

the Hoosier soldiers of the 1st Battalion, 293rd Infantry from the Indiana National Guard, who have become the first National Guard battalion in the Nation to receive the Combat Infantry award since World War II.

The Combat Infantry award is a highly coveted honor given by the Department of the Army to soldiers who have satisfactorily performed infantry duties as part of a unit that participated in ground combat. The Infantry badge honors soldiers who have operated under the worst conditions, yet still successfully performed his or her mission in a combat environment. In addition, medics who supported the soldiers will receive the Combat Medical Badge. I am immensely proud that it is an Indiana battalion that has become the first unit in more than 50 years to earn this distinction.

All members of the battalion will receive the Combat Infantry award as a symbol of our Nation's gratitude for the bravery they demonstrated and the sacrifices they and their families have made during Operation Iraqi Freedom. The 1st Battalion, 293rd Infantry is the first Indiana National Guard unit to go into combat since the Korean war. As this award recognizes, they have made an exemplary return to battle, honoring themselves and their home State of Indiana through their efforts.

The battalion has been stationed in Iraq for nearly 7 months. During their time in Iraq, the soldiers of the 1st Battalion, 293rd Infantry have provided security for the Talil Air Force Base, a key airstrip in Southern Iraq. The unit took over responsibility for the base just days after the war's deadliest battle took place on April 1 too secure control of the airstrip.

I am proud to honor the soldiers of the 1st Battalion, 293rd Infantry. The thoughts and prayers of all Hoosiers are with them as they continue their role in rebuilding Iraq. May God watch over the soldiers as they complete their duty and may God bless the United States of America.

HONORING PRIVATE ROBERT MCKINLEY

Mr. President, I also rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Peru, IN. Private Robert McKinley, 23 years old, died in Hamburg, Germany on July 8 after suffering heat stroke the month before while fighting in Mosul, Iraq. Robert joined the Army with his entire life before him. He chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Robert was the twelfth Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. Today, I join Robert's family, his friends, and the entire Peru community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set,

bravely fighting to make the world a safer place. It is this courage and strength of character that people will remember when they think of Robert, a memory that will burn brightly during these continuing days of conflict and grief.

Before leaving to fight in Iraq, Robert McKinley promised his grandfather he would be careful, telling him that if there was anything he could do to make our country better, then he wanted to do it. Robert had only been in the Army for 8 months, but had already seen three tours of duty and was serving in the 101st Airborne Division, a unit which played a crucial role in the actions in Iraq.

Robert was born in Peru, IN. He enjoyed fishing for walleye in Canada with his grandfather and participated in Peru's 4-H Club for 10 years. Robert graduated from Peru High School in May 1998. His family says the military provided him with an essential sense of direction. Robert leaves behind his mother, Deborah McKinley, his sister, Kay, and his grandparents, Robert and Pauline Feller.

As I search for words to do justice in honoring Robert McKinley's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Robert McKinley's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Robert McKinley in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Robert's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God bless the United States of America.

TRIBUTE TO PFC. WILFREDO PEREZ, JR.

Mr. DODD. Mr. President, I rise to pay tribute to the late Pfc. Wilfredo Perez, Jr., of Norwalk, CT, who was killed in the line of duty last Saturday while guarding a children's hospital in Iraq.

Private Perez, who was 24 years old and served with the 4th Infantry Division, was the third resident of Connecticut to fall in Iraq since the onset

of Operation Iraqi Freedom earlier this year. He made the ultimate sacrifice for our nation—and his bravery and heroism will not be forgotten by the people of Connecticut.

Wilfredo Perez was born in New York City and moved to Connecticut with his father, Wilfredo, Sr. while he was in middle school. He and his family were well-loved in their community, especially around Halloween time when their haunted house was a neighborhood favorite.

Throughout his years at Norwalk High School, Wilfredo Perez became known as a playful, mischievous type—a boy who would show up to Junior Air Force ROTC with his uniform untucked, or with no uniform at all. He left high school early and went to work as a contractor with his father.

A few years later, though, Wilfredo began to change. He made a commitment to turn his life around and earned his GED. Then, a little more than a year ago, he made a commitment to his country by enlisting in the United States Army.

