

DEPARTMENT OF THE TREASURY

Clay Lowery, of Virginia, to be a Deputy Under Secretary of the Treasury

THE JUDICIARY

James S. Halpern, of the District of Columbia, to be a Judge of the United States Tax Court for a term of fifteen years.

EXECUTIVE OFFICE OF THE PRESIDENT

Karan K. Bhatia, of Maryland, to be Deputy United States Trade Representative, with the rank of Ambassador.

Susan C. Schwab, of Maryland, to be a Deputy United States Trade Representative, with the rank of Ambassador.

DEPARTMENT OF DEFENSE

William Anderson, of Connecticut, to be an Assistant Secretary of the Air Force.

John G. Grimes, of Virginia, to be an Assistant Secretary of Defense.

DEPARTMENT OF DEFENSE

John J. Young, Jr., of Virginia, to be Director of Defense Research and Engineering.

Delores M. Etter, of Maryland, to be an Assistant Secretary of the Navy.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. William T. Hobbins

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Lance L. Smith

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael W. Peterson

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Eugene R. Chojnacki
Brigadier General Kenneth R. Clark
Brigadier General David F. Wherley, Jr.
Brigadier General Harry M. Wyatt, III

To be brigadier general

Colonel William R. Burks
Colonel Iwan B. Clontz
Colonel Donald E. Fick
Colonel David J. Hatley
Colonel Kenneth M. Jefferson
Colonel Robert H. Johnston
Colonel Daniel B. O'Hollaren
Colonel Randolph M. Scott
Colonel Mark F. Sears
Colonel Haywood R. Starling, Jr.
Colonel Ernest G. Talbert
Colonel Lawrence S. Thomas, III
Colonel Guy M. Walsh
Colonel Elliott W. Worcester, Jr.
Colonel Robert J. Yaple

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Burwell B. Bell, III

The following named officer for appointment in the United States Army to the grade

indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael D. Maples

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Daniel B. Allyn
Colonel James C. Boozer, Sr.
Colonel Ronald M. Bouchard
Colonel Mark S. Bowman
Colonel Thomas M. Cole
Colonel Jesse R. Cross
Colonel Kenneth S. Dowd
Colonel Michael T. Flynn
Colonel William H. Forrester, Jr.
Colonel William B. Garrett, III
Colonel James L. Hodge
Colonel Anthony R. Ierardi
Colonel John D. Johnson
Colonel Greg F. Martin
Colonel William C. Mayville, Jr.
Colonel James M. McDonald
Colonel Patricia E. McQuiston
Colonel John W. Peabody
Colonel David G. Perkins
Colonel Dana J.H. Pittard
Colonel Joe E. Ramirez, Jr.
Colonel James E. Rogers
Colonel Michael E. Rounds
Colonel Frederick S. Rudesheim
Colonel Todd T. Semonite
Colonel John E. Seward
Colonel Robin P. Swan
Colonel Anthony J. Tata
Colonel Kevin R. Wendel
Colonel William T. Wolf
Colonel Terry A. Wolff

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. Thomas D. Robinson

To be brigadier general

Col. Charles D. Estes
Col. Ellen P. Greene
Col. Luis R. Visot

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Michael J. Diamond

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. Patrick M. Walsh

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN961 Air Force nomination of John S. Baxter, which was received by the Senate and appeared in the Congressional Record of October 6, 2005.

IN THE ARMY

PN962 Army nomination of Jose R. Rael, which was received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN963 Army nominations (2) beginning Suzanne R. Avery, and ending James Fikes, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN964 Army nominations (4) beginning Donna J. Dolan, and ending Deborah F.

Simpson, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN965 Army nominations (21) beginning Paul F. Abbey, and ending Warren A. Williams, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN966 Army nominations (35) beginning Paul S. Astphan, and ending Brinda F. Williams-Morgan, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN967 Army nominations (39) beginning Lynn S. Alsup, and ending Carol L. Zieres, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN968 Army nominations (66) beginning James W. Agnew, and ending David A. Yeropoli, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

IN THE FOREIGN SERVICE

PN729 Foreign Service nominations (230) beginning Deanna Hanek Abdeen, and ending James M. Lambert, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2005.

IN THE MARINE CORPS

PN969 Marine Corps nomination of Darren W. Milton, which was received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN970 Marine Corps nominations (77) beginning Christopher J. Aaby, and ending Richard B. Young II, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

IN THE NAVY

PN971 Navy nomination of William D. Fuson, which was received by the Senate and appeared in the Congressional Record of October 6, 2005.

PN972 Navy nominations (429) beginning Daniel Albrecht, and ending Johnny Won, which nominations were received by the Senate and appeared in the Congressional Record of October 6, 2005.

LEGISLATIVE SESSION

The PRESIDENT pro tempore. The Senate will return to legislative session.

The Senator from Georgia is recognized.

TRIBUTE TO EARL SMITH

Mr. ISAKSON. Mr. President, I rise in morning business to pay tribute to a great Georgian, a great American, a personal friend of mine, and a great citizen of Cobb County. In about 11 days our county will come together to pay tribute to this great individual and I wanted today on the Senate floor to memorialize for a moment the contributions of Earl Smith. For me it is a particular point of personal pride and it is because Earl Smith has been a role model to me my entire adult life. Quite frankly, I don't know that I would be privileged to serve in the Senate had it not been for his example, his support over 35 years.

I met Earl Smith when he founded the Cobb County Lions Club in the 1960s and led it to be the best club in Georgia. I knew him as a businessman because I was in real estate and he was

in the heating and air conditioning business. He installed new units in houses I sold, serviced them, and built a business to be one of the best in the United States of America.

I know him because when our community was in need of facilities for our young people, Earl Smith took time from his business, raised money, and supported the construction of the East Cobb YMCA, today a shining gem in Georgia.

