

Charles E. Beach, Sr., of Iowa, to be United States Marshal for the Southern District of Iowa for the term of four years.

Peter A. Lawrence, of New York, to be United States Marshal for the Western District of New York for the term of four years.

Richard Vaughn Mecum, of Georgia, to be United States Marshal for the Northern District of Georgia for the term of four years.

Burton Stallwood, of Rhode Island, to be United States Marshal for the District of Rhode Island for the term of four years.

#### DEPARTMENT OF DEFENSE

Vinicio E. Madrigal, of Louisiana, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2003.

L. D. Britt, of Virginia, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for the remainder of the term expiring May 1, 2005.

Linda J. Stierle, of Maryland, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2007.

William C. De La Pena, of California, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2007.

#### DEFENSE NUCLEAR FACILITIES SAFETY BOARD

John Edward Mansfield, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2006. (Reappointment)

Nancy J. Powell, of Iowa, 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 Islamic Republic of Pakistan.

#### NATIONAL MEDIATION BOARD

Edward J. Fitzmaurice, Jr., of Texas, to be a Member of the National Mediation Board for a term expiring July 1, 2004.

Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2005.

#### LEGISLATIVE SESSION

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

Mr. NICKLES. Mr. President, first let me thank my friends and colleagues, Senator REID and Senator DASCHLE, for finally moving some of these nominees. Some are long overdue. Some are still yet to be confirmed.

I will make one mention: Kyle McSlarrow, to be Deputy Secretary of Energy. He worked for us in the Senate. He is more than qualified. I happen to know the Secretary of Energy because he used to be a Senator, Spence Abraham, and he has personally requested that he be confirmed. He needs a Deputy Secretary of Energy.

So while I am pleased we were able to confirm a large number of nominees, we have some nominees who are now going to have to wait the entire month of August and well into September to be confirmed. I find that to be unfair. I wanted to express my pleasure with the one we were able to confirm and my displeasure with the fact that there are about 30 people who will still be left on the calendar, including individuals such as Kyle McSlarrow to be Deputy Secretary of Energy, and other out-

standing nominees who will still be held in limbo in the confirmation process throughout August and maybe well into September. I find that regrettable. There is no reason in the world not to move more of these nominees. I am appreciative of the many we have confirmed. I have not totaled the number, but it is a significant number. Still, there will be several very well qualified individuals who, for no reason whatever, are not being confirmed to this date.

I wanted to express my displeasure and mention that nominee. I could go through the list. I will not do that at this late time. I want my colleague to know I am not happy we were not able to confirm Mr. McSlarrow, who was reported out by the Energy and Natural Resources Committee unanimously on June 5. He has been waiting almost 2 months. The Secretary of Energy has been waiting to get a deputy. Unfortunately, he still will not have a deputy for the next couple of months, at a time when we will mark up an energy bill. It is probably the most significant piece of energy legislation in decades, and the Secretary does not have his deputy confirmed.

Mr. REID. Mr. President, it would be good if we could approve all of these, but problems occur. As I indicated, on one of these nominees, I personally went to a lot of trouble to find a Senator so we could get that person approved.

This is not a perfect system, but it works pretty well and we do the very best we can. It is not just holds over here; we have holds over there on people we care about.

I worked on the Aging Subcommittee; I am still a member of the Aging Subcommittee. One of the highest people assigned to me was a man by the name of Jonathan Steven Adelstein. I hoped he would be approved to serve on the Federal Communications Commission. We could go tit for tat. But I would tell my friend, the Senator from Oklahoma, for whom, everyone knows, I have the greatest respect about a trip I had a couple of weeks ago to Nevada. I had the wonderful opportunity to have three of my grandchildren spend a weekend with us. My little grandchild just turned 4, Mitchell. I did not realize his parents had told him to be patient because I would want to find out how Tiger Woods was doing in the golf tournament, and he wanted to watch a video. This little boy came into the room and looked at me with sad eyes saying: "It is so hard to be patient."

I say to my friend Senator NICKLES, it is so hard being patient, but being a Member of the Senate, you have to be. Even a 4-year-old said that. It certainly applies to what goes on in the Senate. It is hard to be patient, but I think a lot of people are celebrating tonight because these people have already been approved.

I look forward to coming back in the fall and hoping we can confirm more of

these men and women who certainly, with rare exception, are qualified for the appointments they have been given.

Mr. NICKLES. Mr. President, I thank my friend and colleague. I understand that maybe he is not the source of some of the remaining holds. We are confirming a large number of people, well qualified people, at long last. That is good. There still remain some outstanding nominees; I think about 30.

