

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	Stabenow
Collins	Kennedy	Stevens
Conrad	Kohl	Sununu
Cornyn	Kyl	Talent
Craig	Landrieu	Thomas
Crapo	Leahy	Voivovich
Daschle	Levin	Warner
Dayton	Lieberman	Wyden
DeWine	Lincoln	
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.

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

STAFF SERGEANT JOSEPH GARYANTES

Mr. CARPER. Mr. President, I would like to set aside a few moments today to reflect on the life of Army SSG Joseph Garyantes. Joe epitomized the best of our country's brave men and women who are fighting to free Iraq and to secure a new democracy in the Middle East. He exhibited unwavering courage, dutiful service to his country, and above all else, honor. In the way he lived his life—and how we remember him—Joe reminds each of us how good we can be.

Joe was born in Wilmington, DE, to Geraldine and the late James Garyantes. When he was 5 years old, his family moved to the Rehoboth Beach area. Joe attended Rehoboth Elementary School and Epworth Christian School. At Epworth, Joe was remembered as a man with a dynamic personality and a good sense of humor. He always was loyal to his fellow friends and teammates and won the most valuable player award in 10th grade for basketball. His family later moved to Florida.

When Joe was 18, he seriously considered spending life in the ministry helping people. Ultimately, though, this Delaware native enlisted in the Army and became a soldier at the young age of 20. His mission always remained the same though—helping people. When Joe was stationed in Kosovo before going to Iraq, he asked his family to send care packages. These packages were not for him. They were meant for needy kids in the area. During the holiday season, Joe would bring over single soldiers for Christmas dinners and make them feel as though they were part of the family.

Joe spent the last several years in Germany, where he lived with his wife, Monika, and their two sons, Tevin, 6, and Ryan, 4. He was killed by a sniper in Muqadiyah, Iraq. Joe was assigned to B Company, 1st Battalion, 63rd Armor Regiment, 1st Infantry Division, Vilseck, Germany.

I rise today to commemorate Joe, to celebrate his life, and to offer his family our support and our deepest sympathy on their tragic loss. Our country is deeply grateful for his noble service to others, his idealism and for the example that he provided to all Americans by the way he led his life.

KOBY MANDELL ACT OF 2003

Mr. LEAHY. Mr. President, I am pleased to cosponsor the Koby Mandell Act of 2003. This bill is intended to ensure that all terrorists who commit violent acts against American citizens overseas are punished to the full extent of the law. I have already been working to ensure that the Koby Mandell Act is considered by the Senate and, I expect passed into law.

Three years ago, Koby Mandell was beaten to death in a cave near the Jew-

ish settlement of Tekoa on the West Bank in Israel. Koby Mandell was 13 years old. No one was caught or charged with responsibility for this murder. This tragic story is only one among dozens in which U.S. citizens have been harmed by terrorists, and the U.S. Government has been hindered in its ability to hunt down and prosecute the criminals.

The bill would establish within the Department of Justice an office to ensure that all American citizens who are killed or injured by terrorists operating overseas receive equal treatment by the U.S. Government in its efforts to solve the crime and bring the perpetrators to justice. There would be no difference among cases based on the origin of the terrorists or where they carry out their heinous acts. The investigators and prosecutors associated with this new DOJ office could investigate each incident aggressively, whether the victim is a diplomat, a volunteer teacher like Ted Burgon of Oregon, who was killed in Indonesia in 2002, or a child like Koby Mandell.

Specifically, this bill will create the Office of Justice for Victims of Overseas Terrorism. The Office will ensure that rewards are offered for the capture of terrorists involved in attacks that harm American citizens. It will advertise such rewards and publicize the names and photos of suspects. The Office will establish a notification system to keep victims' families updated on the status of investigations and efforts to capture suspects in each case. It will seek to ensure that suspects are not able to obtain visas to travel to the U.S. In addition, the Office will seek to determine if terrorist suspects who are believed to have participated in attacks on American citizens are employed by local or national police forces. If it finds that suspects are so employed, the Office will seek to curtail any American foreign assistance to those forces. Finally, the Office will undertake a comprehensive assessment of indictments and prosecutions by the U.S. Government against suspected terrorists. It will seek to identify any patterns that would determine the reasons for the absence of indictments in certain cases or in certain countries. This assessment will be conveyed to the Attorney General with recommendations for correcting any shortcomings in attempts to pursue, capture, and prosecute suspects.

Just as we must do all we can to prevent terrorist attacks from occurring on our soil, we must take additional steps to protect our citizens from attack overseas. Where they are targeted and harmed, it is the duty of the U.S. Government to pursue each case of murder or injury vigorously until every terrorist knows that he or she will not escape justice. The Koby Mandell Act is a step toward honoring those who have been lost or harmed, and a step toward deterring future attacks. I am honored to join Senator SMITH, Senator WYDEN, and the other

sponsors of this measure as a cosponsor.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that adds new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On Long Island, NY, in November 2000, Michael Ashley was charged with allegedly assaulting his roommate. Ashley believed he was gay.

Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

IN SUPPORT OF S. RES. 364

Mr. FEINGOLD. Mr. President, I would like to express my support as a cosponsor for S. Res. 364, a sense-of-the-Senate resolution that addresses growing concern about oil markets. Over the past few months, oil prices have skyrocketed to a high of over \$40 per barrel. High gasoline prices are inextricably linked to high crude oil prices, and these high oil and gas prices hurt Americans across the Nation and from all walks of life. Farmers, teachers, and small business owners across the country and in Wisconsin in particular, are getting hit hard by these outrageous costs. This week the people in my home State of Wisconsin are seeing gas prices of over \$2.00 a gallon. Making matters worse, a recent refinery breakdown in Minnesota may further reduce the supply of gasoline in the State.

I am proud to cosponsor this resolution because it sends a powerful message to the administration that it needs to directly, and aggressively, confront this oil and gasoline problem now. First, the resolution expresses the sense of the Senate that the administration should directly confront OPEC and challenge OPEC to immediately increase oil production. The eleven countries that make up the Organization of Petroleum Exporting Countries, OPEC, produce 40 percent of the world's crude oil and control three-quarters of proven reserves, including much of the spare production capacity. Ensuring access to and stable prices for imported crude oil for the United States and major allies and trading partners of the United States is vital to United States foreign and economic policy.

The 2004 OPEC production cuts have resulted in outrageous increases in oil prices. OPEC instituted its production cut in February 2004, which reduced production by 2,000,000 barrels per day.