

and we got beat and beat badly. That is an easy one to do, not even to speak of shifting to alternative sources of energy, not even to speak of additional conservation efforts, not even to speak of production efforts where it is not going to harm the fragile environment where, indeed, there are the reserves, not even to speak of using our technology in a crash course such as we did when we went to the Moon in the Apollo project. We set a goal and we said we were going to achieve it. We marshaled the resources, we marshaled the will, we got the support of the American people, and within 9 years we were able to go to the Moon and return safely. And so, too, we need an Apollo-type project for energy independence to wean ourselves from that dependence on foreign oil.

We need to invest massive manpower and effort into developing alternative energy sources so that the possible collapse of unstable oil regimes in the Middle East will not hold us hostage. Lord knows, let's hope that does not happen, but we need to wake up and see the insatiable appetite we have for that foreign oil.

I believe energy independence is one of the top priorities for protecting U.S. national security. There are a lot of Senators who support that goal and yet we allow ourselves to be beat time and time again by certain special interests and lobbies that have their own interests at the forefront instead of the national interest.

The events of this past weekend make the need for energy independence a national priority. These events make it clearer than ever.

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

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. FRIST. Madam President, I have discussed the upcoming schedule with the Democratic leader. We currently have a cloture vote scheduled for 5:30 today on the motion to proceed to the class action fairness bill. In a moment, I will ask unanimous consent to vitiate that cloture vote.

As I mentioned earlier this morning, it has been our hope to finish both the Defense authorization bill and the class action legislation in a timely way. To expedite completion of the Defense authorization bill, we will need to limit amendments so the managers of the bill can begin to schedule amendments accordingly.

In addition, we would like to reach an agreement to begin the class action bill immediately upon the conclusion

of the Defense authorization with no need for the motion to proceed. Having said that, I am prepared to ask unanimous consent but will withhold for any comment.

I now ask unanimous consent that the 5:30 cloture vote be vitiated and that the Senate begin consideration of S. 2062, the class action fairness bill, at the conclusion of the pending Defense authorization bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FRIST. Madam President, I further ask unanimous consent that at 5:20 today the Senate proceed to executive session for the consideration of calendar No. 558, the nomination of F. Dennis Saylor, IV, to be U.S. District Judge for the District of Massachusetts; provided further that be there 10 minutes equally divided for debate prior to the vote on the confirmation of the nomination with no intervening action or debate.

Finally, I ask unanimous consent that following the vote the President be immediately notified of the Senate's action and the Senate then resume legislation session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FRIST. Madam President, I now ask unanimous consent that the only remaining first-degree amendments in order to the pending Department of Defense bill be limited to the list I have sent to the desk. I further ask unanimous consent that these amendments be subject to relevant second degrees.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The list is as follows:

Akaka—National Security Education, Akaka—Smart Scholarship, Alexander—Federal Assistance No. 3173, Allard—Air Force Academy, Allard—Air Force Academy, Allard—Missile Defense, Allard—Rocky Mountain Arsenal, Bayh—Advanced Manufacturing Tech., Bayh—Iraq Reporting Requirements, BAYH—Missile Defense, Bennett—Mercury Storage, Bennett—Nuclear Testing, Bennett—UT Test and Training Range, Biden—Adjust Tax Cut to pay for War, Biden—Information Operations.

Biden—Preventing Identity Theft, Biden—Relevant, Biden—Relevant, Bingaman—EEG, Bingaman—HSI Definition, Bingaman—Non-Proliferation, Bingaman—Nuclear Weapon, Bingaman—Report, Bingaman—Science Technology, Bingaman—Vaccine Health Care Center, Bond—Military Voting, Bond—Nuclear Energy Workers, Bond—Relevant, Bond—Relevant, Bond—Relevant.

Boxer—Lengthy Deployment Pay, Boxer—Missile Defense, Boxer—Rape of Women Service Members, Boxer—Relevant, Brownback—FCC Decency, BROWNBACK—S.O.S. re: Air Force No. 3232, Brownback—Taiwan No. 3222, Byrd—Industrial Commission, Byrd—Relevant, Byrd—Relevant, Byrd—Use of Force, Campbell—Korean Medals, Cantwell—Capehart, Cantwell—Extend Unemployment Compensation, Cantwell—Former Dept. Of Energy Medical Screening.