Enlisting in the Armed Forces can mean many things to many people. For Wilfredo Perez, it was a personal challenge—a challenge to better himself, to develop as an individual, to find a sense of direction, and to pave the way for a successful future. Private Perez not only met his own goals he exceeded all expectations.

Shortly before he was transferred to Iraq, Private Perez returned to Norwalk and visited his old high school. His former teachers and principal watched as the boy whose shirt was always untucked strode confidently through the hallways in a pristine military uniform, beaming with pride. He spoke to students in school about his life—about the mistakes that he made, and about the path that he ultimately chose.

For Wilfredo Perez, the United States Army was truly a rewarding, transforming experience. And like so many of our finest men and women whose lives are tragically cut short, there is simply no telling how far he could have gone.

I join the State of Connecticut—and indeed the entire country—in mourning Wilfredo Perez, and in thanking him for his tremendous service to our country. I offer my deepest condolences to his family, his friends, and everyone else whose life was touched by Pfc. Wilfredo Perez.

TRIBUTE TO UNITED STATES NAVY CAPTAIN DUDLEY B. BERTHOLD

Mr. McCONNELL. Mr. President, today I honor a great American from the Commonwealth of Kentucky. After 25 years of dedicated service to our country, Captain Dudley B. Berthold of the United States Navy will retire on August 8 of this year. I would like to take a moment to recognize his accomplishments.

Captain Berthold is the son of retired USAR, Brigadier General Julius L. Berthold. I am pleased to say he attended the University of Louisville as an NROTC Midshipman and graduated in 1978. Upon graduation he was commissioned as an Ensign in the U.S. Navy, and shortly after completing Surface Warfare Officer School he reported to his first assignment on board the USS O'Bannon, DD 987, serving first as Auxiliary Officer and then as the Main Propulsion Assistant.

Captain Berthold began his extensive study in aircraft carrier design in 1982, when he enrolled in the Naval Postgraduate School of Monterey, CA, and earned an MS degree in Mechanical Engineering. He was selected for the Naval Nuclear Power Training Program, which led to training assignments at the Naval Nuclear Power School in Orlando, FL, and the Nuclear Prototype Propulsion Plant Training Unit in Ballston Spa, NY. His assignments took him from the decks of the USS *Theodore Roosevelt*, CVN 71, where he served as the Electrical Officer, to the shores of Virginia where, in 1989, he was assigned as the Aircraft Carrier New Construction Principle Assistant Project Officer on the staff of the Supervisor of Shipbuilding at Newport News. Here, he assisted in the planning and execution of the construction, test & trials, and delivery of the USS *George Washington*, CVN 73. On later tours, he oversaw the delivery of both the USS *Harry S Truman*, CVN 75, and the USS *Ronald Reagan*, CVN 76.

Most recently, Captain Berthold served as Program Manager for the Navy's future aircraft carrier programs at the Navy's Program Executive Office for Aircraft Carriers in Newport News, VA. He has played a key role in developing new and innovative acquisition strategies for the design and construction of the final Nimitz Class Aircraft Carrier, USS *George H W Bush*, CVN 77, and the new CVN 21 class. This new class of aircraft carrier design sets a new standard for war-fighting capability and will influence the readiness of our military throughout the 21st century.

Captain Berthold has earned a great number of personal decorations, including the Meritorious Service Medal with three Gold Stars, the Navy Commendation Medal with one Gold Star, and the Navy Achievement Medal. I am proud to represent such a fine Kentuckian in the U.S. Senate, and I thank him for his dedication to the people of the United States. His list of accomplishments is great, yet being the son of retired USAR, Brigadier General Bud Berthold, whom I consider to be a close personal friend and wonderful role model, certainly ranks high on that list. While the Navy will lose a loyal seaman, his wife, Deborah Lynn, and two children, Bryant and Bridgette, will welcome him home with open arms. I wish Captain Dudley B. Berthold the traditional naval wish of "Fair winds and Following seas" as his

military career comes to an end. And I congratulate him on his retirement.

