

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

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 354 Ex.]

YEAS—89

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

NOT VOTING—11

Biden	Kerry	Miller
Edwards	Lieberman	Murkowski
Graham (FL)	Lincoln	Specter
Gregg	Mikulski	

The nomination was confirmed.

#### NOMINATION OF HENRY F. FLOYD, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consider the nomination of Henry F. Floyd, which the clerk will report.

The legislative clerk read as follows: The nomination of Henry F. Floyd, of South Carolina, to be United States District Judge for the District of South Carolina.

The PRESIDING OFFICER. Under the previous order, there will be a period of 2 minutes of debate equally divided prior to the vote.

Mr. HOLLINGS. Mr. President, I rise to encourage my colleagues to vote for Henry Floyd to be a judge on the United States District Court for the District of South Carolina.

Judge Floyd is known throughout my State as a fine, fair, and even-handed jurist. There is no question a good judge has to possess a balanced judicial temperament. Judge Floyd showed as a State circuit court judge he is balanced. He has presided over complex class action litigation; felony criminal cases including capital murder cases; cases with difficult constitutional issues, and everything else like that. By all accounts, he has applied the law fairly, and the South Carolina Bar supports him.

This nominee also has a breadth of experience as a private practitioner,

representing civil and criminal clients in all sorts of matters; he was a lieutenant in the Army; and he was a South Carolina State legislator. He obviously is well qualified.

I think our colleagues on both sides of the aisle will find it refreshing to vote on a nominee who doesn't make us quarrel over religion, or advance any political agenda, and who answers our questions. For 37 years, Senator Thurmond and I practiced bipartisan cooperation in filling South Carolina's Federal bench. I thank Senator GRAHAM for continuing in this collegial tradition.

Mr. GRAHAM of South Carolina. Mr. President, Henry Floyd was the first person I thought of when a district court judgeship came open in South Carolina. I am pleased that the Senate has confirmed him today. Prior to becoming involved in politics, I had the good fortune of practicing before Judge Floyd on a number of occasions. He is the model of judicial temperament; learned, objective, and courteous.

A product of some of our State's finest educational institutions, Judge Floyd received his undergraduate degree at Wofford College and his law degree from the University of South Carolina. In 1992, after a decade of very successful private practice, he assumed the bench as a judge on the Thirteenth Judicial Circuit Court of South Carolina. Since that time, Judge Floyd has presided over several South Carolina's most controversial cases with skill and professionalism.

It was an pleasure to recommend Judge Floyd to President Bush. I wanted my first recommendation to be an example of how our judicial nominations process should work. We should seek only the best for the Federal judiciary. I believe my first recommendation fits that criterion.

I'm confident Judge Floyd will demonstrate the highest degree of professionalism and serve our State and Nation well. Judge Floyd has an exceptional legal mind, impeccable character, and a legacy of fair application of the law. He is a fine man and will be a great addition to the Federal bench.

Mr. HOLLINGS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Henry F. Floyd, of South Carolina, to be United States District Judge for the District of South Carolina? On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. GREGG), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the

Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

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

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 355 Ex.]

YEAS—89

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

NOT VOTING—11

Biden	Kerry	Miller
Edwards	Lieberman	Murkowski
Graham (FL)	Lincoln	Specter
Gregg	Mikulski	

The nomination was confirmed.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

#### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—Continued

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENTS NOS. 1734 AND 1739 AS FURTHER MODIFIED

Mr. REID. Mr. President, earlier today there were two modifications to amendments offered by the Democratic leader, Senator DASCHLE. Since placing those modifications at the desk, staff has discovered some clerical errors. I ask unanimous consent that amendments Nos. 1734 and 1739 be further modified with the changes I send to the desk.

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

The amendments, as further modified, are as follows:

AMENDMENT NO. 1734, AS FURTHER MODIFIED

On page 88, beginning on line 17, strike "\$2,546,524,000" and all that follows through "Provided" on line 20, and insert the following: "\$2,838,524,000, together with payments received during the fiscal year pursuant to section 231(b) of the Public Health Service Act (42 U.S.C. 238(b)) for services furnished by the Indian Health Service, of which \$2,329,414,000 shall be available for clinical services: *Provided*,

AMENDMENT NO. 1739, AS MODIFIED FURTHER

On page 46, line 7, strike "*Provided, That*" and insert the following: "and of which \$79,000,000 (composed of \$20,000,000 from administrative accounts for operation and support, \$6,000,000 from the trust accountability account, \$15,000,000 from the field operations account, and \$38,000,000 from the historical accounting account) shall be deducted from that amount, of which deducted amount \$63,000,000 shall be transferred to the Indian Health Service and available for clinical services: *Provided, That* none of the funds made available by this Act may be used for the proposed trust reform reorganization of the Bureau of Indian Affairs or the Office of Special Trustee: *Provided further, That*".

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that immediately following morning business on Tuesday morning, there be an additional 10 minutes equally divided prior to a vote in relation to the Daschle amendment No. 1734, as further modified, provided that no second-degree amendment be in order to the amendment prior to the vote.

