

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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

BUNNING), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Alaska (Ms. MURKOWSKI) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "yea".

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

I further announce that if present and voting the Senator from Iowa (Mr. HARKIN) would vote "yea".

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

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

[Rollcall Vote No. 104 Ex.]

#### YEAS—89

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

#### NOT VOTING—11

Baucus	Edwards	Lautenberg
Bunning	Graham (FL)	Murkowski
Campbell	Harkin	Sarbanes
Corzine	Kerry	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. HARKIN. Mr. President, I regret that I was necessarily absent for the vote on the nomination of Dennis Saylor to the District Court for the District of Massachusetts. Had I been present I would have voted "yea" to confirm Mr. Saylor.●

#### LEGISLATIVE SESSION

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

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

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

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent we proceed as in morning business.

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

#### HONORING OUR ARMED FORCES

##### LANCE CORPORAL KYLE W. CODNER

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Kyle W. Codner of Shelton, NE, a lance corporal in the U.S. Marine Corps. Corporal Codner was killed on May 26, 2004, in the Anbar province in Iraq while performing security and stability operations. He was 19 years old. CPL Matthew Henderson of Lincoln, NE, a good friend of Codner, was killed in the same explosion.

Corporal Codner grew up on a farm east of Shelton, NE, and graduated from Shelton High School in 2003. He joined the U.S. Marine Corps in June 2003, and was deployed to Iraq in February of this year. He was assigned to 1st Combat Engineer Battalion, 1st Marine Division, 1st Marine Expeditionary Force at Camp Pendleton, CA. Codner was one of thousands of brave American service men and women serving in Iraq.

Corporal Codner is survived by his parents, Dixie and Wain Codner of Shelton; sister, Melissa; and fiancée, Megan Kirkover. Our thoughts and prayers are with them at this difficult time. America is proud of Kyle W. Codner's service and mourns his loss.

For his service, bravery, and sacrifice, I ask my colleagues to join me and all Americans in honoring Lance Corporal Codner.

##### HESLEY BOX, JR.

Mrs. LINCOLN. Mr. President, I rise today to pay tribute to a brave Arkansan who gave his life in the defense of his Nation. SSG Hesley Box, Jr., 24, of Nashville, AR, died on May 6, 2004, in Baghdad, Iraq, in support of Operation Iraqi Freedom. Staff Sergeant Box died when a car bomb detonated near his guard post.

Hesley, or "Tanky" as his family called him, joined the Guard in 1997. He was just 24 years old when he left for Iraq in March with the 39th Infantry Brigade. Even though he was a young soldier, Hesley was already a veteran of two other deployments in Bosnia and Saudi Arabia.

Our condolences and prayers go out to Hesley's wife, Alexia; his two sons

Zacheas and TaDarius; his parents, Hesley, Sr., and Barbie Box, and his brother, Tarcus Kyron Box.

Hesley's wife Alexia recounted the impact he had on peoples' lives and the love he showed for their children. The Nation will long remember the impact this brave Arkansan has had on the safety and security of all Americans. I am honored to pay tribute to his sacrifice.

##### TROY MIRANDA

Mrs. LINCOLN. Mr. President, I rise today to pay tribute to one of Arkansas' finest who gave his life in the defense of his nation. SSG Troy "Leon" Miranda, 44, of Little Rock died on May 20, 2004, in Baghdad, Iraq, when a grenade was thrown near his patrol.

According to his mother Bobby, Troy graduated from Wickes High School and went on to study business at Henderson State University. He joined the Army National Guard almost 20 years ago and was assigned to the Guard's counterdrug program. For the last 10 years he worked with the Arkansas State Police in the criminal investigation division's office of investigative support.

Leon showed the kind of heroism that makes all Arkansans proud. He lost his life protecting other men in his unit. He has been awarded the Bronze Star and Purple Heart. The Associated Press reported that Troy's brother, Phillip Miranda, also stationed with the 39th in Iraq, would accompany his brother's body home to Arkansas.

Our condolences and prayers go out to Troy's parents, Carlos and Bobby Miranda, and to his siblings.

Troy's sister-in-law said of him that, "He was the bravest person I knew." We honor the spirit of bravery that Troy exhibited while protecting his Nation from her enemies. His sacrifice will not soon be forgotten.

##### CORPORAL MATTHEW C. HENDERSON

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Matthew C. Henderson of Lincoln, NE, a corporal in the U.S. Marine Corps. Corporal Henderson was killed on May 26, 2004, in the Anbar province in Iraq while performing security and stability operations. He was 25 years old. LCpl Kyle Codner of Shelton, NE, a good friend of Henderson, was killed in the same explosion.

Corporal Henderson graduated from Palmyra High School and went on to play football at Nebraska Wesleyan for 2 years before joining the Marines. He was assigned to 1st Combat Engineer Battalion, 1st Marine Division, 1st Marine Expeditionary Force at Camp Pendleton, CA. Henderson was one of thousands of brave American service men and women serving in Iraq.

Corporal Henderson is survived by his father, Owen Henderson of Bennet; mother, Becky and sister, Kellie Henderson of Lincoln; and wife, Jaimie of Lincoln. Our thoughts and prayers are with them at this difficult time. America is proud of Matthew C. Henderson's service and mourns his loss.