Cantwell—Global Poverty Study, Cantwell—High Level Radioactive Waste, Cantwell—High-Level Waste, Chafee—Berry Amendment No. 3177, Chambliss—Retired

Pay No. 3223, Clinton—Commissaries and Schools, Clinton—Medical Tracking and Readiness (filed), Collins—Energy Savings Plan No. 3230, Collins—OMB Circular A-76 No. 3224, Collins—Outsourcing, Collins—Pilot Fees, Conrad—Relevant, Conrad—Relevant, Corzine—Relevant, Corzine—Relevant.

Corzine—Reservist Retirement, Corzine—Sovereignty, Craig—Immigration, Daschle—B-1, Daschle—Flesh Eating Parasites, Daschle—Military Reservist AG Loan Obligation, Daschle—Relevant, Daschle—Relevant to the List, Daschle—TRI CARE, Daschle—VA Health Care, Dayton—Buy American, Dayton—Operational Cost Reporting, Dodd—Federal Law Enforcement Officers, Dodd—Firefighters, Dodd—Health and Safety Equipment.

Dodd—Military Offset Contracts, Dodd—Private Military Firms, Domenici—Joint Study Center No. 3168, Domenici—Training Flights No. 3167, Dorgan—Oversight (with Wyden), Dorgan—Radio/TV Marti, Dorgan—Relevant, Dorgan—Relevant, Durbin—Dietary Supplement, Durbin—Reservists Pay, Durbin—Small Business Set Asides, Durbin—Treatment of Prisoners, Durbin—Treatment of Prisoners, Ensign—Oil for Food, Ensign—Relevant.

Enzi—Air Tankers, Feingold—FMLA Benefits, Feingold—Inspector General's Office, Feingold—Relevant, Feingold—Transition Services for Military, Feinstein—Afghanistan Anti-drug Effort, Feinstein—SoS re: Perchlorate, Fitzgerald—Veterans Health, Frist—Relevant to any on list, Frist—Relevant to any on list, Frist—Relevant to any on list, Frist—Relevant to any on list, Graham (Florida)—Haitian Refugee Immigration Improvement Act, Graham (Florida)—Night-Vision Goggles Training.

Graham (Florida)—NSA Recruiting Program, Graham (Florida)—Relevant, Graham (Florida)—Relevant, Graham (Florida)—Relevant, Graham (Florida)—Relevant, Graham (Florida)—Relevant, Graham (Florida)—Relevant, Graham (South Carolina)—CIPC, Graham (South Carolina)—DOE, Graham (South Carolina)—Independency of Judiciary, Graham (South Carolina)—Relevant, Graham (South Carolina)—TRICARE, Grassley—Army Industrial Facilities No. 3153, Grassley—Counter Drug in Afghanistan.

Hagel—Increasing Troop Strength, Harkin—Armed forces media, Harkin—Code talkers, Harkin—Energy employees compensation cohort, Hollings—Land Conveyance, Hollings—Relevant, Inhofe—Foreign Military and Security Forces No. 3200, Inhofe—Iraq and Afghanistan Funding No. 3198, Inhofe—Relevant, Inhofe—Relevant, Inhofe—Relevant, Inhofe—USO Procurement No. 3199, Johnson—Hazardous Duty Pay, Kennedy—AG Jobs, Kennedy—Beryllium Screening for Worker Health and Safety.

Kennedy—Civilization of JAG Functions, Kennedy—Federal Employees, Kennedy—Impact Aid, Kennedy—Increase in "One Source" Funding for Military Families, Kennedy—Iraq Policy, Kennedy—Iraqi Prisoner Abuse, Kennedy—Nuclear Weapons (with Feinstein), Kennedy—Relevant, Kennedy—Relevant, Kennedy—Relevant, Kennedy—Return of Military Remains, Kennedy—Russian American Observation Satellite, Landrieu—Land Conveyance, Landrieu—Preseparation Counseling, Landrieu—Survivor Benefit Plan (filed).

Lautenberg—Reimbursement for Medicare VNR's, Lautenberg—Relevant, Lautenberg—Special counsel on No-Bid Iraq Oil Contracts, Leahy—Civilian Assistance, Leahy—Data Mining Protection, Leahy—National Guard Title 32, Leahy—Relevant, Leahy—War Time Profiteering, Levin—Iraqi Lessons, Levin—Managers' Amendments, Levin—Relevant,

Levin—Relevant, Levin—Relevant, Levin—Relevant to the list, Levin—Relevant to the list.