Mr. REID. No objection. It is my understanding we will go into session at about 9:30, so the vote will be somewhere around 10:30 in the morning.

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

The Senator from Arizona.

#### ORDER OF PROCEDURE

Mr. KYL. Mr. President, I ask unanimous consent that there now be a period of morning business not to exceed 70 minutes with the time divided as follows: Senators KYL and DORGAN in control of the first 5 minutes, which will be equally divided; the majority leader or designee in control of the next 6 minutes; the minority leader or designee in control of the second 6-minute period; the minority leader or designee in control of the next 6 minutes; the majority leader or designee in control of the final 6-minute period.

I further ask unanimous consent that the next period of time be divided as follows: Each side permitted to ask up to five questions for up to 1 minute each in an alternating fashion, to be followed by a response of up to 2 minutes to be controlled by the other side of the aisle, with the Democrats to ask the first question.

I further ask unanimous consent that the final 10 minutes be equally divided for closing comments.

Finally, I ask unanimous consent that upon yielding of the floor, any de-

bate time remaining during that period of controlled time be yielded back.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, the time on this side will be controlled by the Senator from Illinois, Mr. DURBIN, rather than the Democratic leader.

Mr. KYL. Time on the Republican side will be controlled by Senator SANTORUM or Senator SUNUNU.

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

Mr. KYL. Mr. President, let me explain what that very rapidly read unanimous consent order provides for. Senator DORGAN and I chair the policy committees of the Democratic and Republican sides and have agreed that every month or so we should have a debate which is really a debate, rather than just a bunch of speeches read, which frequently characterizes what passes for debate here on the Senate floor. Our constituents might tune in and see us reading speeches and wonder whether we have a debate on a specific issue where we mix it up together, respond to each other's points, and have that all relative to a very specific question.

So we agreed we would do that; we would try to pick a topic that was not really current: that we would have different Members on each side engage in these debates when they were held. And we agreed that the first debate topic would be on the general subject of Social Security.

As a result, tonight we have the first of these debates with two Members from the Republican side and two Members from the Democratic side debating a general topic relating to Social Security. All of the requests for time will be through the President, of course, pursuant to this unanimous consent agreement.

It is hoped that as a result of Democrats responding to Republicans and vice versa, asking each other questions, actually there may be some elucidation, some light that would come out of this debate, rather than heat, and that we could agree or disagree in an agreeable spirit on an important topic to people around this country.

I am looking forward to this debate. This will be the first of our experiments. Obviously, if the participants have suggestions about how to conduct future debates, we would like to hear those so we can continue, and maybe it will become a tradition in the Senate. I think we are ready for that.

The debate will be started with Senator SUNUNU from New Hampshire and therefore, again, with Senators SUNUNU and SANTORUM having time on this side. I yield now to the Senator from New Hampshire, Mr. SUNUNU.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

#### SOCIAL SECURITY

Mr. SUNUNU. Mr. President, I welcome the remarks of the Senator from

Arizona and my colleagues tonight for what I hope will be an enjoyable evening and will set the tone for further debates to follow.

Tonight we are talking about the important issue of Social Security. Let us begin by recognizing together that this is an important issue, one that deserves to be talked about with substance and in a direct and clear way. It is also an issue that we need to address with substantive legislation, because the one thing I think we can agree on is that not acting provides us with the greatest risk of all.

If we look at what the Social Security actuaries have said, the President's bipartisan commission has said, and countless committees in Congress which have looked at this issue have said and recognize that if we don't act, we are faced with the stark choices of raising taxes or cutting benefits, which is not something any of us wish to do.

We need to strengthen Social Security by improving the rate of return of investments made within the system, and strengthen Social Security by extending the solvency of the trust fund by, I believe, empowering individuals.

Tonight, I want to talk about that important notion, empowering individuals and allowing them, as part of the Social Security reform package, to invest a portion of what they pay in taxes every week in a personal retirement account. We are going to hear a lot tonight about how these personal retirement accounts might be risky, how we cannot trust individuals or count on individuals to make good choices or decisions, how we cannot count on the Government to enact a substantive regulatory regime that protects the markets or the individual investors, and how this is risky because it takes money out of the Social Security trust fund. But I believe we need to recognize that empowering individuals to make such investments and control their retirement accounts is central to strengthening the rate of return I talked about, to improving the solvency of the Social Security system, and making a stronger retirement system for future generations.

Let's be clear about what we are talking about here. The kinds of investment options that most all of the legislation that has been introduced deals with offer voluntary accounts but don't touch the benefits of anybody who is retired today or any near-retirees, and they still provide a guaranteed minimum benefit. If you look at the legislation introduced by Congressman KOLBE or Congressman STENHOLM in the House, or Senators GREGG and BREAUX in the Senate, or Congressman NICK SMITH from Michigan in the House as well, these are pieces of legislation that reflect and respect the individual's strength to make good decisions, and the potential to improve the rate of return of the system, but at the same time protects the guaranteed minimum benefit that our retirees, and especially those without a strong economic means, have come to count on.