I hope my colleague from Nevada will work with me and Senator DASCHLE and Senator LOTT and see if we can clean the rest of the calendar. Historically, we try to clean the calendar before we break, both in August and October. I hope we will not wait until the end, early October, to clean the calendar this time. I hope we will try to confirm as many of these nominees as early as we can in September, both for the agencies that need the help and the expertise and also for them individually. They should not be held indefinitely.

I will work with my colleague, and I would appreciate his assistance to see if we can get some of them through—there may be holds on both sides—and see if we can eliminate some of those and expedite the confirmation process.

Mr. REID. I look forward to that. One thing we need to do: It does not matter if you have a Republican President or a Democrat President, the problem is the slow process in approving nominees to serve in an administration. It is not right that we have to wait months for a Presidential nomination. Judicial appointments are a good example. They go step after step after step before we even get to look at them. We have to speed up this process for the good of the country. It is not right that this President is almost halfway through his term and still does not have people working for him. It is not all our fault, and it is not all the minority's fault. Much of it is the fault of the system. We have to do something to make it a system that moves more quickly.

If there were ever something we needed to work on in conjunction with the executive branch of Government, it would be to establish a blue ribbon panel to figure out a way we could speed up this process. It takes a long time for nominees to be sent to the Senate. We are running good people away from government, not because the process is too long, people are beleaguered before they even go through it.

I would be happy to work with my friend doing what we can to clear up the nominations. I look forward to that. I also hope the Senator will work with me, and maybe we can come up with an idea that will make all Presidencies a little more in tune with what is going on, because we have to wait for months and months to get people working in agencies.

Mr. NICKLES. If my colleague would yield, I would be happy to work with the Senator. Some legislation has been

considered by the Governmental Affairs Committee on that issue, and maybe we should review that to achieve more fair consideration.

I spoke earlier tonight about judicial nominations. We did confirm, I believe, seven or eight judges today. That is good. But on circuit court nominees, we have confirmed 13 out of 32; that is 40 percent, 8 of which have been languishing for over a year, 445 days, I think, since May of last year. Several of those eight are outstanding nominees. One of them, John Roberts, has argued 37 cases before the Supreme Court. Miguel Estrada has argued 15 cases before the Supreme Court and has yet to have a hearing. Another nominee argued 10 cases before the Supreme Court. Other nominees served on district court levels for years, and were rated very high by the ABA. For fairness, we need to treat these individuals with respect and give them a hearing before the committee.

Mr. President, 40 percent on the circuit court level is not satisfactory. I just mention that; I am not trying to pick a fight. I would just like to see that we let circuit court nominees have consideration. They should not have to languish for over a year after the nomination to have a hearing.

I might mention, two of the eight have had hearings. Six of the eight have not even had a hearing scheduled, and they have waited over a year.

So I mention that. I appreciate my colleague's consideration.

Mr. REID. I think, generally speaking, we have to do better. It is too bad that someone has had to wait a year. But during the time when we were trying to get some judges approved and we were in the minority, we had judges who waited 4 years. I hope that record is not beaten.

I would say we have held more hearings on district and circuit court nominees, 78, than in the past 22 years. I have all the statistics here. We need not go through them.

We need to try to have a better system. I am happy to work on that, and I will be happy to work with my esteemed friend, the senior Senator from Oklahoma, to do whatever we can to work out some of these bumps in the road that exist.

#### ORDERS FOR TUESDAY, SEPTEMBER 3, 2002

Mr. REID. I ask unanimous consent that when the Senate adjourns tonight under the provisions of S. Con. Res. 132, it stand adjourned until 9:30 a.m., Tuesday, September 3; that on Tuesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate then begin consideration of the motion to proceed to H.R. 5005, as under the previous order; that on Tuesday, the Senate stand in recess, until 2:15 p.m., at the conclusion of the rollcall which will begin at 12:30 p.m.

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

#### PROGRAM

Mr. REID. I announce on behalf of the leader, for the information of the Senate, that on Tuesday when we return Senators can expect a rollcall vote at 12:30 on a judicial nomination, as I indicated in the unanimous consent request that the Chair has approved.

#### ADJOURNMENT UNTIL 9:30 A.M. TUESDAY, SEPTEMBER 3, 2002

Mr. REID. I now ask unanimous consent that the Senate stand adjourned under the provisions of S. Con. Res. 132.

There being no objection, the Senate, at 9:32 p.m., adjourned until Tuesday, September 3, 2002, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate August 1, 2002:

##### THE JUDICIARY

CHARLES E. ERDMANN, OF COLORADO, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW, VICE EUGENE R. SULLIVAN, TERM EXPIRED.