Levin—Supplemental Authorization, Lieberman—Relevant, Lieberman—Relevant, Lott—BRAC No. 3220, Lott—RDT&E for Advanced Ferrite Antenna No. 3179, Lott—S.O.S. re: Shipbuilding No. 3233, Lott—Search and Rescue No. 3221, McCain—2nd Degree Buy America, McCain—2nd Degree Buy America, McCain—GAO Study, McCain—Relevant, McCain—Relevant, McCain—Relevant, McCain—Relevant, McCain—Relevant, McCain—Relevant.

McCain—Relevant, McCain—Relevant, McCain—Relevant, McCain—Service Academy Professors No. 3229, McCain—TRICARE, McConnell—Relevant, McConnell—Relevant, McConnell—Relevant, McConnell—Relevant, McConnell—Relevant, Mikulski—Presidential Helicopter Support Facility, Miller—Retired Warrant Officers, Murkowski—AK Natural Gas Pipelines, Murray—Benefit Improvement Guard and Reserves.

Murray—Child care Assistance Reserve Units, Murray—Overseas Facilities Restrictions, Nelson (Florida)—Relevant, Nelson (Florida)—Relevant, Nelson (Florida)—Relevant, Nelson (Florida)—Relevant, Nelson (Florida)—Relevant, Nelson (Florida)—Relevant, Nelson (Nebraska)—DePSCOR, Pryor—Sacrifice, Reed—Military Academy, Reed—Military contractors in Iraq Oversight, Reed—Military Housing, Reed—National Missile Defense Accountability, Reed—National Missile Defense Accountability, Reed—Relevant.

Reed—Relevant, Reed—Tax Compliance by DoD Oversight, Reed—Troop Strength Increase, Reid—Concurrent Receipt, Reid—Relevant, Reid—Relevant, Reid—Relevant, Reid—Relevant to the list, Reid—Relevant to the list, Santorum—Exchange and Sell, Sarbanes—Federal Charter Korean War, Sarbanes—Sense of the Senate Housing Privatization (Mikulski), Sarbanes—VXX Pax River, Schumer—Relevant.

Schumer—Relevant, Schumer—Relevant, Schumer—Relevant, Sessions—Relevant to list, Sessions—Relevant to list, Smith—Hate Crimes No. 3183, Sununu—William Billy Mitchell No. 3156, Talent—Hero Miles Act, Talent—Military Readiness, Talent—S.O.S. re: WWI Museum, Warner—Contingent Reserve Fund, Warner—Managers' Amendments, Warner—Relevant to any on list, Warner—Relevant to any on list.

Warner—Relevant to any on list, Warner—Relevant to any on list, Warner—Relevant to any on list, Wyden—Iraqi Oversight Contracts, and Wyden—Oil.

Mr. FRIST. Madam President, the amendment list I sent to the desk is a large amendment list. Some of the amendments on the list do not have anything to do with the Defense authorization. I want to make it clear that I don't believe many of the amendments are appropriate to the Defense bill. This is indeed true on both sides, both the lists submitted from this side of the aisle and on the other side of the aisle.

We are locking in this list so we don't find ourselves with twice as many amendments if we wait until later tonight or tomorrow.

Having said that, we have a limited universe of amendments. We have not agreed to consider each and every one of the amendments, but we do have this limited universe. There is no reason, I believe, that we should not be able to finish the bill either late this week or early next week.

I hope the Democratic leader agrees and will work with us to ensure the bill is completed in a reasonable time next week.

All of this agreement has been reached through conversations with the Democratic leadership and the managers on both sides of the aisle.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I share the view expressed by the majority leader. He and I have had conversations about the scheduling. I think it is the right decision. We made some progress on the bill before the recess.

I think the excellent manager relationship we have on both sides of the aisle with regard to this particular bill will serve us well as we work through amendments. There are a lot of place holders. There are a lot of amendments where Senators simply wanted to be protected, and we respect that. But as we do with the number of bills, we will work with our managers to constructively come up with a more manageable and practical list as the next day or so unfolds. I think we can complete our work in a timely way.

As I have indicated to the majority leader, it is not our desire to oppose going to the class action bill once the work on the DOD bill has been completed. We will have a good number of amendments on that bill as well. But this sequence makes the most sense given our circumstances right now. We need to finish our work on the DOD bill given our circumstances in Iraq in particular, and I think this schedule will accommodate that need. I think we are where we need to be at this point.