NOMINATION OF CAROLYN KUHL

Mr. LEAHY. Mr. President, the Republican leadership's actions this week were an attempt to create the impression that Senate Democrats are stalling judicial nominations. Rather than work with us to confirm the five consensus judicial nominations that have been before the Senate and available for action all week, the Republican leadership has chosen to schedule cloture vote after cloture vote on the most divisive, controversial and extreme of this President's judicial nominees.

Senators have spoken to the contentious nominations Republicans have tried to force through the Senate confirmation process this week. This is a striking difference from the days in which more than 60 of President Clinton's judicial nominees were stalled and defeated by anonymous holds and secret objections. Just as I made Judiciary Committee blue slips and the process by which the committee consults with home-state Senators public when I chaired the committee in 2001, Democratic Senators have not opposed nominees without coming before the Senate and making known their concerns.

During the 17 months a Democratic Senate majority reviewed this President's judicial nominees we were able to confirm 100 judges. This year, we have cooperated in the confirmation of 45 additional judges. The total confirmations already number 145. We have worked in good faith to reduce judicial vacancies to the lowest level in the last 13 years and to increase the full-time judge on the Federal bench across the country to the highest number in our history. We continue to work in good faith and the Democratic Senators on the Judiciary Committee have joined in reporting at least a dozen additional judicial nominations favorably to the Senate. Working together the Republican and Democratic leadership will be able to schedule debate and votes on those judges.

There are other nominees I frankly do not support and that large numbers of Senators do not support. And yet, as chairman, I did something our Republican predecessor never did, I proceeded on judicial nominations I opposed. Some were confirmed; a few have been so extreme and controversial that they have not been confirmed. Ours is a good record and a fair record.

It is a record that shows we have sought, as Senator BAUCUS explained recently, to protect the essential independence of the judiciary, to support fair-minded impartial judges, and to protect the essential rights of all Americans.

This week we have witnessed a number of unsuccessful cloture petitions. When the Republicans filed these petitions they knew they would be unsuccess-

ful. The Republican leadership was nonetheless insistent on diverting hours from debate on the Energy bill in order to create partisan talking points. This is another example of how this administration and its aides here in the Senate are seeking to use judicial nominations for partisan purposes. That is most unfortunate.

Republican partisans have changed the practices and rules of the Senate that have helped over time to encourage the White House to work with home-State Senators and to consult with both sides of the aisle in the Senate. When judicial nominations were being made by a Democratic President, the objection of a single home-State Senator would have prevented any action on a judicial nomination. As the chairman of the Judiciary Committee acknowledged in 1999, under the practices of the committee, no nomination opposed by both home-State Senators would proceed. Yet now that the President is a Republican and the home-State Senators are Democrats, the rules are changed and traditional practices are conveniently abandoned.

The big picture is that we have the most confrontational President in recent history. His administration is committed to a plan to pack the Federal courts with nominees of a narrow judicial ideology. Compounding the situation, the Republican leadership in the Senate has decided to assist the administration in this effort at all costs. Longstanding Senate practices and rules have been broken. Home-State Senators are being ignored or overridden if they are Democratic Senators, committee rules are being breached, committee practices of the last 25 years are being ignored in a rush to steamroll the Senate.

Sadly, the most partisans have made detestable arguments and injected religion into the debate. Regrettably, the Senate under its current leadership has abandoned its constitutional role as a check on the Executive.

So we have the most aggressive Administration in recent history and its efforts to pack the courts are being facilitated by efforts of the Republican Senate majority and its willingness to remove all the processes and practices that had been available to the Senate to provide a check and balance. As they remove the mechanisms that had traditionally provided incentives for the Executive to consult with the Senate, the administration has refused to moderate its actions. Instead, Republican partisans have ratcheted up the points of contention and conflict. Rather than work in a bipartisan way to unite the country and maintain a balanced and independent federal judiciary, Republicans insist on the expedited confirmation of every nomination no matter how extreme. With all of the other, traditional screening mechanisms removed, only one Senate procedure is left—the filibuster. All their talk about supposed obstructionism is just that, partisan talking