

COMMITTEE ON FINANCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, July 22, 2004, at 10 a.m., to hear testimony on The Role of Higher Education Financing in Strengthening U.S. Competitiveness in a Global Economy.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 22, 2004, at 9:30 a.m. to hold a hearing on Iraq Post-Transition.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, July 22, 2004, at 3:30 p.m., to consider the nomination of Allen Weinstein to be Archivist of the United States, National Archives and Records Administration.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing entitled "Terror Attacks: Are We Prepared?" during the session of the Senate on Thursday, July 22, 2004, at 10 a.m. in SD-430.

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

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to continue its markup on Thursday, July 22, 2004, at 10:30 a.m. in Dirksen Senate Office Building room 226.

Agenda

I. Nominations: Claude A. Allen, to be U.S. Circuit Judge for the Fourth Circuit; David E. Nahmias, of Georgia, to be United States Attorney for the Northern District of Georgia; Ricardo H. Hinojosa, to be Chair of the United States Sentencing Commission; Michael O'Neill, to be a Member of the United States Sentencing Commission; Ruben Castillo, to be a Member of the United States Sentencing Commission; and William Sanchez, to be Special Counsel for Immigration-Related Unfair Employment Practice.

II. Legislation: S. 1635, L-1 Visa (Intracompany Transferee) Reform Act of 2003, Chambliss; S. 1700, Advancing Justice through DNA Technology Act of 2003, Hatch, Biden, Specter, Leahy, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards; S. 2396, Federal Courts Improvement Act of 2004, Hatch, Leahy, Chambliss, Durbin, Schumer; and H.R. 1417, to amend title 17, United States Code, to replace copy-

right arbitration royalty panels with Copyright Royalty Judges Act of 2003, Smith-TX, Berman-CA, Conyers-MI.

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

COMMITTEE ON THE JUDICIARY

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, July 22, 2004, at 2 p.m. on "Protecting Innovation and Art while Preventing Piracy" in the Dirksen Senate Office Building room 226.

Witness List

Panel I: The Honorable Marybeth Peters, Register of Copyrights, United States Copyright Office.

Panel II: Mr. Gary Shapiro, President and Chief Executive Officer, Consumer Electronics Association; Mr. Robert Holleyman, President and Chief Executive Officer, Business Software Alliance; Mr. Andrew Greenberg, Vice-Chairman, Intellectual Property Committee, IEEE-USA; Mr. Kevin McGuinness, Executive Director and General Counsel, NetCoalition; and Mr. Mitch Bainwol, Chairman and Chief Executive Officer, Recording Industry Association of America.

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

JOINT ECONOMIC COMMITTEE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in room 628 of the Dirksen Senate Office Building, Thursday, July 22, 2004, from 10 a.m. to 12:30 p.m.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Thursday, July 22, 2004, at 9 a.m., for a hearing entitled "Buyer Beware: The Danger of Purchasing Pharmaceuticals Over the Internet."

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 22, 2004, at 2:30 p.m., to hold a hearing on intelligence matters.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 22, at 2:30 p.m.

The purpose of the hearing is to conduct oversight on the implementation of the National Parks Air Tour Management Act of 2000, Public Law 106-181.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Subcommittee on Science, Technology, and Space be authorized to meet on Thursday, July 22, 2004, at 2:30 p.m. on the subject of Saturn.

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

PRIVILEGE OF THE FLOOR

Mr. INOUE. Mr. President, I ask unanimous consent that privilege of the floor be granted to Ellen Forster during consideration of this legislation.

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

HIGHWAY ACT EXTENSION

Mr. FRIST. I ask unanimous consent that the Senate proceed to consideration of H.R. 4916, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4916) providing extension of highway, highway safety, transit, and other programs funded out of the Highway Trust Fund.

There being no objection, the Senate proceeded to consider the bill.

SURFACE TRANSPORTATION

Mr. WARNER. Mr. President, I respectfully request if the chairman of the Committee on Environment and Public Works, Senator INHOFE, would engage in a colloquy with me on the impact of the several Surface Transportation extension bills on the so-called "donor" States. As the chairman is well aware, TEA-21 contains a fundamental principle of fairness for donor States which guarantees that no State will receive less than a 90.5 percent rate of return of their gas tax contributions to the Highway trust fund. In the preceding extension bills for fiscal year 2004, this matter was not addressed because it was expected that a full surface transportation reauthorization bill would be enacted this year. I know my chairman has worked tirelessly to pass a new transportation bill, but regrettably we have not completed our work.

As we face the end of the fiscal year, the multiple highway extension bills have not followed the TEA-21 Minimum Guarantee program and the result is that, to date, many States will not receive the 90.5 percent guarantee in fiscal year 2004. I am particularly concerned because again this temporary extension bill does not follow the TEA-21 formula.

I appreciate the chairman's diligence on this matter and I am aware that some funding remains in fiscal year

2004 which may be used to correct this problem. I would like to ask the chairman if my understanding of this situation is correct, and would be grateful for the chairman's view of this matter.

