Criminal Division, with principal responsibility for all issues of policy, planning and administration involving criminal case processing.

During his tenure as Supervising Judge, numerous city, state and federal funding authorities awarded the First Judicial District more than nineteen million dollars to support supervisory endeavors for defendants developed by Judge Davis and administered under his direction.

He is the Coordinator of the Female Offenders' Criminal Justice Treatment Network, a collaborative project linking the criminal justice and treatment communities in addressing the complex and special challenges of women in the criminal justice system.

Judge Davis was integral in conceptualizing and implementing the court reforms which were integral to the suspension of the federal prison cap in 1995.

Previously he worked for Ballard, Spahr, Ingersoll & Andrews, and the Office of the General Counsel of the University of Pennsylvania. He was also an Assistant District Attorney for nine years, serving in the Homicide, Narcotics, and Career Criminal Units, and was the Chief of the Rape Prosecution Unit when he left office to seek a state court judgeship.

He has been honored by the Pennsylvania Trial Judges Association "Golden Crowbar Award, the Philadelphia Common Pleas Court Board of Judges Exceptional Service Award, the Philadelphia Bar Association; Thurgood Marshall Award, the Philadelphia Coalition for Victim Advocacy; Victim Advocacy Award and the Fraternal Order of Police Honorary Lifetime Membership—Lodge 92.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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. DASCHLE. Madam President, if I could announce to colleagues, this is the last vote tonight. There will not be any votes tomorrow. The Senate will not be in session tomorrow, and there will be no rollcall votes on Monday. The next rollcall vote will occur sometime Tuesday morning.

I thank my colleagues. Have a good evening and a good weekend.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Legrome D. Davis, to be United States District Judge for the Eastern District of Pennsylvania? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUE), and the Senator from Nebraska (Mr. NELSON) are necessarily absent.

Mr. LOTT. I announce that the Senator from Oklahoma (Mr. NICKLES), the Senator from Missouri (Mr. BOND), and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

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

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 76 Ex.]

YEAS—94

Akaka	Durbin	Lugar
Allard	Edwards	McCain
Allen	Ensign	McConnell
Baucus	Enzi	Mikulski
Bayh	Feingold	Miller
Bennett	Feinstein	Murkowski
Biden	Fitzgerald	Murray
Bingaman	Frist	Nelson (FL)
Breaux	Graham	Reed
Brownback	Gramm	Reid
Bunning	Grassley	Rockefeller
Burns	Gregg	Santorum
Byrd	Hagel	Sarbanes
Campbell	Harkin	Schumer
Cantwell	Hatch	Sessions
Carnahan	Helms	Shelby
Carper	Hollings	Smith (NH)
Chafee	Hutchinson	Smith (OR)
Cleland	Hutchison	Snowe
Clinton	Inhofe	Specter
Cochran	Jeffords	Stabenow
Collins	Johnson	Stevens
Conrad	Kennedy	Thomas
Corzine	Kerry	Thompson
Craig	Kohl	Thurmond
Crapo	Kyl	Torricelli
Daschle	Landrieu	Voinovich
Dayton	Leahy	Warner
DeWine	Levin	Wellstone
Dodd	Lieberman	Wyden
Domenici	Lincoln	
Dorgan	Lott	

NOT VOTING—6

Bond	Inouye	Nickles
Boxer	Nelson (NE)	Roberts

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

The majority leader.

WISHING MARY JANE OGILVIE A FULL RECOVERY

Mr. DASCHLE. Madam President, I wanted to come to the floor before the end of the day to alert our colleagues on a matter about which I know they would all be concerned. Mary Jane Ogilvie, wife of our Chaplain, a very treasured member of our Senate family, is battling bacterial pneumonia this week. She is in an area hospital and in serious but stable condition.

Dr. Ogilvie and his children are, of course, with her as they have been

throughout this ordeal. Dr. Ogilvie has been our Chaplain now for 7 years, since 1995, and over the years he has been the source of real strength for many of us in times of sorrow, in times of difficulty. Especially these last difficult months, we have relied on his wise and compassionate counsel over and over again. Now it is our turn to be the source of strength for him, for Mrs. Ogilvie, and for their family.

The Chaplain's Office asked that we not send flowers because they are not permitted in intensive care, but if you believe in prayer, they say, please pray for Mrs. Ogilvie. We will certainly do so.

We want to extend—I know on behalf of all Senators, Republican and Democratic—our sincere best wishes for a complete and full recovery. We wish her strength, and we want her to know that our thoughts and prayers are with her tonight and will continue to be with her until she returns to good health.

I just talked to Dr. Ogilvie this afternoon. He has informed me that the prognosis is improving. We hope that that will be the case throughout the weekend. We wanted to make note of this at this time.

I know my colleague, the distinguished Republican leader, has also had a conversation with Dr. Ogilvie, and to accommodate his words at this time, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. I thank Senator DASCHLE for making our colleagues and those who follow the situation in the Senate aware of the struggle our Chaplain is going through now. He has been a chaplain and a minister for all of us.

As Senator DASCHLE said, each one of us has had moments of difficulty over the past 7 years. He is always there. Just recently, when my wife lost her father, she didn't get to talk to Dr. Ogilvie, but he left a message on the recorder. It was like a message from heaven, just magnificent; so meaningful, my wife saved it and listened to it more than once.

So at this time when our Chaplain is facing difficulty, certainly we need him to know of our thoughts and our prayers. When I spoke to him, I told him that I believe in miracles and that his wife can pull through this and rejoin the Senate family.

Mary Jane is very much a part of the family. She attends events; she goes with our Chaplain so many places. She is his helpmate. As I spoke with him a few minutes ago, I could just feel it in his voice; he is just really so worried.

