

Document No. 108-15. I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President reads as follows:

**ADDITIONAL PROTOCOL AMENDING INVESTMENT TREATY WITH BULGARIA (TREATY DOC. 108-15)**

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Additional Protocol Between the United States of America and the Republic of Bulgaria amending the Treaty Between the United States of America and the Republic of Bulgaria Concerning the Encouragement and Reciprocal Protection of Investment of September 23, 1992, signed at Brussels on September 22, 2003. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Additional Protocol.

My Administration has already forwarded to the Senate a similar Additional Protocol for Romania and expects to forward to the Senate shortly Additional Protocols for the Czech Republic, Estonia, Latvia, Lithuania, Poland, and the Slovak Republic. Each of these Additional Protocols is the result of an understanding the United States reached with the European Commission and six countries that will join the European Union (EU) on May 1, 2004 (the Czech Republic, Estonia, Latvia, Lithuania, Poland, and the Slovak Republic), as well as with Bulgaria and Romania, which are expected to join the EU in 2007.

The understanding is designed to preserve U.S. bilateral investment treaties (BITs) with each of these countries after their accession to the EU by establishing a framework acceptable to the European Commission for avoiding or remedying present and possible future incompatibilities between their BIT obligations and their future obligations of EU membership. It expresses the U.S. intent to amend the U.S. BITS, including the BIT with Bulgaria, in order to eliminate incompatibilities between certain BIT obligations and EU law. It also establishes a framework for addressing any future incompatibilities that may arise as European Union authority in the area of investment expands in the future, and endorses the principle of protecting existing U.S. investments from any future EU measures that may restrict foreign investment in the EU.

The United States has long championed the benefits of an open investment climate, both at home and abroad. It is the policy of the United States to welcome market-driven for-

eign investment and to permit capital to flow freely to seek its highest return. This Additional Protocol preserves the U.S. BIT with Bulgaria, with which the United States has an expanding relationship, and the protections it affords U.S. investors even after Bulgaria joins the EU. Without it, the European Commission would likely require Bulgaria to terminate its U.S. BIT upon accession because of existing and possible future incompatibilities between our current BIT and EU law.

I recommend that the Senate consider this Additional Protocol as soon as possible, and give its advice and consent to ratification at an early date.

GEORGE W. BUSH.

THE WHITE HOUSE, January 21, 2004.

**ORDERS FOR THURSDAY,  
JANUARY 22, 2004**

Mr. McCONNELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, January 22. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on the conference report to accompany H.R. 2673, the Omnibus appropriations measure, as provided under the previous order.

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

The Senator from Nevada.

Mr. REID. Madam President, we have a little mathematical problem we need to straighten out.

Mr. McCONNELL. Madam President, I ask unanimous consent to modify the previous agreement to allow for 4½ hours of debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection. We told all our Members the vote will be at 2 o'clock.

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

Mr. McCONNELL. Some of us are troubled when it comes to math around here, Madam President. We are pleased to have the correction noted.

**PROGRAM**

Mr. McCONNELL. Madam President, for the information of all of our colleagues, tomorrow morning the Senate will resume debate on the conference report to accompany H.R. 2673, the Omnibus appropriations measure. Under the order, there will be 4½ hours for debate prior to the second cloture vote. I join with the majority leader in hoping cloture will be invoked tomorrow and that the Senate can then conclude action on this vital funding measure. Senators should, therefore, expect votes tomorrow afternoon, and all Members will be notified when those votes are scheduled.

I see the chairman of the Appropriations Committee sitting over there with a smile on his face at the prospect of completing our work for the current fiscal year.

**ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW**

Mr. McCONNELL. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:37 p.m., adjourned until Thursday, January 22, 2004, at 9:30 a.m.

**NOMINATIONS**

Executive nominations received by the Senate January 21, 2004:

**CORPORATION FOR PUBLIC BROADCASTING**

CLAUDIA PUIG, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2008, VICE WINTER D. HORTON, JR., TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

GAY HART GAINES, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2004, VICE RITAJEAN HARTUNG BUTTERWORTH, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

**ENVIRONMENTAL PROTECTION AGENCY**

STEPHEN L. JOHNSON, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE LINDA J. FISHER, RESIGNED.

CHARLES JOHNSON, OF UTAH, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY, VICE LINDA MORRISON COMBS.

**SOCIAL SECURITY ADMINISTRATION**

BRADLEY D. BELT, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2008, VICE STANFORD G. ROSS, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

**BROADCASTING BOARD OF GOVERNORS**

FAYZA VERONIQUE BOULAD RODMAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006, VICE ROBERT M. LEDBETTER, JR., TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

**UNITED STATES POSTAL SERVICE**

ALBERT CASEY, OF TEXAS, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2009, VICE TIRSO DEL JUNCO, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

**DEPARTMENT OF HOMELAND SECURITY**

CLARK KENT ERVIN, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

CYNTHIA BOICH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007, VICE THOMAS EHRLICH, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DOROTHY A. JOHNSON, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2007 (REAPPOINTMENT), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

HENRY LOZANO, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2008, VICE CHRISTOPHER C. GALLAGHER, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

**NATIONAL COUNCIL ON THE ARTS**

GERARD SCHWARZ, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 3, 2006, VICE EARL A. POWELL III, RESIGNED.