##### DEPARTMENT OF THE TREASURY

WAYNE ABERNATHY, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE SHEILA C. BAIR.

##### DEPARTMENT OF STATE

JOSEPH HUGGINS, OF THE DISTRICT OF COLUMBIA, 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 BOTSWANA.

##### BROADCASTING BOARD OF GOVERNORS

SETH CROPSEY, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE INTERNATIONAL BROADCASTING BUREAU, BROADCASTING BOARD OF GOVERNORS. (NEW POSITION)

##### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

WENDY JEAN CHAMBERLIN, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE LORI A. FORMAN.

##### POSTAL RATE COMMISSION

RUTH Y. GOLDWAY, OF CALIFORNIA, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR THE TERM EXPIRING NOVEMBER 22, 2008. (REAPPOINTMENT)

##### THE JUDICIARY

MARK E. FULLER, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF ALABAMA, VICE IRA DEMENT, RETIRED.

ROSEMARY M. COLLYER, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE THOMAS PENFIELD JACKSON, RETIRED.

ROBERT B. KUGLER, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE JOSEPH E. IRENAS, RETIRED.

JOSE L. LINARES, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE ALFRED J. LECHNER, JR., RESIGNED.

FREDA L. WOLFSON, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE NICHOLAS H. POLITAN, RETIRED.

RICHARD J. HOLWELL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE BARRINGTON D. PARKER, JR., ELECTED.

GREGORY L. FROST, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO, VICE GEORGE C. SMITH, RETIRED.

##### DEPARTMENT OF JUSTICE

CAROL CHIEN-HUA LAM, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE ALAN D. BERSIN, TERM EXPIRED.

ANTONIO CANDIA AMADOR, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE JERRY J. ENOMOTO, TERM EXPIRED.

THOMAS DYSON HURLBURT, JR., OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE DON R. MORELAND, TERM EXPIRED.

CHRISTINA PHARO, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE JAMES A. TASSONE.

DENNIS ARTHUR WILLIAMSON, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE JAMES W. LOCKLEY, TERM EXPIRED.

JOSEPH R. GUCCIONE, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE RUSSELL JOHN QUALLIOTINE.

#### GOVERNMENT PRINTING OFFICE

BRUCE R. JAMES, OF NEVADA, TO BE PUBLIC PRINTER, VICE MICHAEL F. DIMARO, RESIGNED.

#### 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. MARK R. ZAMZOW, 0000

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 major general

BRIG. GEN. PETER U. SUTTON, 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 vice admiral

REAR ADM. KEVIN P. GREEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5149:

##### To be rear admiral

CAPT. JAMES E. MCPHERSON, 0000

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE MEDICAL CORPS IN THE GRADE OF COLONEL IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203, 12204, AND 12207:

##### To be colonel

RICHARD A. REDD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

MARY C. CASEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

##### To be lieutenant colonel

DAVID P ACEVEDO, 0000  
WILLIAM J ADAMS, 0000  
CHARLES T AMES, 0000  
MICHAEL G AYCOCK, 0000  
PETER C BARCLAY, 0000  
JOHN S BARRINGTON, 0000  
MICHAEL W BARTLETT JR., 0000  
PETER J BEIM, 0000  
JAMES C BELL, 0000  
STEPHEN J BENAVIDES, 0000  
BURT A BIEBUYCK, 0000  
MICHAEL G BIRMINGHAM, 0000  
KENNETH C BLAKELY, 0000  
MICHAEL E BOWIE, 0000  
MARK A BOYD, 0000  
MERIDETH A BUCHER, 0000  
GERALD V BURTON JR., 0000  
MICHAEL R CHILDEERS, 0000  
KURT A CHRISTENSEN, 0000  
NICHOLAS E CODDINGTON, 0000  
JOHN P CODY SR, 0000  
GLENN M CONNOR, 0000  
JOSEPH A COUCH, 0000  
MICHAEL L CURRENT, 0000  
GREGORY D DODGE, 0000  
MICHAEL J DOMINIQUE, 0000  
CHARLES N EASSA, 0000  
MARK A EASTMAN, 0000  
JEFFREY A FARNSWORTH, 0000  
LARRY S FELLOWS, 0000  
KEVIN R GAINER, 0000  
MATTHEW P GLUNZ, 0000  
THEODORE R HANLEY, 0000  
CHARLES E HARRIS III, 0000  
PAMELA L HART, 0000  
KEITH L HAYNES, 0000