I join Senator DASCHLE and all of the Senate in extending to them our love and our thoughts and prayers. We look forward to continuing to follow her improvements. We have the Senate physician, Dr. Frist, on the job. He is keeping us posted of how she is doing. We will be thinking about them over the next weekend and look forward to them being back in full form and with

us on all these many occasions at which we enjoy their presence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

Mr. BAUCUS. What is the business of the Senate?

The PRESIDING OFFICER. S. 517 is the pending business.

Mr. BAUCUS. Madam President, I ask unanimous consent that there be a time limitation of 1 hour equally divided between myself and Senator GRASSLEY for debate on the Finance Committee energy tax amendment; that no amendments be in order to my amendment except a second-degree amendment by Senator GRASSLEY; that at the conclusion or yielding back of the time, the Senate vote in relation to Senator GRASSLEY's second-degree amendment and to my Finance Committee amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, I supported this tax section that Senator BAUCUS is trying to add to the energy bill at this time when we had it in the Finance Committee. Obviously, there are some things in there that I would prefer not be in there. But we had an overwhelming vote out of the Finance Committee in support of this package.

An energy policy that does not include a tax section is not a complete policy. We have to have some incentives for these hybrid cell vehicles and to try to get marginal wells back in production, to encourage biomass, to do everything we can, along with the policy that is included in this bill, to also encourage more energy production and more energy conservation through the Tax Code.

I support this. I will be glad to work with Senator BAUCUS to see that we get it included in the Senate package or certainly in the conference when a conference is completed. We have to do that.

But at this time, we do have an objection from our side of the aisle. And on behalf of a Senator who has a tax provision in which he is very interested, I am constrained to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Montana.

Mr. BAUCUS. Madam President, I hear the distinguished Senator from Mississippi. I very much understand the reasons for his objection. I deeply appreciate his statement in support of the Finance Committee title that we hope to offer to this bill.

The provisions in the Finance Committee title total roughly \$15 to \$16 billion over 10 years. The Senate hopefully will pass the Senate-passed version of tax incentives. It will be incentives for production, conventional

production, renewables, unconventional production, for conservation. The House passed a tax title to their energy bill which totals about \$30 billion.

I fully agree with the distinguished Senator that the Finance Committee provisions, which will help wean us away from OPEC by providing incentives on matters that I suggested, are vitally important. And I hope—in fact, I expect—that the Senate, before it passes an energy bill, will also include these provisions because they are such an integral and vital part of the bill.

I thank all concerned, particularly my good friend from Mississippi.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Nevada is recognized.

CLOTURE MOTION

Mr. REID. Madam 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, hereby move to bring to a close the debate on the Daschle/Bingaman substitute amendment No. 2917 for Calendar No. 65, S. 517, a bill to authorize funding for the Department of Energy and for other purposes:

Jeff Bingaman, Jean Carnahan, Edward Kennedy, Pattie Murray, Mary Landrieu, Byron L. Dorgan, Robert Torricelli, Bill Nelson, John Breaux, Tom Carper, Tim Johnson, Hillary R. Clinton, Jon Corzine, John Rockefeller, Daniel Inouye, Max Baucus, Harry Reid, and Maria Cantwell.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak therein for not to exceed 5 minutes each.

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

DEPARTMENT OF LABOR'S ERGONOMICS ANNOUNCEMENT

Mr. DASCHLE. Madam President, since President Bush signed into law a provision to overturn the ergonomics rule, over 1.8 million workers have suffered ergonomic injuries. At that time Secretary Chao promised "to pursue a comprehensive approach to ergonomics." However, now more than a year later, the Department of Labor

has unveiled a plan that ultimately falls short of the substantive protections needed to protect America's workers.

In response, Senator JOHN BREAUX and others have introduced a bill that would require that the Department of Labor promulgate a new rule on ergonomics within 2 years.

I am deeply concerned that the administration continues to build on its record of putting special interests above working Americans. I believe that Senator BREAUX's bill is an important measure that clarifies that workers deserve real protections, not more studies and voluntary guidelines.

Unfortunately, the administration's late announcement fails to provide workers adequate protections. The administration's plan states an "intent" to develop voluntary guidelines for selected industries. Senator BREAUX's bill will ensure that the administration provides real protections and not hollow promises.

STATUS OF JUDICIAL CONFIRMATIONS

Mr. HATCH. Madam President, I would like to respond to some comments made yesterday on the topic of judicial confirmations. I had no intention of bringing up this topic today, but now I find myself with no choice but to again set the record straight with respect to the comments my colleague made earlier yesterday.

First, I would like to put my remarks in context. I began this Session of the 107th Congress by praising the way that Chairman LEAHY and the Senate's Democratic leader had begun to handle judicial nominations. One of the reasons I did so was that I had detected the possibility that the Judiciary Committee may be headed in a new direction as we began a new Session. I sensed a chance that, after more than eight months of Democratic control, the leaders might stop steering their course by staring at the rear-view mirror, and would begin to look forward through the windshield at the work ahead. I thought that they might begin to sense the American people's frustration at the Senate's stonewalling of President Bush's priorities—especially his selections for the judiciary. Obviously, now that we are in the eleventh month of Democratic control, my optimism has become tarnished not only by the continuing extremely slow pace of confirmations and the blatant mistreatment of Judge Pickering, but also by the kind of comments we heard this morning that actually attempt to persuade the American people that the Senate's record is acceptable.

I want to correct a couple distortions of the record and explain what is really going on in the Judiciary Committee.

My colleague began his comments with the assertion that the Democrats have only been in charge of the Judiciary Committee since the end of July rather than the beginning of June—