**NATIONAL LABOR RELATIONS BOARD**

RONALD E. MEISBURG, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL RELATIONS BOARD FOR THE TERM OF

FIVE YEARS EXPIRING AUGUST 27, 2008, VICE RENE ACOSTA, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

#### DEPARTMENT OF EDUCATION

ROBERT LERNER, OF MARYLAND, TO BE COMMISSIONER OF EDUCATION STATISTICS FOR A TERM EXPIRING JUNE 21, 2009, VICE PASCAL D. FORGIONE, JR., TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

RAYMOND SIMON, OF ARKANSAS, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, VICE SUSAN B. NEUMAN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

#### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be brigadier general*

COL. GEORGE T. LYNN, 0000

#### IN THE ARMY

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

#### *To be major general*

BRIG. GEN. CONRAD W. PONDER JR., 0000

#### *To be brigadier general*

COL. GEORGE J. SMITH, 0000

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be major general*

BRIG. GEN. DOUGLAS V. O'DELL JR., 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.(SELECTEE) ALBERT M. CALLAND III, 0000

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. JAMES D. MCARTHUR JR., 0000

#### IN THE ARMY

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

#### *To be colonel*

MARGOT KRAUSS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

#### *To be colonel*

MARK S. ACKERMAN, 0000  
LISA ANDERSONLLOYD, 0000  
LEO E. BOUCHER III, 0000  
NATHANAEL P. CAUSEY, 0000  
JOHN L. CLIFTON IV, 0000  
ALAN L. COOK, 0000  
PETER M. CULLEN, 0000  
WILLIAM R. GADE, 0000  
CHRISTOPHER M. GARCIA, 0000  
SUSAN S. GIBSON, 0000  
GREGORY A. GROSS, 0000  
SCOTT L. KILGORE, 0000  
DENISE R. LIND, 0000  
SCOTT E. LIND, 0000  
JACQUELINE R. LITTLE, 0000  
KEVIN J. LUSTER, 0000  
REYNOLD P. MASTERTON, 0000  
ROBIN N. SWOPE, 0000  
KELLY D. WHEATON, 0000  
RICHARD M. WHITTAKER, 0000

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

#### *To be lieutenant colonel*

TIMOTHY G. WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

#### *To be lieutenant colonel*

IDA F. AGAMY, 0000  
MELINDA A. COMFORT, 0000  
JONATHAN A. KENT, 0000  
GREGORY S. MATHERS, 0000  
MATTHEW A. MYERS SR., 0000  
KARY B. REED, 0000

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

#### *To be major*

DAVID J. KING JR., 0000

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

#### *To be major*

MICHAEL G. GRAY, 0000  
PAUL M. SALTYSIAK, 0000

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

#### *To be major*

TERRY R. MOREN, 0000  
CHRISTOPHER WODARZ, 0000

#### IN THE NAVY

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

#### *To be captain*

GERALD R. MANLEY, 0000

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

#### *To be commander*

TODD E. BAILEY, 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*

JENNIFER R. FLATHER, 0000  
JANET G. GOLDSSTEIN, 0000  
KATHY E. GORDON, 0000  
MARIE E. OLIVER, 0000

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

#### *To be commander*

WING LEONG, 0000  
LINDA P NIEMEYER, 0000  
PATRICK J VINCENT, 0000

#### *To be lieutenant commander*

KRISTINE E ALEXANDER, 0000  
RICHARD A BONNETTE, 0000  
MARK D BUTLER, 0000  
VIOLETA N CRUZ, 0000  
ROBERT J PITKIN, 0000  
ETHAN C GIBSON, 0000  
MICHAEL W GORE, 0000  
BRIAN J CHALEY, 0000  
ALAN M HANSEN, 0000  
STEPHEN E HAZZARD, 0000  
DWIGHT A HORN, 0000  
RAYMOND J HOUK, 0000  
ARNOLD S MCCOY, 0000  
DANIEL E MCKAY, 0000  
GABRIEL MENSAH, 0000  
VINSON W MILLER, 0000  
JAMES H PITTMAN, 0000  
ROBERT A REARICK, 0000  
JASON L RIGGS, 0000  
GREG T SCHLUTER, 0000  
JAMES D STAVRIDES, 0000  
ERIC R TIMMENS, 0000  
DONALD P TROAST, 0000  
CHARLES AP TURNER, 0000  
ANDREW A WADE, 0000  
AARON D WERBEL, 0000  
JIMMY WEST, 0000  
TIMOTHY R WHITE, 0000

## WITHDRAWAL

Executive message transmitted by the President to the Senate on January 21, 2004, withdrawing from further Senate consideration the following nomination:

MARK C. BRICKELL, OF NEW YORK, TO BE DIRECTOR OF THE OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A TERM OF FIVE YEARS, WHICH WAS SENT TO THE SENATE ON JUNE 12, 2003.