Mr. INHOFE. The Senator from Virginia is correct that the several transportation extension bills enacted this year require that the next legislation we enact must address the "donor" State issue for fiscal year 2004. I remain committed to guaranteeing that all States receive a minimum of 90.5 percent rate of return for their trust fund contributions in fiscal year 2004. As some funding remains in the fiscal year, I am committed to maintaining the Minimum Guarantee program for this year so that no State receives less than a 90.5 percent return on their trust fund contributions.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

Mr. REID. Mr. President, I will speak very briefly. People watching sometimes wonder what is going on in the quorum call. This is hours' worth of quorum call right here. It took only 20 seconds to read it. It is one reason we have the quorum calls.

No objection.

Mr. FRIST. Many hours, many hours.

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

The bill (H.R. 4916) was read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. As in executive session, I ask unanimous consent that at 5 p.m. on Tuesday, September 7, the Senate proceed to executive session for the consideration en bloc of Calendar Nos. 791 and 792; provided further that the time until 5:30 be equally divided between the chairman and the ranking member or their designees.

I further ask consent at 5:30 the Senate proceed to a vote on the confirmation of No. 791, the nomination of Virginia Maria Hernandez Covington, to be followed immediately by a vote on the confirmation of No. 792, the nomination of Michael Schneider, Sr.

I further ask immediately following the vote, the President immediately be notified of the Senate's action and proceed to Calendar No. 787, the nomination of Michael Watson.

Mr. REID. No objection.

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

Mr. FRIST. Mr. President, in consultation with the Democratic leader, what we did with that unanimous consent would allow two judges to be voted on at 5:30, with the expectation that the third, which is Mr. Michael Watson, be confirmed by voice vote after that.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: 695, 796, 803, 804, 810, 811, and 812, and all nominations on the Secretary's desk. I further ask consent that the nomination of John Miller, PN 1763, be discharged from the Foreign Relations Committee, and the Senate proceed to its consideration. I further ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS

THE JUDICIARY

John O. Colvin, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years. (Reappointment)

DEPARTMENT OF THE TREASURY

Charles L. Kolbe, of Iowa, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

CENTRAL INTELLIGENCE

Larry C. Kindsvater, of Virginia, to be Deputy Director of Central Intelligence for Community Management.

DEPARTMENT OF HOMELAND SECURITY

David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security.

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Read Adm. (1h) Dale G. Gabel, 0000

Rear Adm. (1h) Jeffrey M. Garrett, 0000

Rear Adm. (1h) Stephen W. Rochon, 0000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Captain Samuel P. De Bow, Jr., NOAA for appointment to the grade of Rear Admiral (O-8), while serving in a position of importance and responsibility as Director, NOAA Corps and Director, Office of Marine and Aviation Operations, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 3028(d)(1).

Captain Richard R. Behn, NOAA for appointment to the grade of Rear Admiral (O-7), while serving in a position of importance and responsibility as Director, Marine and Aviation Operations Centers, National Oceanic and Atmospheric Administration, under the provisions of Title 33, United States Code, Section 3028(d)(1).

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN1557 COAST GUARD nomination of Craig S. Toomey, which was received by the Senate and appeared in the Congressional Record of April 29, 2004.

PN1791 COAST GUARD nomination of Laurie J. Mosier, which was received by the Sen-

ate and appeared in the Congressional Record of July 8, 2004.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PH1646 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (163) beginning Michael S. Abbott, and ending David J. Zezula, which nominations were received by the Senate and appeared in the Congressional Record of May 18, 2004.

DEPARTMENT OF STATE

John Ripin Miller, of Washington, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large.

UNANIMOUS AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. As in executive session, I ask unanimous consent that during the upcoming adjournment of the Senate, all nominations remain status quo with the exception of Deborah P. Majoras to be a Federal Trade Commissioner, (PN 1613) and Jon D. Leibowitz, (PN 1496).

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

Mr. FRIST. I thank everyone for their cooperation in getting these agreements for the judges, as well as confirming some important timely nominations, such as the Assistant Secretary of Homeland Security, Mr. Stone. There are a number of other nominations that remain on the calendar, including a number of diplomatic positions which include the Ambassador to Qatar, the Ambassador to Estonia, several representatives to the United Nations. I was prepared to ask consent for these, although I will withhold that request, but I would ask my colleagues on the other side to look at these nominations and see if there is a way to allow us to proceed to these ambassadorships. I will not belabor the point this evening, but there are so many additional nominations we have that are pending and that we should have acted upon. I hope they will give those every consideration.

Today, more have been reported out, several Commerce Department nominations, Albert Frink, Brett Palmer, Benjamin Wu. These will be added to the growing list of nominations now available. These people deserve action from the Senate.

Mr. REID. Mr. President, I briefly say it should be noted in the Executive Calendar we just approved there is not a single member of the minority in this. We have tried to show our good faith. We have received the assurance of the majority leader and others in the administration that we will work to release some of the people we want through, people nominated by Senator DASCHLE. We are going to work to try to do a good job as soon as we get back.

I want the record also to reflect that Admiral Stone was approved tonight, with the Transportation Security Agency. That simply would not have happened but for the good work of Senator ENSIGN who worked very hard on that, working to get this man's name