I will continue to work with both of our managers to see that we finish our work on this bill as we expected we would prior to the recess.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I wish to express my appreciation to both leaders. Senator LEVIN and I have handled this bill for many years. This list is not unlike what we have had before.

The Senate will work its will. I know some Senators think perhaps their amendments should have been on the list. But I have experienced cooperation on my side to not have several amendments on the list; I expect my colleague from Michigan did likewise; the Senate is anxious to have a lot of issues addressed. But this is a very key piece of legislation which is a must on behalf of the men and women of the Armed Forces.

I thank the leadership.

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

The PRESIDING OFFICER. The clerk will call the roll.

The journal 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.

Mr. REID. Madam President, it is important we were able to work out the arrangements we have made to go to this most important Defense authorization bill. As Senator DASCHLE mentioned, the two managers are experienced; they have dealt with these issues for many years. This is the time to work on the Defense authorization bill, not some side issue that, important as it might be, does not compare to the importance of this Defense bill.

We had five soldiers killed yesterday in Iraq. During the months of April and May, we averaged two soldiers a day being killed. Now over 800 have been killed in Iraq. We are approaching 5,000 who have been wounded, some of whom have lost legs, eyes, and are paralyzed.

I cannot imagine we would move off this piece of legislation. It is important Members of the Senate have the opportunity to offer their views on what should be done or what should not be done with this Defense authorization bill. There are going to be a number of amendments, but this is nothing new. Even when we do not have two soldiers killed every day, we spend a lot of time on this bill. With 120 of our men and women having been killed in 60 days, they and those people who are now over there in the trenches, so to speak, deserve our full time and attention on this most important piece of legislation.

I am glad we are now able to work on this bill and not set it aside and come back at a subsequent time. We were beginning to have some momentum when there was a decision made to pull off the bill. There are amendments that will take a little bit of time, but I don't think we should worry about that. When we get to class action, we will get to class action. When we finish this bill, it will be for the good of the country, especially if there has been a full debate.

I have just returned from home, as have the other 99 Senators. There is not a single issue that we should be dealing with other than our military forces, based on the conversations I had with people at home. Whether it is talk radio, town hall meetings, or campaign events, the No. 1 issue is Iraq. We in the Senate cannot hide our heads in the sand and pretend it is not important; it is.

I look forward to the management of this legislation by our two fine committee leaders, Senator WARNER and Senator LEVIN. When the process is finished, we will truly have a bill that represents the wishes of the American people—or at least that is the way it should be.

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

The PRESIDING OFFICER. The clerk will call the roll.

The clerk proceeded to call the roll.

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

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

#### NOMINATION OF F. DENNIS SAYLOR, IV

Mr. KENNEDY. Madam President, I welcome the action of the leadership in taking up the nomination of Dennis Saylor to the United States District Court for the District of Massachusetts. I urge the Senate to confirm him.

Mr. Saylor has received impressive support from a broad spectrum of leaders of the bar. They are confident of his ability, his good judgment, and his fairness. I am confident he will be a distinguished member of the court.

Mr. Saylor has past experience in the executive branch. I am confident he understands the importance of the independence of the judicial branch.

He is currently a partner at the highly respected law firm of Goodwin Procter in Boston, where he joined as an associate after graduating from Harvard Law School in 1981. He later served as an assistant U.S. attorney in Boston. From 1990 to 1993, he served as the chief of staff of the Assistant Attorney General, Robert Mueller, in the criminal division of the Department of Justice, providing litigation and policy advice, and served as a liaison with Congress and outside organizations.

He returned to Goodwin Procter as a partner in the litigation department and currently specializes in white-collar criminal defense cases and other complex legal issues involving individuals and corporations.

His impressive background, legal expertise, and experience make him well qualified for this position and inspire confidence that he will be a judge in which Massachusetts will take pride.

The Federal district supreme court in Massachusetts is one of the most efficient and effective district courts in the country, and its judges are highly regarded and respected. It dispenses justice fairly and takes seriously its role as part of an independent branch of our government. I am sure Mr. Saylor will contribute to the distinguished work of this court. I urge the Senate to approve his nomination.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

#### NOMINATION OF F. DENNIS SAYLOR IV TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS

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

go into executive session and proceed to the nomination of F. Dennis Saylor IV, of Massachusetts, which the clerk will report.