I know him because when our county was in a significant political disaster with an absence of leadership and faced with unparalleled growth and unparalleled difficulty, Earl Smith volunteered and went and qualified for office, ran and was elected as chairman of the county commission and took a county that had grown from 197,000 to 400,000, and now is almost a million; met the needs of its wastewater treatment; met the needs of its electric power generation; met the needs of its roads and transportation system; and even brought about public transportation to this growing and burgeoning community.

He did it during tough political times, but he did it because he was a man of dedication to his community and a man who never ever quit.

Today, a man who has done all those things—built a great business, served in the civic clubs, worked in his church, built a YMCA, a man in the autumn of his life could do many things on beaches or in the mountains—decided there was one more mission. So he took the lead in raising \$140 million to build the Cobb Energy Performing Arts Center in suburban Atlanta in Cobb County near the Galleria Center, a facility upon which ground was just recently broken, and in less than 2 years will be completed to be the finest urban performing arts center in the United States of America.

So today on the Senate floor, I rise for this brief moment to pay tribute to a man who has given countless hours, countless dollars, countless efforts and all of his being to make his community better.

On November 7, when the community comes together to honor him, if I can't be there in spirit, these words will be there so that he knows not only does his community recognize him, but on this day on the floor of the Senate we pay tribute to Earl Smith of Cobb County, GA.

I yield the floor.

The PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. DORGAN. If the Senator will yield, I ask unanimous consent to be recognized following the presentation by the Senator from South Dakota in morning business for such time as I may consume.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senator from South Dakota.

COUNTRY-OF-ORIGIN LABELING

Mr. JOHNSON. Mr. President, I rise today to discuss an issue over which I am outraged, the continued delay of mandatory country-of-origin labeling and the manner in which this issue has continually been addressed.

Mandatory country-of-origin labeling was authorized in the 2002 farm bill and signed into law by this President. This program is widely supported not only by about 85 percent of our Nation's consumers but also overwhelmingly by our Nation's producers.

This program is not only a consumer right-to-know issue, it is a valuable marketing tool for ranchers and farmers.

During consideration of the fiscal year 2004 Agriculture appropriations measure, the Senate passed a sense of the Senate supporting mandatory country-of-origin labeling, or COOL. The House version of the spending measure included a 1-year delay for meat and meat products.

During closed door consideration of the omnibus spending measure, the Republican House leadership was successful in inserting a 2-year delay for all commodities covered under the mandatory COOL Program with the exception of fish and shellfish.

This secretive, closed-door process was outrageous at that time. The omnibus package was settled behind closed doors, with no input from COOL supporters.

Then, in the fiscal year 2006 Agriculture appropriations bill, the House version included, once again, a 1-year delay for meat and meat products covered under mandatory COOL.

The Senate, speaking in support of a mandatory program, included \$3.1 million for an audit-based compliance program to cover implementation costs. I repeat, a \$3.1 million appropriations for implementation.

This small spending level, which was requested by the Bush administration for program implementation, only served to show how grossly the Department of Agriculture overestimated implementation costs for COOL.

On Tuesday evening, House Republican Chairman BONILLA convened a conference committee on which I serve, meeting on the most recent agricultural spending measure.

For those of us who expected an open discussion on outstanding items, we were sorely and entirely mistaken.

The chairman recessed that meeting subject to the call of the Chair without ever discussing COOL or indicating when we would reconvene.

Instead of an open discussion on this outstanding item, instead of any up-or-down public vote, the chairman simply modified, singlehandedly, language on the final report to include a 2-year delay—behind closed doors yet again, pushing back mandatory implementation, this time until September 30, 2008.

Let me repeat: The Senate Agriculture appropriations bill contained no delay in country-of-origin labeling;

in fact, it included funding for implementation.

The House Agriculture appropriations bill called for a 1-year delay. That happened behind closed doors without the benefit of debate, without the benefit of a vote. The chairman actually inserted language calling for a 2-year delay, kicking this program over into the next farm bill, essentially a do-over on the last 2002 farm bill in which we initially made the law of the land country-of-origin labeling for meat and meat products.

This is truly outrageous. It is the purpose of a conference committee to discuss outstanding items in an open manner, not to change policy in back-room deals, in closed-door discussions in the dead of the night.

What happened on Wednesday was an incredibly corrupt process that failed the American public and failed the political process of our Nation. The chairman chose not to address COOL simply because he knew he would lose. It was easier to address this item behind closed doors and avoid any vote because of the broad bipartisan support in the Senate that this program enjoys.

It is because of the 2-year delay and the appalling process by which this open item was considered that I refused—I refused—to sign the conference report. It is because of this wrong doing that I will also vote against the conference report when it is considered by the full Senate.

Not only was the process by which this outstanding issue was considered absolutely corrupt, this delay yet again takes another stab at rewriting our farm bill. The farm bill, when signed into law, did not indicate an implementation date of September 30, 2008, for mandatory COOL. It specifically stated September 30, 2004.

In order to change this implementation date and rewrite farm bill policy, the majority leadership has had to hold two closed-door conferences to achieve its back-room goals.

The farm bill is a contract with rural America that needs to be honored—not modified, changed, not destroyed in closed, back-door dealings during the night.

The most recent debacle with COOL is yet another illustration of how House congressional leadership is failing rural America.

The Bush administration advocates stripping in excess of \$3 billion from this farm bill during the budget reconciliation process, weakening the essential safety net that we need, that our Nation needs to foster economic development in rural America, especially in time of weak commodity prices.

The President advocated reducing commodity payments and leaving producers in the cold. The President insisted last year that \$3 billion be cannibalized from the Conservation Security Program to fund a 2003–2004 either/or agriculture assistance disaster package.