The journal clerk read the nomination of F. Dennis Saylor IV, of Massachusetts, to be U.S. District Judge for the District of Massachusetts.

Mr. HATCH. Mr. President, I am pleased to speak in support of F. Dennis Saylor, nominated to the United States District Court for the District of Massachusetts.

Mr. Saylor is a highly regarded litigator with a history of public service. Upon graduating from Harvard Law School, Mr. Saylor joined the law firm of Goodwin Procter where he worked for several years before joining the United States Attorney's Office for the District of Massachusetts.

He left his Assistant U.S. Attorney position in 1990 to serve as the Special Counsel and Chief of Staff to the Assistant Attorney General here in Washington, D.C. In 1993, Mr. Saylor re-joined Goodwin Procter as a partner where he remains to this day.

This highly respected attorney has focused much of his professional career on criminal matters, however—as his record illustrates—he has distinguished himself on the civil side as well.

Mr. Saylor will bring 20 years of legal experience and sharp acumen to the Federal bench. I urge my colleagues to join me in supporting his nomination.

Mr. LEAHY. Mr. President, today, we vote to confirm another district court nominee of President Bush, Frank Dennis Saylor, IV, to the U.S. District Court for the District of Massachusetts. Mr. Saylor is a partner at the firm of Procter Goodwin. He is supported by both of his home-State Senators, who deserve much credit for his confirmation today.

Today's confirmation will make the 77th judge confirmed this Congress and the 177th judicial nominee named by this President to be confirmed by the Senate. We confirmed 100 in the 17 months that Democrats led the Senate. We are now confirming the 77th in the other 24 months that have transpired during this most divisive presidency.

With 77 judicial confirmations this Congress, the Senate has confirmed more Federal judges than were confirmed during the entire 2 years of 1995 and 1996, when Republicans controlled the Senate and President Clinton was in the White House. It also exceeds the two-year total for the last 2 years of the Clinton administration in 1999 and 2000, when Republicans controlled the Senate. So, we have exceeded the totals for the last two Congresses leading up to presidential elections.

With 177 total confirmations for President Bush in 3½ years, the Senate has confirmed more lifetime judicial appointees of this President than were allowed to be confirmed in President Clinton's entire term from 1997 through 2000. We have already surpassed the number of judicial confirmations during President Reagan's entire term

from 1981 through 1984, and he is acknowledged to have appointed more Federal judges than any other President in our history.

Democratic support for the confirmation of Mr. Saylor, an active Republican who was championed by Republican Governor Mitt Romney for the bench, is yet another example of our extraordinary cooperation. Mr. Saylor's Republican credentials are not in doubt—he was even on some short lists for Bush Administration Executive Branch positions. We take into account his experience and his career as a litigator who has served as both a Federal prosecutor and a defender of those accused of crimes.

I congratulate Mr. Saylor, his wife, Catherine Adams Fiske, who is an attorney with the Environment and Natural Resources Division of the Department of Justice, and their family on his confirmation today.

While this confirmation is another demonstration of good faith and cooperation by Democratic Senators, we, again, see partisan Republicans seeking confrontation. Last week, the President used his recess appointment powers to place Republicans on what should be bipartisan boards and commissions. A good example is the U.S. Parole Commission. While Isaac Fullwood's nomination is being bottled up by Republicans, the President proceeds to recess appoint Deborah Spagnoli. In addition, the President has yet to follow through on Democratic recommendations to long-standing vacancies on the U.S. Sentencing Commission. This week Republicans on the Judiciary Committee will end the short-lived cooperation on judicial nominations and force votes and hearings on controversial nominees, apparently in response to pressure from the right wing of the Republican Party. Republicans are insisting that the Committee break with tradition and proceed on judicial nominees opposed by home-state Senators.

Thus, while this nomination marks historic progress in Democratic Senators' cooperation with the White House, partisan Republicans refuse to take yes for an answer and insist on ignoring the progress that we have made. We have treated President Bush's judicial nominees far more fairly than Republicans treated President Clinton's. Still, no good deed we do goes unpunished.

Mr. LEVIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of F. Dennis Saylor IV, of Massachusetts, to be U.S. District Judge for the District of Massachusetts. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Kentucky (Mr.